B16. Nibinamik First Nation

B16.1 Outgoing Community Specific Correspondence
B16.2 Incoming Community Specific Correspondence
B16.3 Community Specific Meeting Materials

B16.1 Outgoing Community Specific Correspondence

From: Anderson, Victoria [redacted]
Sent: Wednesday, 25 September 2024 20:19
To: [redacted]
Cc: [redacted]
Subject: MFFN Community Access Road – About the Draft EA / IS
Attachments: 2024-09-25_About the Draft EA-IS Process_Nibinamik.pdf; FAQ - Draft EA IS - September 2024.pdf

Dear Ogamakan Michael Sugarhead,

Please find attached a letter and frequently asked questions (FAQ) regarding the circulation of the **Draft Environmental Assessment / Impact Statement Report (Draft EA / IS)** for the Marten Falls First Nation Community Access Road for your community's review and comment.

The Draft EA / IS, and supporting documents, will describe how the preferred route was determined and identify how the proposed Community Access Road may affect the social, cultural, economic, and natural environment.

As we prepare to submit the Draft EA / IS, we want to ensure your community has easy access to the documents and has identified a key community contact to help guide the review process.

Please fill out this questionnaire to identify a key contact and preferences related to the review process:
[redacted]

We will be in touch in the fall to discuss these matters with you but if you have any questions or concerns in the meantime, please do not hesitate to contact me.

Sincerely,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

AECOM
[redacted]

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September 25, 2024

Nibinamik First Nation
General Delivery, Summer Beaver, Ontario
[redacted]

Subject: Draft Environmental Assessment / Impact Statement Report (EA / IS)

Dear Ogamakan Michael Sugarhead,

This letter is to update you on the proposed Marten Falls First Nation (MFFN) Community Access Road and the circulation of the **Draft Environmental Assessment / Impact Statement Report (Draft EA / IS)** to Indigenous communities, the public and regulators for review and comment.

The Draft EA / IS, and supporting documents, will describe how the preferred route was determined and identify how the proposed Community Access Road may affect the social, cultural, economic and natural environment. Your input on the Draft EA / IS (e.g., on specific technical documents, proposed impact management and follow up measures, cumulative effects assessment, EA / IS conclusions, and on confirmation that input was captured appropriately) will help us prepare the Final EA / IS.

As we prepare to submit the Draft EA / IS, we want to ensure your community has easy access to the documents and has identified a key community contact to help guide the review process. We will be in touch in the Fall to discuss these matters with you.

Coming Soon for Your Review

Your input to these important planning documents is invaluable, and we want to ensure you have advance notice of when the Draft EA / IS will be circulated and what will be included in it. Some Indigenous communities have indicated that they would like time to review documents in advance of public release, so we're providing Indigenous communities early access to the Draft EA / IS this winter with a minimum review period of 120 days (additional time will be provided if the review period overlaps with the year-end holidays).

The Draft EA / IS will be circulated to the public and regulators 60-days following the Indigenous communities review period. Individual members of an Indigenous community are welcome to provide their own comments in addition to those provided on behalf of their community during the 60-day public review period. The exact review dates will be provided once confirmed.

We're Here to Help

The MFFN Community Access Road Project Team is available to support your community during the Draft EA / IS review process.

In addition to publishing plain language summaries to help guide you through the technical documents, we are planning activities to help prepare you for the review process. We will:

- Release a new webinars series on topics we've heard are of interest to you including: The Final Route for the Community Access Road and How the Road will be Constructed.
- Launch new videos to describe the final route for the Community Access Road and to provide an overview to the Draft EA / IS, including ways you can provide feedback.
- Host Public Information Center #6 to provide an update on the Community Access Road, share the Draft EA / IS report, answer questions and gather your feedback; and
- Three-Road Gathering & Expo #2.

We will also be available for—and encourage—meetings to review chapters and technical reports of interest to your community. If you have questions or if you would like to schedule a meeting to discuss, please contact us. We are happy to meet with you.

Be ready!

The Draft EA / IS will be a large document (approximately 500 - 1000 pages) and include thousands of pages of supporting documents (ranging from the technical documents to the Record of Consultation & Engagement).

We encourage you to book time with us before circulation of the Draft EA / IS to discuss how you would like to receive the Draft EA / IS from us and how best we can support you in your review.

Provincial Funding Support

The Province of Ontario continues to offer funding agreements with eligible communities to participate in the review of the Draft and Final EA / IS through the Participant Funding Initiative. They will be reaching out to you separately to discuss resources needed by the community to take part in the extended review period of the Draft EA / IS.

Funding for the Community Coordinator Program Is Still Available

We remind you that it is still possible to benefit from the help of a Community Coordinator. This person would be the primary point of contact between your community and the MFFN Community Access Road Project Team as we work through the environmental assessment process.

A Community Coordinator would provide advice, guidance and support for community engagement activities related to the proposed Community Access Road. At this stage in the process, a Community Coordinator could focus their time preparing the community for when the Draft EA / IS is circulated and help coordinate the review of this and associated documents.

If you would like a Community Coordinator in your community, this position will receive $[redacted] per hour and is expected to require approximately 16 hours per week up to summer 2025. We are flexible with respect to payment terms (e.g., to an individual or to the band council) and are open to discussing what works best for your community. Please reach out for more information!

Don't hesitate to be in touch! We're happy to support you through this review.

We thank you for your continued participation and collaboration as we work towards building the Community Access Road.

Sincerely,

[redacted]

Qasim Saddique
Project Director

[redacted]

Lawrence Baxter
Senior Community Member Advisor

Cc:

- Qasim Sadique, Project Director, MFFN Community Access Road Project Team
- Lawrence Baxter, Senior Community Advisor, MFFN Community Access Road Project Team
- Bob Baxter, Senior Community Member Advisor, MFFN Community Access Road Project Team
- Jennifer Bruin, Technical Advisor, MFFN Community Access Road Project Team
- Paul MacInnis, Senior Advisor, Ministry of Mines

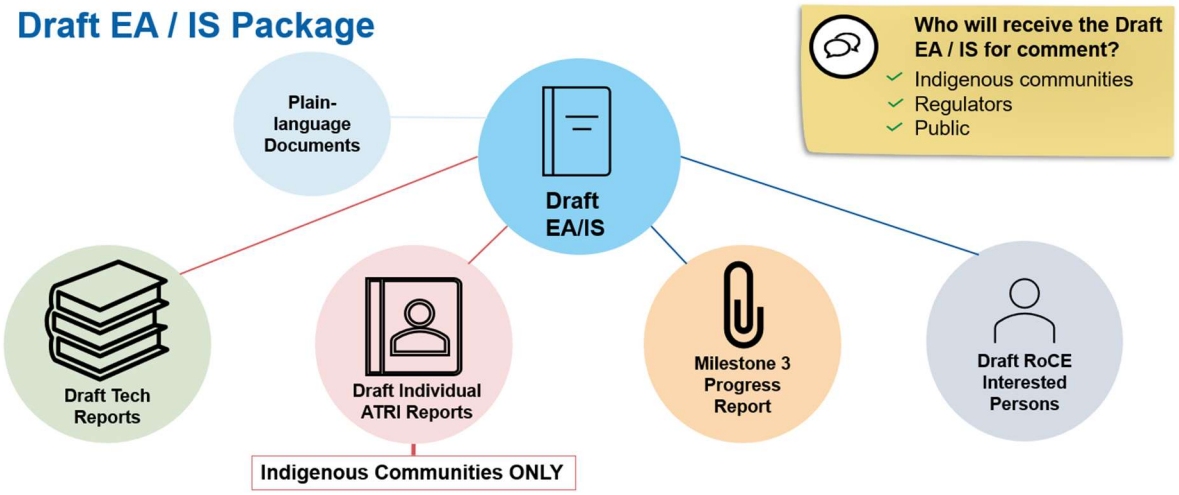
- Sasha McLeod, Special Project Officers, Ministry of the Environment
- Dorothy Moszynski, Special Project Officers, Ministry of the Environment
- Walter Oskineegish, Nibinamik First Nation Band Manager
- Gershom Beaver, Nibinamik First Nation Band Manager
- Norma Jean Wabasse, Nibinamik First Nation Chief and Council Executive Assistant
- Roger Oskineegish, Nibinamik First Nation Road Lead
- Riley Weyman, Legal Counsel, Pape Salter Teillet LLP
- Wendy Koehler, Senior Program Manager, Jon Schiffer, CPA Professional Corporation

Frequently Asked Questions – Draft EA / IS

Issued September 2024

What is included in the Draft Environmental Assessment / Impact Statement Report (EA / IS)?

The Draft EA / IS will be a large document (approximately 500 - 1000 pages) which includes thousands of pages of supporting documents. These range from technical documents on valued components (like noise, air quality, peatlands—see below question for a full list), individual Aboriginal and Treaty Rights and Interests (ATRI) reports, to the Records of Consultation & Engagement. We are here to help in your review—plain-language versions of select documents will be made available, and we encourage you to book time with us to discuss before we circulate the Draft EA / IS.



How have Indigenous communities influenced the Draft EA / IS?

Through consultation activities, the Marten Falls First Nation (MFFN) Community Access Road Project Team has collected feedback, information and Indigenous Knowledge to inform the final route selection and support the development of the Draft EA / IS. The ATRI / Three-Road Forums and Gatherings and Individual Community ATRI Existing Conditions Reports have facilitated the sharing of Indigenous Knowledge and provided a forum for open discussion around the proposed Community Access Road. The MFFN Community Access Road Project Team has engaged 22 Indigenous communities over the course of the environmental assessment process, working with key contacts and representatives of the communities who have provided their expertise, asked questions, and flagged concerns and issues that should be addressed and included in the Draft EA / IS.

Why is it important to provide your comments on the Draft Environmental Assessment / Impact Statement Report (Draft EA / IS)?

We are providing a Draft EA / IS to Indigenous communities, the public and regulators to allow for an early review of our information, approach and findings. Your input on the Draft EA / IS will inform the preparation of the Final EA / IS and allow us to incorporate your input and consider concerns related to the proposed Community Access Road.

How long do I have to review and provide comments on the Draft EA / IS?

Members of the Indigenous communities we are engaging will have access to the Draft EA / IS this winter via their community's key contact (identified by your Chief and Council). Indigenous communities have a minimum of 120 days to review and comment on the Draft EA / IS. If the 120 days overlap with year-end holidays; then additional time will be added to compensate. Access to the Draft EA / IS for Indigenous communities is 60-days in advance of the public and regulators' review period. The exact review dates will be provided once confirmed.

How and when will we get responses to the questions or comments that we provide on the Draft EA / IS?

Comments and questions received during the review process will be recorded and responses tracked and addressed, where possible, in the Final EA / IS. In addition, during the review period, we encourage you to contact us to schedule a meeting so that we can discuss with you directly any questions or concerns you might have. Our intent, where appropriate, is to provide you an opportunity to review or discuss your comments and our proposed response in advance of submitting the Final EA / IS.

What is the difference between the Draft EA / IS and the Final EA / IS version?

The Final EA / IS will incorporate comments, questions and feedback received on the Draft EA / IS from Indigenous communities, the public and regulators. Additional information from studies not completed before the release of the Draft EA / IS may also be included (if applicable). Because the Final EA / IS will be submitted by MFFN to the Ministry of the Environment, Conservation and Parks (MECP) and the Impact Assessment Agency of Canada (IAAC) for a decision by the Minister and Cabinet, it is important that communities participate in consultation on the Draft EA / IS, so that their input can be considered or addressed in the final version.

Where do we send our comments and feedback on the Draft EA / IS?

Once the key contact has compiled your community's feedback, the comments / edits / questions can be sent to your MFFN Community Access Road Project Team contact or to the Community Access Road general email address: info@martenfallsaccessroad.ca.

How will my feedback be received if I am not an official representative of my community (e.g., key contact)?

Individual members of an Indigenous community are welcome to provide their own comments in addition to those provided on behalf of their community during the public review period. This input will be addressed along with other comments received from the public and regulators.

What Technical Reports are included in the Draft EA / IS?

The technical documents will include information on valued components existing conditions, effects assessment and cumulative effects.

The following technical reports are included in the Draft EA / IS.

1. Noise and Vibrations	10. Ungulates
2. Groundwater and Geochemistry	11. Air Quality and Green House Gas
3. Surface Water	12. Land Use
4. Fish and Fish Habitat	13. Human Health
5. Physiography, Terrain and Soils	14. Social
6. Peatlands	15. Economics
7. Vegetation	16. Visual
8. Wildlife	17. Aboriginal and / or Treaty Rights Interests (ATRI) / Indigenous Knowledge
9. Birds	

What are Cumulative Effects and the Inclusions List?

Cumulative Effects are the potential effects of the Community Access Road combined with the

effects of other past, present and reasonably foreseeable future projects and activities. On their own, individual project effects may be minor, but when considered together with other project effects they may become significant.

As part of the provincial EA and federal Impact Assessment (IA) process for the Community Access Road, an assessment of the potential cumulative effects is being completed. The preliminary project Inclusion List identifies potential projects that will be considered for inclusion in the Cumulative Effects Assessment, which will be part of the Draft EA / IS.

How have Indigenous communities been consulted?

Indigenous Knowledge Program

The purpose of this program was to empower Indigenous communities to share information on their land and resource use, cultural practices and values, and rights and interests in the study area. Participation in the program enabled participating communities to either share existing Indigenous Knowledge (IK) and Indigenous Land and Resource Use (ILRU) information (previously collected by communities) or to complete project-specific IK and ILRU Studies.

Community Coordinator Program

The Community Coordinator Program supports the Community Access Road activities, meetings and events, helping to make sure input is collected and shared back with the MFFN Community Access Road Project Team.

Community Coordinators strengthen our collective efforts related to the EA / IA process and allow for a more open and responsive consultation and engagement between Indigenous communities and the MFFN Community Access Road Project Team.

Reports

Through the EA / IA process, the MFFN Community Access Road Project Team has worked with Indigenous communities to produce reports including: ATRI Existing Conditions Report, Milestone #1 and #2 Reports, Cultural Heritage Report, Stage 1 and Stage 2 Archaeological Assessment Reports, and the Interim Record of Consultation and Engagement (RoCE).

In-person & virtual consultation activities

To date, our consultation efforts have included:

- Five in-person Public Information Centres (PICs), including dedicated hours for Indigenous Community members;
- 31 in-person or virtual meetings with 11 communities, including 8 in-person or virtual meetings with MFFN;
- Two in-person ATRI forums;

- An in-person Three-road Project Gathering & Expo;
- Attendance at several conferences, including the Prospectors & Developers Association of Canada (PDAC) conference and the Matawa First Nations Management gathering.
- Fourteen virtual webinars; and
- Ongoing outreach including phone calls emails, virtual meetings, and in-person meetings with communities and tribal councils.

From: Anderson, Victoria [redacted]
Sent: Friday, 27 September 2024 22:34
To: [redacted]
Cc: [redacted]

Subject: MFFN Community Access Road - What's New
Attachments: [redacted]

Hello Ogamakan Sugarhead,

I hope you're doing well. I wanted to share the following information regarding the Marten Falls First Nation Community Access Road for the month of September:

Community Coordinator Program

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

The Community Coordinator will provide advice, guidance and support for community engagement activities related to the Community Access Road and, at this stage in the EA / IA process, will focus much of their time preparing the community for the release of the Draft Environmental Assessment / Impact Statement in November and for coordinating the review of this and associated documents. **A job poster is attached to this email to share with Community members.**

This position will receive $[redacted] per hour and is expected to be approximately 16 hours per week for up to 1 year (up to Summer 2025).

We are flexible with respect to payment terms (e.g., to an individual or to the band council) and are open to discussing what works best for your community. Please reach out to discuss.

Stay up to date!

To stay updated on ongoing activities for the MFFN CAR, sign up for our newsletter here: [redacted]

Follow us on Facebook, LinkedIn and Instagram.

IK Program

We want to check in on the status of the Indigenous Knowledge Funding and Sharing Agreement that we had shared with Nibinamik First Nation for review. While the December 11, 2023 deadline for the submission of Indigenous Knowledge has passed, we can accommodate Nibinamik First Nation if you need additional time. Please let us know your thoughts.

Please feel free to reach out if you have any questions, comments, or concerns.

All the best,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

AECOM
[redacted]

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MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD



WE'RE HIRING!

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

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

If so, this could be the role for you!

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

Responsibilities

- Coordinate between the MFFN Project Team and community members living in / outside ofyour community as per your local practices and in collaboration with Chief and Council;
- Provide advice, guidance and support for community engagement activities related to the

Project including:

  - Coordinate and organize logistics for meetings, workshops, events and / or school visits (e.g., book meeting spaces, order refreshments, help with truck / boat rentals and accommodations);
  - Help identify meeting participants and information providers (e.g., youth and / or elders); Assist with meeting facilitation, note taking and meeting minute preparation, and coordinate translation services, if needed; and
  - Organize distributing Project advertisements and notices in your community; either online (e.g., Facebook or posting in community);
- Assist in collecting data / information in your community (e.g., Indigenous Knowledge Aboriginal and / or Treaty Rights and Interests, community and socio-economic information);
- Assist in coordination of the review of the Draft Environmental Assessment / Impact Statement, and / or Aboriginal and / or Treaty Rights and Interests Reports.

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

From: Anderson, Victoria [redacted]
Sent: Wednesday, 16 October 2024 19:03
To: Riley Weyman [redacted]
Cc: [redacted]
Subject: RE: MFFN Community Access Road - What's New

Hello Riley,

I apologize for the delayed response, please see the attached Indigenous Knowledge Funding and Sharing Agreements.

I'm looping in Bob Baxter and Andrea Nokleby (cc'd), who can help answer questions about the Indigenous Knowledge program.

All the best,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

AECOM
[redacted]

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From: Anderson, Victoria [redacted]
Sent: Monday, November 4, 2024 5:42 PM
To: Riley Weyman [redacted]
Cc: [redacted]
Subject: RE: MFFN Community Access Road - What's New

Hi Riley,

I can confirm that Nibinamik is not currently accessing funding for the Community Coordinator position, though I do want to give an update on the proposed Marten Falls First Nation (MFFN) Community Access Road and the Community Coordinator Program (the Program).

After some deliberation, the Program has been discontinued and is being replaced with a one-time capacity funding payment to help support engagement in the Community Access Road in a manner that best suits the community.

The original objective of identifying a Community Coordinator was to have the individual support consultation efforts between the MFFN Community Access Road and Nibinamik First Nation with outreach, field work and Public Information Centers, among other engagement activities. As we approach the circulation of the Draft Environmental Assessment / Impact Statement (EA / IS), there are fewer tasks for a community coordinator to complete based on the original description of the role. Consultation and outreach activities will continue, however as we approach the submission of the Draft EA / IS the focus will change to its review and gathering of feedback.

To ensure Nibinamik is supported during the review of the Draft EA / IS we would like to offer **a one-time lumpsum capacity funding payment of $[redacted]**. These funds are intended to support Nibinamik First Nation's engagement in the Community Access Road; we believe that this approach will provide the community with the flexibility to allocate the funds as they see fit and ensure that use matches their needs.

If Nibinamik First Nation chooses to, these funds could support their review and comment gathering on the Draft EA / IS by elders and / or youth, for example. If the community would like to have a Community Coordinator to support the review (e.g. by gathering and compiling feedback) they are able to use this funding to pay that position. However, please note that as our Community Coordinator Program is being discontinued and the responsibilities of managing this role will be the responsibility of the community. During the review period of the Draft EA / IS, the Project Team will continue to make themselves available to help support the community upon request (e.g. with Project materials and information, and meetings as required).

If this capacity funding is of interest, please respond to this email before **February 28, 2025,** identifying which business entity the payment should be made to, and we will provide a funding agreement for your review.

Regarding the IK Program, I'm hoping to touch base with Andrea (the IK Program lead) this week to provide you with some additional information.

Please let me know if you have any questions.

Best,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

AECOM
[redacted]

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Subject: MFFN Community Access Road - What's New
Attachments: [redacted]

From: Anderson, Victoria
Sent: Tuesday, November 19, 2024 11:21 AM
To: Riley Weyman [redacted]
Cc: [redacted]
Subject: RE: MFFN Community Access Road - What's New

Hi Riley,

That's great to hear, thanks for the update. Our team is still finalizing the capacity funding agreement on our end, and I'll be able to share that soon for your review and sign-off.

Regarding your questions about the Indigenous Knowledge Funding Agreement, I've attached Schedule A (the Aboriginal Treaty Rights and Interests Study Areas) as well as Schedule B (IK Guidance Document) to this email. In relation to your question about the timelines, we're hoping that Nibinamik First Nation can please provide an update on when Draft and Final reporting / mapping could be provided. The timeline for inputs into the Draft EA / IS Report has passed, but we will work with Nibinamik to integrate IK into the Final EA Report.

On a personal note, I was looking forward to travelling up to Summer Beaver last week for the Three Roads presentations, and was disappointed that we weren't able to make it due to the fog. I hope everyone in the community is doing well!

Best,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

AECOM
[redacted]

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Update on the Study Areas for the Aboriginal and / or Treaty Rights and Interests Impact Assessment

October 2024

The purpose of this memo is to share further updates on the study areas for the Aboriginal and / or Treaty Rights and Interests (ATRI) Impact Assessment that will be completed for the Marten Falls First Nation (MFFN) Community Access Road (CAR) Project (the Project). The ATRI environmental discipline includes the following Valued Components and associated considerations for the assessment:

- **Indigenous Current Use of Land and Resources for Traditional Purposes** – refers to activities that are integral to a community's way of life and culture (hunting, trapping, fishing, plant harvesting, ceremonial or spiritual practices, and other cultural practices), and considers direct impacts from construction and operation (physical disturbance), changes to the quality and / or quantity of resources, and changes to access to sites and areas used for these activities; and
- **Cultural Continuity and Wellbeing** – refers to the experience of culture and how traditional knowledge and culture is maintained and transmitted, and considers the experience of being on the land, connection to the land and ability to practice and transmit cultural traditions, and governance and stewardship.

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 data collection and assessment processes. To capture the range of potential effects, the following study areas are typically used in environmental assessment processes:

- **Construction Disturbance Area (previously referred to as the Project Development Area):** the area of expected direct physical disturbance from Project;
- **Local Study Area:** the area where the potential direct effects of the Project (e.g., loss of or alteration of sites and areas used for traditional purposes) 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 resulting from changes in the availability of wildlife, fish, etc.) may occur.

Study areas specific to the ATRI Valued Components were developed for the Project. These are described below.

ATRI-specific Study Areas for the Project

Preliminary study areas for Aboriginal and / or Treaty Rights and Interests were developed and shared with Indigenous communities and groups in August 2020. They were also included in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities and groups in November 2020.

The preliminary Local Study Area was revised and slightly increased in size when the Project Development Area (revised to the Construction Disturbance Area) was established to take into account potential aggregate sites, temporary construction camp locations, and construction access roads. The preliminary Regional Study Area was revised to include four additional quaternary watersheds based on inputs from Indigenous communities and groups, and therefore also increased in size.

Revisions to the study areas were shared with Indigenous communities and groups through communications in January 2021 and August 2022.The most recently shared study areas from August 2022 are shown in **Figure 1** appended to this memo. These study areas were used to establish the Project Team's understanding of existing conditions with respect to ATRI, as described in the Preliminary Existing Conditions Report prepared for and shared with each Indigenous community and group in 2023.

Revisions to the ATRI-specific Study Areas for the Impact Assessment

The characterization of existing conditions for the Project was completed on two alternative route options (Alternative 1 and 4). The information collected on existing conditions for all disciplines (e.g., ATRI, wildlife, fish, vegetation, air quality, etc.) was used to inform the selection of the technically preferred Route Alternative (the corridor that is most preferred from a technical perspective). The ATRI Impact Assessment will be completed on the technically preferred Route Alternative. Therefore, the ATRI study areas were revised for the assessment to focus on the technically preferred Route Alternative.

Since the ATRI study areas are based on the study areas of other Valued Components that are relied on for ATRI (e.g., wildlife, surface water, fish), changes to the study areas for these other Valued Components also led to the following changes to the study areas for ATRI for the assessment:

- The Local Study Area increased from a 5 km buffer to a 10 km buffer; and
- The Regional Study Area increased in size (more than doubled in area) as the extent shifted from a quaternary to a tertiary watershed level.

The assessment study areas also include ancillary features such as pits and quarries, temporary access roads and worker camps.

In addition, based on inputs from Indigenous communities and groups to date about the potential for the Project to influence Aboriginal and / or Treaty Rights outside of the Regional Study Area given the ranges and movements of caribou, a Caribou Regional Study Area has also been identified that encompasses the four caribou ranges that are intersected by the Project. The inclusion of the Caribou Regional Study Area enables the Project Team to assess the potential indirect impacts on ATRI resulting from potential Project effects on caribou specifically.

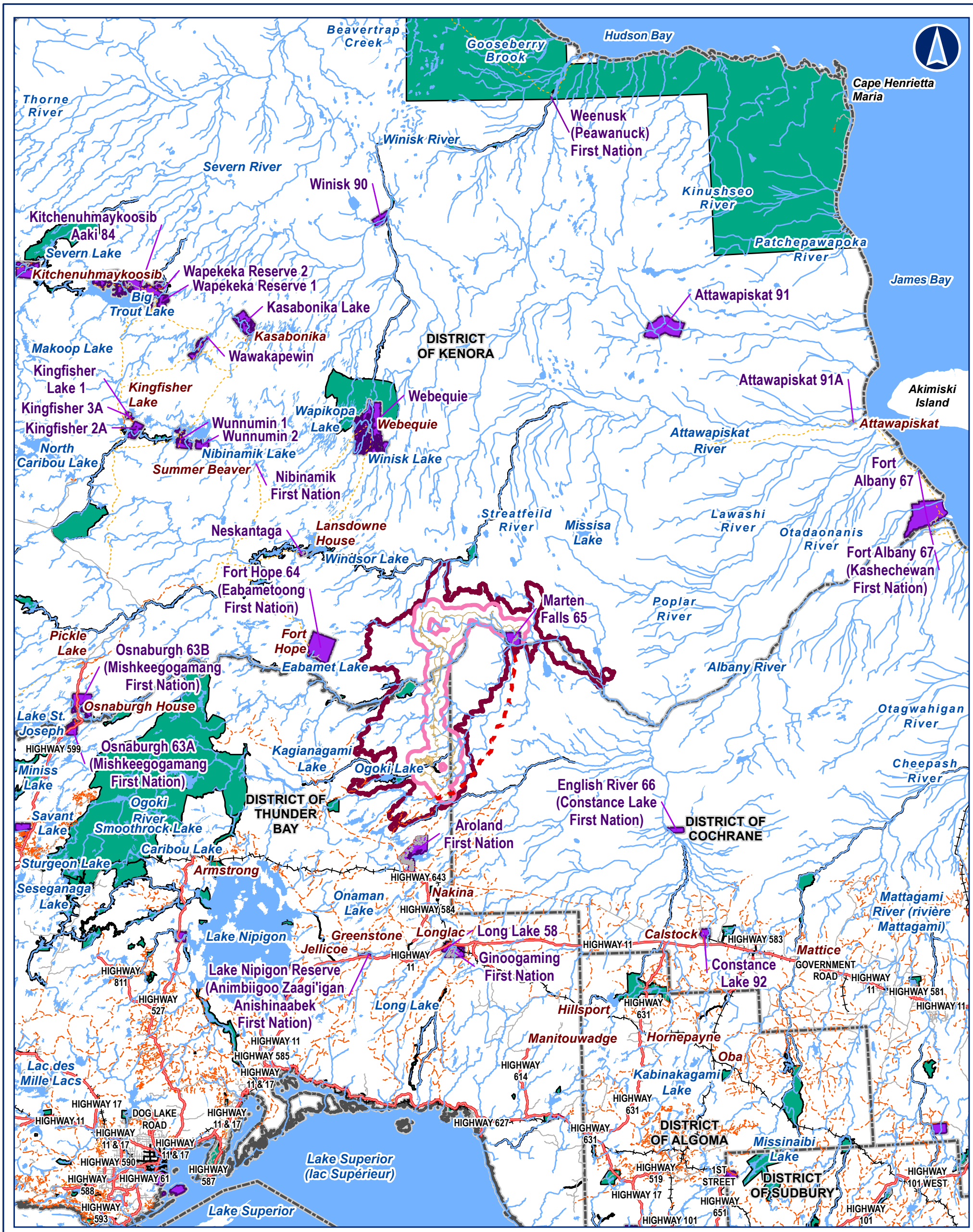
The ATRI study areas that will be used for the assessment are shown in **Figure 2** appended to this memo. An overview of the changes to the ATRI study areas for the purposes of the assessment is provided in **Table 1** appended to this memo.

Your Knowledge and Input is Important to Us!

The Project Team wants to understand Aboriginal and Treaty Rights and Interests related to the Project. Indigenous Knowledge and information on Indigenous land and resource use and cultural practices will help us to better understand and appreciate the environment with respect to the identity, culture, and heritage of Indigenous communities. If your community has Indigenous Knowledge or information that you would like to share or if you would like to learn more about the Indigenous Knowledge Program and / or share information on Aboriginal and / or Treaty Rights and Interests, please do not hesitate to reach out to Bob Baxter at [redacted] or Andrea Nokleby [redacted]

We hope you and your community are safe and well.

Encl. **Figure 1.** Aboriginal and / or Treaty Rights and Interests Existing Conditions Study Areas
Figure 2. Updated Aboriginal and / or Treaty Rights and Interests Study Areas for the Impact Assessment
Table 1. Comparison of the Existing Conditions and Assessment Study Areas for ATRI





Legend

- ATRI Local Study Area
- ATRI Regional Study Area
- Construction Disturbance Area

General Features

- Highway
- Major Road
- Local Road
- Resource / Recreation Road
- Winter Road
- Service Road
- Alleyway / Laneway
- MFFN Existing Winter Access Road
- Railway
- Watercourse
- Waterbody
- First Nation Reserve
- District Municipal Boundary
- Provincial Park

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

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

MARTEN FALLS FIRST NATION COMMUNITY ACCESS ROAD

Aboriginal and/or Treaty Rights and Interests Existing Conditions Study Areas

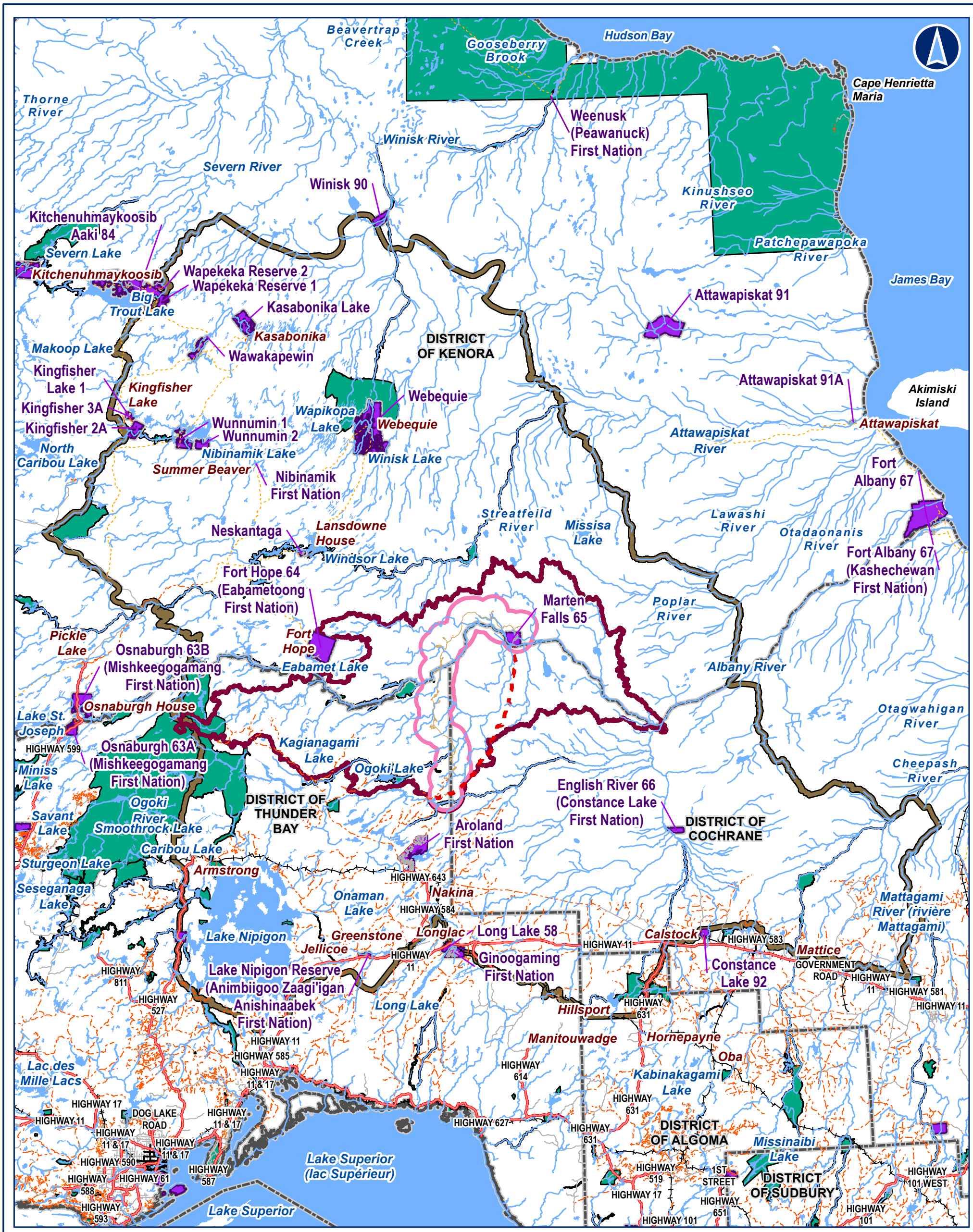
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Figure 1

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Map location: K:\188898_Marten_Falls\GIS\MXDs\Reporting\Engagement\IK_Program_Guidance_Document\MFCAR_IKPGD_ATRI_ECStudyAreas.mxd
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Legend

- ATRI Local Study Area
- ATRI Regional Study Area
- ATRI Caribou Regional Study Area
- Construction Disturbance Area

General Features

- Highway
- Major Road
- Local Road
- Resource / Recreation Road
- Winter Road
- Service Road
- Alleyway / Laneway
- MFFN Existing Winter Access Road
- Railway
- Watercourse
- Waterbody
- First Nation Reserve
- District Municipal Boundary
- Provincial Park

Notes:

1. Local and Regional Study Areas are Preliminary.

Data Source:

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

MARTEN FALLS FIRST NATION COMMUNITY ACCESS ROAD

Updated Aboriginal and/or Treaty Rights and Interests Local and Regional Study Areas Used for the Impact Assessment

0 15 30 60 90 120

Kilometres

Datum: NAD 1983 CSRS UTM Zone 16N

Jul, 2024	1:2,500,000 * when printed 11"x17"
Rev:00	

Figure 2

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 client and may not be reproduced or relied upon by third parties, except as agreed by AECOM and its client, as required by law or for use by governmental reviewing agencies. AECOM accepts no responsibility, and denies any liability whatsoever, to any party that modifies this drawing without AECOM express written consent. The use of Sensitive Data in this drawing does not constitute an endorsement by the Ministry for this drawing or by AECOM of the Sensitive Data.

Map location: K:\188898_Marten_Falls\GIS\MXDs\Reporting\Engagement\IK_Program_Guidance_Document\MFCAR_IKPGD_ATRI_EAStudyAreas.mxd
Date Saved: 2024-07-30 10:36:24 AM User Name: 42RBB

Table 1. Comparison of the Existing Conditions and Assessment Study Areas for Aboriginal and / or Treaty Rights and Interests

Study Area	Geographic Extent*		Area Size		Rationale
	Existing Conditions	Impact Assessment	Existing Conditions	Impact Assessment	
Local Study Area	• 5 km buffer from the Route Alternatives and other project components and temporary infrastructure (e.g., aggregates sources, access roads, construction camps, staging areas, and stockpile areas). • Corresponds to the outermost boundaries of the combined Local Study Areas for the fish and fish habitat, surface water, vegetation, general wildlife, moose, air quality, noise, and visual Valued Components (as delineated in August 2020).	• 10 km buffer from the Construction Disturbance Area (the area of expected direct disturbance which includes a 100-metre Right-of-way, temporary construction access roads, work areas, worker camps, and pits, quarries and associated access roads) of the Technically Preferred Route Alternative. • Corresponds to the outermost boundaries of the combined Local Study Areas for the aquatics (surface water and fish and fish habitat), vegetation, birds, wildlife (general), wolverine, ungulates (moose and caribou), air quality, visual, and noise Valued Components.	367,245 ha	461,856 ha**	• Captures the area where direct and / or more noticeable environmental effects and impacts of the Project on Aboriginal and / or Treaty Rights and Interests may occur. • Allows for route refinement during Project design (e.g., avoiding or mitigating impacts to sensitive features). • Defined based on the key components that may be relied on for the exercise of harvesting and cultural practice rights in the area of the Project, or have the potential to influence it.
Regional Study Area	• Combined area of the quaternary watersheds that interact with the Route Alternatives and the Local Study Area. • 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 (as delineated in August 2020).	• Combined area of the three tertiary watersheds (4GD-Upper Albany – Makokibatan, 4GE-Lower Ogoki, and 4GF-Upper Albany – Muswabik) that are intersected by the Technically Preferred Route Alternative. • Corresponds to the outermost boundaries of the combined Regional Study Areas for the aquatics (surface water and fish and fish habitat), vegetation, birds, and wildlife (general) Valued Components.	1,210,273 ha	2,590,869 ha	• Captures the area where indirect and less noticeable environmental effects and impacts of the Project on Aboriginal and / or Treaty Rights and Interests may occur. • Allows the Proponent to gather information at a larger scale to better understand potential indirect Project effects on the environment and associated impacts on Aboriginal and / or Treaty Rights and Interests. • Defined based on key components that may be relied on for the exercise of harvesting and cultural practice rights at a more regional level.
Caribou Regional Study Area	• N/A	• Coincides with Regional Study Area used for the assessment on caribou, which consists of four caribou ranges: Missisa, Nipigon, Ozhiski, and Pagwachuan.	N/A	19,250,753 ha	• Allows the Proponent to assess the potential indirect impacts on Aboriginal and / or Treaty Rights and Interests outside of the Regional Study Area resulting from potential Project effects on caribou specifically. • Informed by inputs from Indigenous communities and groups and regulators.

**Note that the selection of a Technically Preferred Route Alternative resulted in refined study areas (presumed impact areas) for the impact assessment, which represent only one route corridor instead of two; the Existing Conditions study areas were delineated based on all Route Alternatives.*

***While the buffer has doubled in size (from a 5 km to a 10 km buffer), the total area has not because the Existing Conditions Local Study Area was a buffer on all Route Alternatives while the Assessment Local Study Area is a buffer on the Technically Preferred Route Alternative only.*

Subject: Marten Falls First Nation Community Access Road (MFFN CAR) Milestone #3 Progress Report
Sent: 2024/11/28, 23:15:29
From: Anderson, Victoria [redacted]
To: [redacted]
Cc: [redacted]

Dear Ogamakan Michael Sugarhead,

I hope this email finds you well.

The Milestone #3 Progress Report for the Marten Falls First Nation Community Access Road has been drafted and is ready for review. The following link includes the Report and associated appendices to view or download, for Nibinamik First Nation: [redacted]

The Milestone #3 Progress Report covers June 1, 2023, to July 31, 2024.

We welcome any edits or comments to your community-specific section by February 14, 2025, before the reports are incorporated into the Draft Record of Consultation.

If you haven't already, please fill out this questionnaire to identify a key contact and preferences related to the review process: [redacted]

If you have any questions or would like to schedule a meeting to discuss the reports and timeline, please reply to this email. We also kindly ask if you could let us know if you received this email and can view / download the documents successfully.

If you have any questions or comments about the Community Access Road, please reply to this email.

Sincerely,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

AECOM
[redacted]
aecom.com

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Subject: FW: Marten Falls First Nation Community Access Road (MFFN CAR) Milestone #3 Progress Report
Sent: 2024/11/28, 23:45:29
From: Anderson, Victoria<[redacted]>
To: Oskineegish, Roger

Hello Roger,

I'm forwarding this email (below) along to you, as I received a bounce-back from your other email address ([redacted]).

Your iCloud email address was shared with us by the Ministry of Mines, but I noticed that Riley Weyman usually uses your [redacted] account when he emails us. Is it okay if we update your email address on our Master Contact List to [redacted]?

Thanks,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

AECOM
[redacted]
aecom.com

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From: Anderson, Victoria <[redacted]
Sent: Thursday, 28 November 2024 23:58
To: [redacted]
Cc: Riley Weyman [redacted]
Subject: RE: Marten Falls First Nation Community Access Road (MFFN CAR) Milestone #3 Progress Report

Hello again Ogamakan Michael Sugarhead,

I wanted to note that I received a bounce-back from Nora Jean Wabasse's email address ([redacted]). Is there an alternate email address that I can use to ensure that Nora Jean receives this information as well?

All the best,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

AECOM
[redacted]
aecom.com

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From: Anderson, Victoria
Sent: Tuesday, December 17, 2024 3:18 PM
To: [redacted]
Cc: [redacted]
Subject: RE: MFFN Community Access Road - What's New

Hi Riley,

I've attached a copy of the Capacity Funding Agreement for the Marten Falls First Nation Community Access Road. In addition to the signed agreement, we will need the following information for the transaction:

- Community Name or entity owned by the community (e.g. the Band Office)
- Phone Number
- Key point of contact
- Email address
- Mailing Address

Please reach out if you have any questions.

Best,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

AECOM
[redacted]

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Community Capacity Funding Agreement

THIS COMMUNITY CAPACITY FUNDING AGREEMENT ("**Agreement**") made as of the _____ day of _____, 202___.

BETWEEN:

OF THE FIRST PART

[Enter Name of Community]	
[Enter Mailing Address]	
Attention:	[Enter Primary Contact Name]
Email:	[Enter Primary Contract Email Address]

(hereinafter, the "**Community**"),

- AND -

OF THE SECOND PART

Marten Falls First Nation as represented by 2617482 Ontario Inc.	
[Enter Mailing Address]	
Attention:	Qasim Saddique, Project Director
Email:	[redacted]

(hereinafter, the "**Project Team**"),

- AND -

OF THE THIRD PART

AECOM Canada Ltd.	
[Enter Mailing Address]	
Attention:	[Enter Contact Name]
Email:	[Enter Primary Contract Email Address]

(hereinafter, "**AECOM**"),

(Each a "**Party**" and collectively the "**Parties**" to this Agreement)

RECITALS:

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 MFFN 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 "**Draft EA/IS**") to assess the potential Project effects and benefits;

AND WHEREAS the Project Team would like to engage the Community for participation in a "Community Capacity

Funding Program" as set out in this Agreement so as to facilitate the review of the Draft EA/IS by the Community and the gathering of feedback where provided by the Community.

AND WHEREAS, through this Agreement, the Community has agreed to participate in the Community Capacity Funding Program.

AND WHEREAS the Parties agree that it is the Community's responsibility to identify the use and allocation of the funds in connection with this Agreement for the purposes of reviewing the Draft EA/IS and, further, to have an opportunity to provide feedback at its discretion to AECOM and the Project Team ("**Funding Purpose**").

AND WHEREAS, specific to this Agreement, the Project Team has retained AECOM for the sole purpose of making payment of the Capacity Funding (as defined below) to the Community at the direction of the Project Team as set out in this Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSES that, for the good and valuable consideration set out herein, the Parties hereby agree as follows:

ARTICLE I: PAYMENT OF CAPACITY FUNDING

1.1 Lump Sum Payment. The Project Team agrees to pay the Community a one-time, lump sum payment of $[redacted] ("**Capacity Funding**").

1.2 Schedule of Payment. Upon execution of this Agreement by all Parties, the Project Team hereby directs AECOM to pay the Community the Capacity Funding within 30 days of the execution of this Agreement by all Parties.

ARTICLE II: SCOPE OF CAPACITY FUNDING

2.1 Scope of Capacity Funding. The Capacity Funding is intended to support the Community's ability to engage on the Project in accordance with the Funding Purpose. The Capacity Funding may be used to facilitate the Funding Purpose by financially supporting the Community's review of the Draft EA/IS, including costs related to: (a) securing meeting space, (b) rental or purchase of office and/or accessibility equipment; (c) office materials and incidentals; (d) compensating community members for their time to review and the provision of feedback; or (e) hiring of a community coordinator to facilitate the Community's review and organize the submission of feedback.

2.2 Confirmation of Draft EA/IS Review and Provision of Feedback. The Community agrees that it shall review the Draft EA/IS and provide written confirmation of its completed review to AECOM and the Project Team. This written confirmation shall be provided by no later than 120 days following the Community's receipt of the Draft EA/IS ("**Review Date**"). Additionally, the Community may provide feedback it obtains through the review process to AECOM and the Project Team at its sole discretion before the Review Date.

2.3 Voluntary Participation. The Community agrees that it is participating in the Community Capacity Funding Program voluntarily, without pressure, duress or inducement. As the Community Capacity Funding Program is being used to facilitate engagement with several First Nations across northern Ontario, it is acknowledged and agreed that the Capacity Funding is intended to support Community consultation and that neither the Project Team nor AECOM make any representations or warranties, express or implied, in relation to the sufficiency of the Capacity Funding to fully facilitate the Community's engagement on Project, including the Funding Purpose as set out herein.

ARTICLE III: USE OF INFORMATION

3.1 Use of Information. The Project Team and AECOM may use the information gathered through the Community Capacity Funding Program and this Agreement for the purposes of incorporating the Community review

and feedback into finalizing the Provincial Environmental Assessment and Federal Impact Assessment of the Project. Further, AECOM and the Project Team may use the information to report on the Community Capacity Funding Program to the MFFN or any authority having jurisdiction, including on issues pertaining to specific Community consultation or First Nation consultation generally, in respect of the Project or any other reasonable use or purpose, including to comply with any legal obligations.

3.2 No Expectation of Confidentiality. There is no expectation of confidentiality associated with the Community Capacity Funding Program, including in relation to this Agreement, receipt of written confirmation of the Community's review and feedback, and the Capacity Funding.

ARTICLE IV: RELATIONSHIPS AMONGST PARTIES WITHIN COMMUNITY CAPACITY FUNDING PROGRAM

4.1 Role of AECOM. The Project Team and the Community confirm and agree that AECOM's only responsibility under this Agreement is to facilitate the payment of the Capacity Funding in accordance with Article I (Payment of Capacity Funding). The Project Team and Community acknowledge and agree that AECOM shall have no other obligations or requirements of any kind or nature whatsoever with respect to this Agreement. AECOM and the Project Team have no responsibility for, or control of, the Community or its personnel and AECOM and the Project Team will have no liability for any acts or omissions of the Community or its personnel. The Project Team and the Community agree and acknowledge that AECOM makes no representations, and shall have no responsibility, as to the completeness or sufficiency of the Community Capacity Funding Program or the Capacity Funding for any purpose, including the Funding Purpose. AECOM does not have responsibility regarding the treatment of Community's consultation or feedback by any authority having jurisdiction in relation to the Project.

4.2 Independence of Community. The Parties acknowledge and agree that the Community is not a consultant, subconsultant, contractor, subcontractor, employee, or advisor of AECOM or the Project Team. For greater certainty, this Agreement shall not be interpreted or construed to create an association, joint venture, agency relationship, vendor-client relationship or partnership between the Parties. It is understood and agreed that the Community's participation in the Community Capacity Funding Program does not represent the Community's position in relation to the Draft EA/IS in any way whatsoever and this Agreement shall not be interpreted or construed to represent a position by the Community in relation to the Draft EA/IS for any purpose.

ARTICLE V: GENERAL

5.1 Governing Law. This Agreement shall be governed by the laws of the Province of Ontario.

5.2 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.

5.3 Assignment. No Party may assign this Agreement without the prior consent in writing of the other Parties.

5.4 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.

5.5 Notice. All written notices required to be given in this Agreement must be in writing and must be delivered to each Party's representative at each Party's address first listed above. Notice may be given by (a) hand delivery; (b) email; or (c) registered mail. Notice by hand delivery or registered mail shall be effective on the day of delivery. Notice by email shall only be effective on the day of written responding confirmation of receipt (which, for certainty, does not include any automated replies from a recipient's email account.) Each Party's representative and address may be changed upon the delivery of written notice to the Parties.

5.6 Successors and Assigns. 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.

5.7 Dispute Resolution. Upon the delivery of a written notice of a dispute arising out of or in connection with this Agreement by any Party, the Parties shall attempt to resolve such dispute, by structured negotiation, on a without prejudice basis, with the assistance of a mediator appointed by the Parties. If a dispute cannot be settled within a period of 30 days after such notice of dispute, or such longer period as may be agreed to by the Parties, the Parties shall be free to pursue any other procedures or remedies available to them, including arbitration or litigation, in an effort to finally resolve the dispute.

5.8 Interpretation. The recitals first listed above form an integral and essential part of this Agreement. Capitalized terms shall be given the meaning as first set out in this Agreement.

5.9 Severability. The invalidity or unenforceability of any provision of this Agreement will not affect the validity or enforceability of any other provision but this Agreement will be construed as if such invalid provision were omitted.

5.10 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.

[*Remainder of page intentionally blank. Signature page follows.]*

IN WITNESS WHEREOF the Parties hereto have executed this Agreement as of the day and year first written above.

[NAME OF COMMUNITY]

Per:		Per:	
	I/We have authority to bind the [name of community].		I/We have authority to bind the [name of community] .
Name:		Name:	
Title:		Title:	
Date:		Date:	

Marten Falls First Nation as represented by 2617482 Ontario Inc.

Per:		Per:	
	I/We have authority to bind 2617482 Ontario Inc. and the MFFN Project Team.		I/We have authority to bind the MFFN Project Team.
Name:		Name:	
Title:		Title:	
Date:		Date:	

AECOM Canada Ltd.

Per:		Per:	
	I/We have authority to bind AECOM Canada Ltd.		I/We have authority to bind the AECOM Canada Ltd.
Name:		Name:	
Title:		Title:	
Date:		Date:	

Subject: MFFN Community Access Road - What's New
Sent: 2024-12-18, 5:08:52 PM
From: Anderson, Victoria [redacted]
To: [redacted]
Cc: [redacted]

Hello Ogamakan Michael Sugarhead,

I hope you're having a great week.

I wanted to provide some updates about the Marten Falls First Nation Community Access Road for the month of December:

- **Happy 2024 Year-end!**

  As we approach the new year, we'd like to acknowledge the milestones achieved for the MFFN Community Access Road in 2024. In particular, we celebrated the selection of the final route for the Community Access Road. On August 26, 2024, Marten Falls First Nation Chief and Council signed a Band Council Resolution confirming the proposed final route.

  We took part in multiple events this year, including hosting in-community meetings with Marten Falls First Nation in July and October and in-community meetings with Aroland First Nation in June and July. We also attended the Three-Road Projects Gathering and Expo in June. We extend a great thank you to everyone who attended and took part in these gatherings. Your collaboration has helped shape the future of the road.

  Coming up in 2025, we are preparing for the release of the Draft Environmental Assessment / Impact Assessment. We look forward to receiving your insights on this document and are enthusiastic about what 2025 will hold for the Community Access Road.

  The Community Access Road is more than infrastructure; it's about securing a better future for our people... It is not just a path to progress; it is a testament to our resilience, our vision for the future and our commitment to the well-being of our people. – Chief Bruce Achneepineskum, Marten Falls First Nation

- **Please fill out our survey!**
  - In September, we sent you an email with a letter and FAQ in preparation for the release of the Draft EA / IS. As we prepare to submit the Draft EA / IS, we want to ensure your community has easy access to the documents and has identified a key community contact to help guide the review process.
  - **Please fill out this questionnaire to identify a key contact and preferences related to the review process:** [redacted]

- **Milestone #3 Progress Report Feedback**
  - On November 28, 2024, we sent your community specific Milestone #3 Progress Report.
  - We welcome any edits or comments to your community-specific section which you may provide through email, telephone or by scheduling a meeting. **Please provide your community's feedback by February 14, 2025.**

- **IK Report/Study information**
  - I understand that prior to me joining the project, there had been conversations between Nibinamik First Nation and Marten Falls Community Access Road Project about Nibinamik creating their own IK Report/Study. Is that still something that Nibinamik is interested in? We are happy to work with you to receive this information into the Final EA / IS.

- **IK Program**
  - We want to check in on the status of the Indigenous Knowledge Funding and Sharing Agreements that we had shared with Nibinamik First Nation for review. Do you have any further questions or concerns?

I hope you have a safe and happy holiday season!

Best,

Victoria Anderson BA, BSc
She/Her

Subject: MFFN Community Access Road - What's New
Sent: 2025/01/24, 22:57:49
From: Anderson, Victoria [redacted]
To: [redacted]
Cc: [redacted]

Hello Ogamakan Michael Sugarhead,

I hope you're doing well!

I'm writing to provide the updates below to prepare you for the release of the Draft EA / IS report for the Marten Falls Community Access Road:

- **MFFN CAR Draft EA / IS Email**
  - All information pertaining to the Draft EA / IS will come from a separate email account [[redacted]. **Please ensure you send your questions and comments on the Draft EA / IS to this email address**.
- **Please fill out our survey!**
  - We want to ensure your community has easy access to the documents and has identified a key community contact to help guide the review process.
  - **Please fill out this questionnaire to identify a key contact and preferences related to the review process:** [redacted]
  - If you do not fill out the survey and identify a preferred method of receiving the document, we will send you a link to a website that hosts the Draft EA / IS document. Please note, the Draft EA/IS is expected to be ~20,000-pages.
- **Book a meeting!**
  - We are here to assist you in the review process of the Draft EA / IS. Please reach out if you would like to book an in-person or virtual meeting to discuss the Draft EA / IS. We understand the size of the document (~20,000 pages) can be overwhelming and are here to support you with review.
  - The MFFN CAR Project Team will be attending the Three Road Projects Gathering and Expo in Thunder Bay February 19-20 and Timmins February 25-26, 2025. Your community has received an invitation to this event with all the details on the event, how to register and a link to book a time to speak one-on-one with the Project Team. If you wish to meet with the MFFN CAR Project Team outside of this event, we are happy to book in-person meetings during this timeframe.
  - For reference, the email invitation for the Three Roads Project Gathering and Expo would have come from [redacted]
- **Milestone #3 Progress Report Feedback**
  - On November 28 / 29, 2024, we distributed your community specific Milestone #3 Progress Report.
  - We welcome any edits or comments to your community-specific section which you may provide through email, telephone or by scheduling a meeting. **Please provide your community's feedback by February 14, 2025.**

Please feel free to reach out by phone if you have any questions or would like to discuss availability for a meeting – my number is [redacted]

Have a great weekend!

Best,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

AECOM
[redacted]
aecom.com

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Subject: RE: MFFN Community Access Road - What's New
Sent: 2025/01/24, 23:10:56
From: Anderson, Victoria [redacted]
To: [redacted]
Cc: [redacted]
Attachments: [redacted]

Hi Riley,

I wanted to follow-up to see if you have any questions about the Capacity Funding Agreement; I've attached another copy here for reference. Have you had an opportunity to review?

I'll note that once we've received the signed Agreement, there are some additional steps and it can take a few weeks to process. I'll be happy to walk you through everything to make sure the payment gets released to Nibinamik smoothly.

All the best,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

AECOM
[redacted]

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Community Capacity Funding Agreement

THIS COMMUNITY CAPACITY FUNDING AGREEMENT ("**Agreement**") made as of the _____ day of _____, 202___.

BETWEEN:

OF THE FIRST PART

[Enter Name of Community]	
[Enter Mailing Address]	
Attention:	[Enter Primary Contact Name]
Email:	[Enter Primary Contract Email Address]

(hereinafter, the "**Community**"),

- AND -

OF THE SECOND PART

Marten Falls First Nation as represented by 2617482 Ontario Inc.	
[Enter Mailing Address]	
Attention:	Qasim Saddique, Project Director
Email:	[redacted]

(hereinafter, the "**Project Team**"),

- AND -

OF THE THIRD PART

AECOM Canada Ltd.	
[Enter Mailing Address]	
Attention:	[Enter Contact Name]
Email:	[Enter Primary Contract Email Address]

(hereinafter, "**AECOM**"),

(Each a "**Party**" and collectively the "**Parties**" to this Agreement)

RECITALS:

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 MFFN 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 "**Draft EA/IS**") to assess the potential Project effects and benefits;

AND WHEREAS the Project Team would like to engage the Community for participation in a "Community Capacity

Funding Program" as set out in this Agreement so as to facilitate the review of the Draft EA/IS by the Community and the gathering of feedback where provided by the Community.

AND WHEREAS, through this Agreement, the Community has agreed to participate in the Community Capacity Funding Program.

AND WHEREAS the Parties agree that it is the Community's responsibility to identify the use and allocation of the funds in connection with this Agreement for the purposes of reviewing the Draft EA/IS and, further, to have an opportunity to provide feedback at its discretion to AECOM and the Project Team ("**Funding Purpose**").

AND WHEREAS, specific to this Agreement, the Project Team has retained AECOM for the sole purpose of making payment of the Capacity Funding (as defined below) to the Community at the direction of the Project Team as set out in this Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSES that, for the good and valuable consideration set out herein, the Parties hereby agree as follows:

ARTICLE I: PAYMENT OF CAPACITY FUNDING

1.1 Lump Sum Payment. The Project Team agrees to pay the Community a one-time, lump sum payment of $[redacted] ("**Capacity Funding**").

1.2 Schedule of Payment. Upon execution of this Agreement by all Parties, the Project Team hereby directs AECOM to pay the Community the Capacity Funding within 30 days of the execution of this Agreement by all Parties.

ARTICLE II: SCOPE OF CAPACITY FUNDING

2.1 Scope of Capacity Funding. The Capacity Funding is intended to support the Community's ability to engage on the Project in accordance with the Funding Purpose. The Capacity Funding may be used to facilitate the Funding Purpose by financially supporting the Community's review of the Draft EA/IS, including costs related to: (a) securing meeting space, (b) rental or purchase of office and/or accessibility equipment; (c) office materials and incidentals; (d) compensating community members for their time to review and the provision of feedback; or (e) hiring of a community coordinator to facilitate the Community's review and organize the submission of feedback.

2.2 Confirmation of Draft EA/IS Review and Provision of Feedback. The Community agrees that it shall review the Draft EA/IS and provide written confirmation of its completed review to AECOM and the Project Team. This written confirmation shall be provided by no later than 120 days following the Community's receipt of the Draft EA/IS ("**Review Date**"). Additionally, the Community may provide feedback it obtains through the review process to AECOM and the Project Team at its sole discretion before the Review Date.

2.3 Voluntary Participation. The Community agrees that it is participating in the Community Capacity Funding Program voluntarily, without pressure, duress or inducement. As the Community Capacity Funding Program is being used to facilitate engagement with several First Nations across northern Ontario, it is acknowledged and agreed that the Capacity Funding is intended to support Community consultation and that neither the Project Team nor AECOM make any representations or warranties, express or implied, in relation to the sufficiency of the Capacity Funding to fully facilitate the Community's engagement on Project, including the Funding Purpose as set out herein.

ARTICLE III: USE OF INFORMATION

3.1 Use of Information. The Project Team and AECOM may use the information gathered through the Community Capacity Funding Program and this Agreement for the purposes of incorporating the Community review

and feedback into finalizing the Provincial Environmental Assessment and Federal Impact Assessment of the Project. Further, AECOM and the Project Team may use the information to report on the Community Capacity Funding Program to the MFFN or any authority having jurisdiction, including on issues pertaining to specific Community consultation or First Nation consultation generally, in respect of the Project or any other reasonable use or purpose, including to comply with any legal obligations.

3.2 No Expectation of Confidentiality. There is no expectation of confidentiality associated with the Community Capacity Funding Program, including in relation to this Agreement, receipt of written confirmation of the Community's review and feedback, and the Capacity Funding.

ARTICLE IV: RELATIONSHIPS AMONGST PARTIES WITHIN COMMUNITY CAPACITY FUNDING PROGRAM

4.1 Role of AECOM. The Project Team and the Community confirm and agree that AECOM's only responsibility under this Agreement is to facilitate the payment of the Capacity Funding in accordance with Article I (Payment of Capacity Funding). The Project Team and Community acknowledge and agree that AECOM shall have no other obligations or requirements of any kind or nature whatsoever with respect to this Agreement. AECOM and the Project Team have no responsibility for, or control of, the Community or its personnel and AECOM and the Project Team will have no liability for any acts or omissions of the Community or its personnel. The Project Team and the Community agree and acknowledge that AECOM makes no representations, and shall have no responsibility, as to the completeness or sufficiency of the Community Capacity Funding Program or the Capacity Funding for any purpose, including the Funding Purpose. AECOM does not have responsibility regarding the treatment of Community's consultation or feedback by any authority having jurisdiction in relation to the Project.

4.2 Independence of Community. The Parties acknowledge and agree that the Community is not a consultant, subconsultant, contractor, subcontractor, employee, or advisor of AECOM or the Project Team. For greater certainty, this Agreement shall not be interpreted or construed to create an association, joint venture, agency relationship, vendor-client relationship or partnership between the Parties. It is understood and agreed that the Community's participation in the Community Capacity Funding Program does not represent the Community's position in relation to the Draft EA/IS in any way whatsoever and this Agreement shall not be interpreted or construed to represent a position by the Community in relation to the Draft EA/IS for any purpose.

ARTICLE V: GENERAL

5.1 Governing Law. This Agreement shall be governed by the laws of the Province of Ontario.

5.2 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.

5.3 Assignment. No Party may assign this Agreement without the prior consent in writing of the other Parties.

5.4 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.

5.5 Notice. All written notices required to be given in this Agreement must be in writing and must be delivered to each Party's representative at each Party's address first listed above. Notice may be given by (a) hand delivery; (b) email; or (c) registered mail. Notice by hand delivery or registered mail shall be effective on the day of delivery. Notice by email shall only be effective on the day of written responding confirmation of receipt (which, for certainty, does not include any automated replies from a recipient's email account.) Each Party's representative and address may be changed upon the delivery of written notice to the Parties.

5.6 Successors and Assigns. 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.

5.7 Dispute Resolution. Upon the delivery of a written notice of a dispute arising out of or in connection with this Agreement by any Party, the Parties shall attempt to resolve such dispute, by structured negotiation, on a without prejudice basis, with the assistance of a mediator appointed by the Parties. If a dispute cannot be settled within a period of 30 days after such notice of dispute, or such longer period as may be agreed to by the Parties, the Parties shall be free to pursue any other procedures or remedies available to them, including arbitration or litigation, in an effort to finally resolve the dispute.

5.8 Interpretation. The recitals first listed above form an integral and essential part of this Agreement. Capitalized terms shall be given the meaning as first set out in this Agreement.

5.9 Severability. The invalidity or unenforceability of any provision of this Agreement will not affect the validity or enforceability of any other provision but this Agreement will be construed as if such invalid provision were omitted.

5.10 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.

[*Remainder of page intentionally blank. Signature page follows.]*

IN WITNESS WHEREOF the Parties hereto have executed this Agreement as of the day and year first written above.

[NAME OF COMMUNITY]

Per:		Per:	
	I/We have authority to bind the [name of community].		I/We have authority to bind the [name of community] .
Name:		Name:	
Title:		Title:	
Date:		Date:	

Marten Falls First Nation as represented by 2617482 Ontario Inc.

Per:		Per:	
	I/We have authority to bind 2617482 Ontario Inc. and the MFFN Project Team.		I/We have authority to bind the MFFN Project Team.
Name:		Name:	
Title:		Title:	
Date:		Date:	

AECOM Canada Ltd.

Per:		Per:	
	I/We have authority to bind AECOM Canada Ltd.		I/We have authority to bind the AECOM Canada Ltd.
Name:		Name:	
Title:		Title:	
Date:		Date:	

From: Anderson, Victoria
Sent: Wednesday, January 29, 2025 1:39 PM
To: Oskineegish, Roger <[redacted]>
Subject: RE: MFFN Community Access Road - What's New

Hi Roger,

Sorry that I missed your call earlier! I tried to call back but they let me know you've stepped out for the day. I'll try again in the morning.

Thanks,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

AECOM
[redacted]

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From: Anderson, Victoria
Sent: Wednesday, January 29, 2025 1:32 PM
To: Riley Weyman [redacted]
Cc: [redacted]
Subject: RE: MFFN Community Access Road - What's New

Hi Riley,

Thanks for sharing the edited copy, I've passed them along to our team for review and hope to have an update soon.

Best,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

AECOM
[redacted]

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Subject: RE: MFFN Community Access Road - What's New
Sent: 2025-02-05, 1:53:42 PM
From: Anderson, Victoria [redacted]
To: [redacted]

Importance: High

Hi Roger,

Thanks for the call last week!

Just an update that I've put together a presentation with some project information for you and am just waiting for our team to review it before I can send it over – I'm hoping to have it to you by tomorrow morning (I hope that's not too late!).

I also spoke to our team about the presentation in Thunder Bay. We're available on February 11 in the morning. We *might* be able to make February 13th work as well, but we'll just need a bit more info about the time and place for the presentation. Have you settled on a date and time yet?

Thanks so much,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

AECOM
[redacted]

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Subject: RE: MFFN Community Access Road - What's New
Sent: 2025/02/06, 19:53:03
From: Anderson, Victoria [redacted]
To: [redacted]
Attachments: [redacted]

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Roger,

I hope this isn't coming in too late –

I've attached the presentation that you requested. I included a powerpoint document that includes speaking notes (below each slide), as well as a pdf, just in case you're looking at it on a cellphone. The pdf version doesn't have the speaking notes.

Let me know if you have any further questions!

Best,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

AECOM
[redacted]

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Marten Falls First Nation Community Access Road

Update for Nibinamik First Nation

February 2025



Project Team



Bob Baxter

MFFN Councillor and Senior Community Member Advisor



Lawrence Baxter

Senior Community Member Advisor



Qasim Saddique

Project Director



Jennifer Bruin

Technical Advisor

For Discussion Today

- Introduction
- The Final Route
- Draft EA / IS Process
- What You Need To Know
- What We Heard
- Next Steps

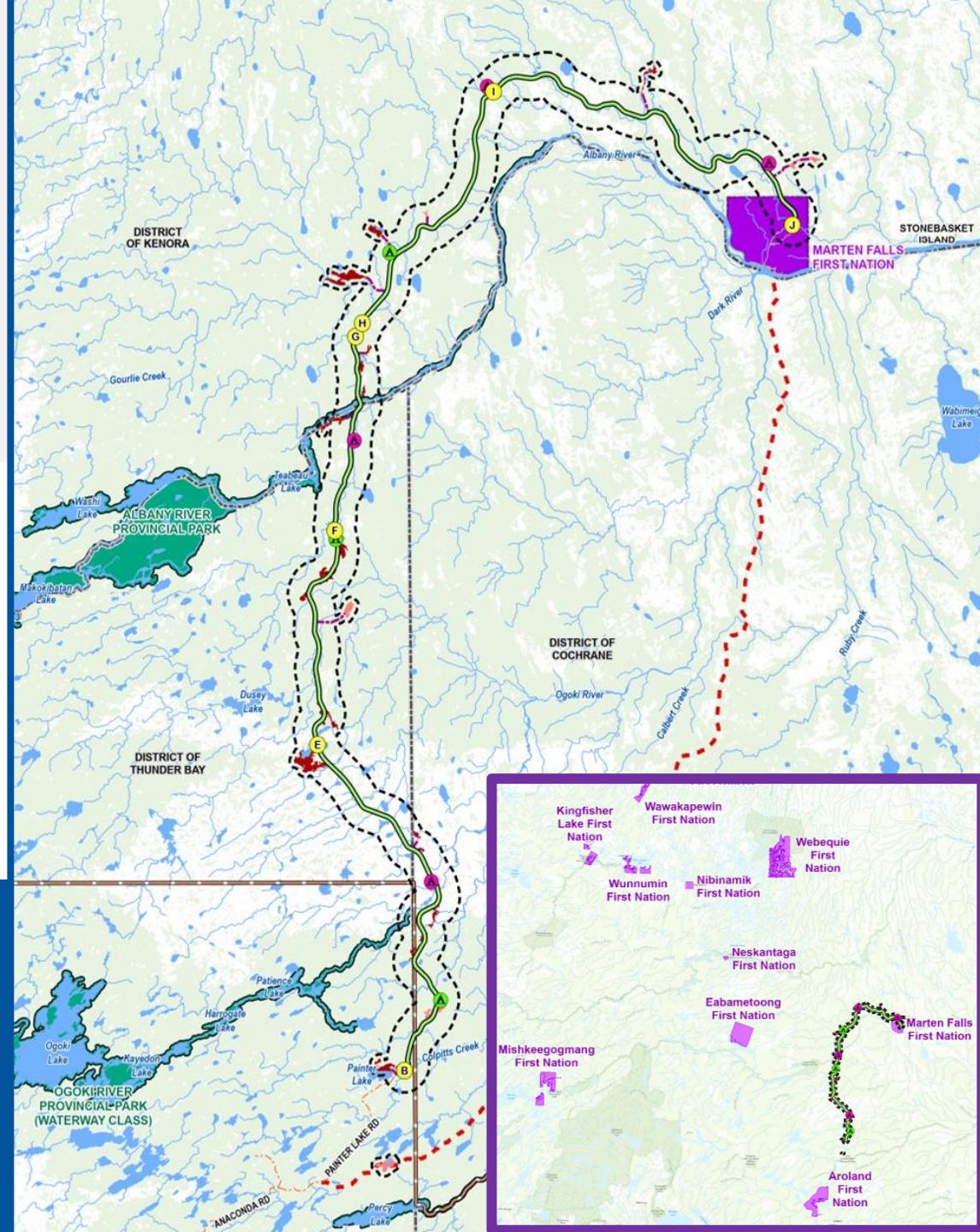


Building the Community Access Road

The Marten Falls Community Access Road is needed to improve the well-being of the community by reducing transportation costs for goods and services, increasing access, helping foster economic development and improve quality of life for community members.

“For as long as I can remember, Marten Falls First Nation has had a strong desire to develop a road that would connect our remote northern community to the Ontario provincial highway network and advance our vision of building a sustainable and thriving community in the North.”

-Chief Bruce Achneepineskum



Environmental Assessment / Impact Assessment Process

- The MFFN Community Access Road Project Team is conducting a coordinated provincial Environmental Assessment and federal Impact Assessment.

- This involves many years of planning, technical studies, data collection, meetings and interviews. It is now time for the next phase—the release of the Draft Environmental Assessment / Impact Statement (EA / IS)



The Community Access Road – Final Route

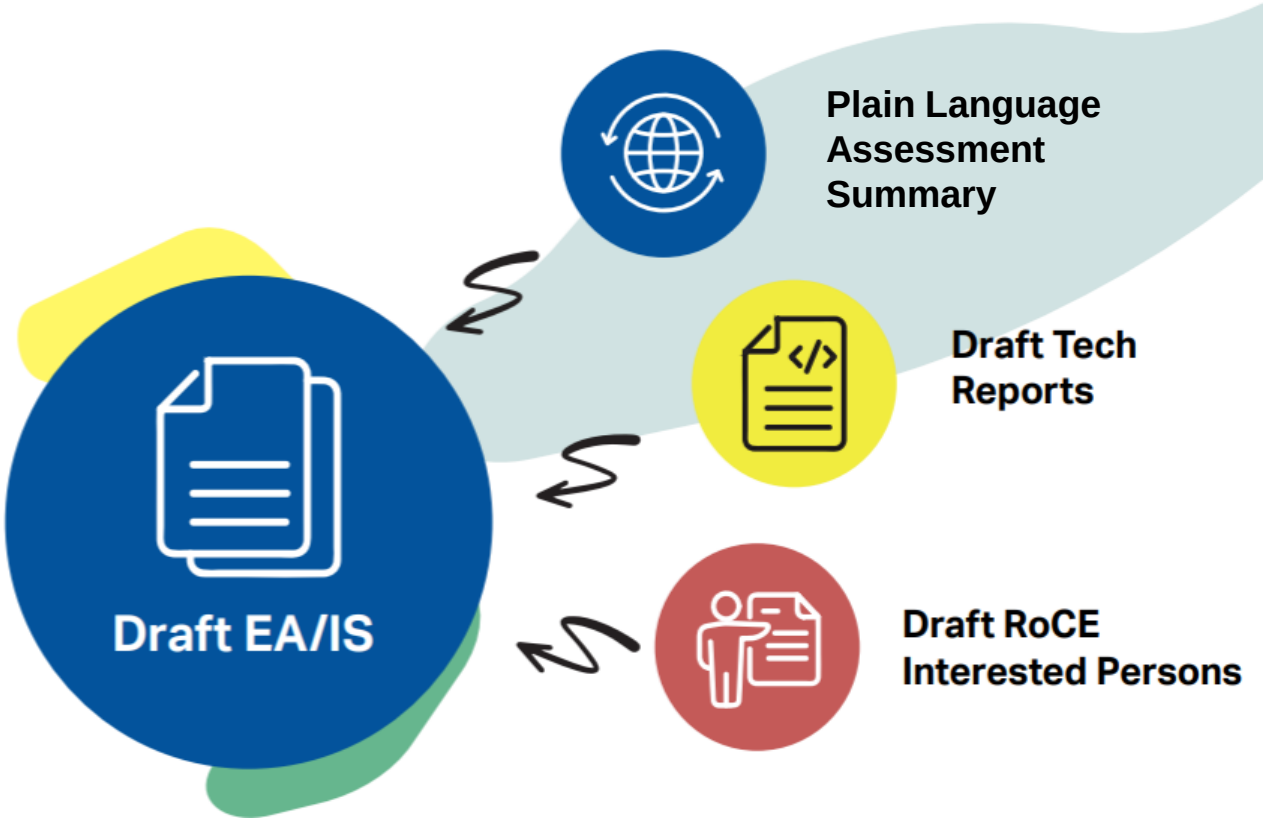
With the feedback received at MFFN Chief and Council and community meetings, and at open houses over the past year, the Project Consultants have refined their preliminary route recommendation.

MFFN Chief and Council passed a Band Council Resolution to confirm this preferred route recommendation.



What will you receive in the Draft

The Draft EA / IS will be a large document (approximately 500 - 1000 pages) which includes thousands of pages of supporting documents.



Indigenous communities have early access to the Draft EA / IS this winter with a minimum review period of 120 days

Draft Environmental Assessment / Impact Statement Schedule

Consultation Documents

EA / IS Report

November 2024

Milestone 3 Progress Report

February 2025

Draft EA / IS - Indigenous communities
(start of 120-day review period)

***Draft EA / IS - regulators** (to support consultation)**

Draft Record of Consultation and Engagement—Interested Persons

April 2025

- **Draft EA / IS sent regulators**
- **Draft EA / IS sent to the public**
  (60-day review period)

June 2025

End of Draft EA / IS review period

Summer 2025

Draft Record of Consultation and Engagement—Indigenous Communities

Fall / Winter 2025

Final EA / IS

- **Cumulative Effects Consultation Report**
- **Final Record of Consultation and Engagement**, incl. Government & Agencies

Getting Ready for the Draft EA / IS Report

- The Draft EA contains the results of field programs that have been conducted between 2019 and 2023.

  In addition to potential effects and mitigations for direct effects, it will also look at potential cumulative effects with other projects in the region



Why is it important to provide comments in the Draft?

- So that the Marten Falls Community Access Road team can incorporate the comments in the Final.

- Comments can be shared with the Key Community Contact (Roger Oskineegish) to pass along to the Marten Falls Community Access Road.



What We Heard from Nibinamik First Nation Community Members

You recently provided feedback and asked questions about:

- Impacts to wildlife
- Invasive species
- Pollution



Are there key areas of interest or studies that are important to you?

Next Steps

- Draft EA / IS Review Period for Indigenous Communities (120-days)

- Three Road Projects Gathering & Expo:
  - February 19-20, 2025 in Thunder Bay
  - February 25-26, 2025 in Timmins

- Public Information Centre #6 in Geraldton (Spring 2025)

- Final EA / IS will be submitted (Fall / Winter 2025)



Contact the Community Access Road Project Team

Email us at info@martenfallsaccessroad.ca or

Call us at [redacted]



Website: [redacted]

Follow us on Facebook:

[redacted]

Follow us on Instagram:

[redacted]

From: Marten Falls First Nation Community Access Road - Draft Environmental Assessment / Impact Statement <e[redacted]>
Sent: Thursday, February 13, 2025 3:35 PM
To: [redacted]
Cc: [redacted]
Anderson, Victoria
Subject: Upcoming Release of the Draft Environmental Assessment / Impact Statement - February 18, 2025

This Message Is From an External Sender

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

Report Suspicious

Dear Ogamakan Michael Sugarhead,

We are pleased to announce that the Marten Falls First Nation Community Access Road Project Team will be making the Draft Environmental Assessment / Impact Statement available for review by Indigenous communities and groups on **February 18, 2025,** at [redacted]The Draft Environmental Assessment / Impact Statement is approximately 1,100 pages long, and provides background on Marten Falls First Nation, why they need the Community Access Road, and the studies and activities they have completed to support the proposed development of a road to their Community.

In addition, Indigenous communities and groups can expect to receive a plain language summary of the Draft Environmental Assessment / Impact Statement and Technical Supporting Documents—the Assessment Summary—by registered mail over the coming days. This information package includes the following:

- Introduction to the Assessment Summary;
- Executive summary (of the Draft Environmental Assessment / Impact Statement);
- Letter from Chief Achneepineskum;
- Introduction to the plain language summaries and technical discipline reports (Tech Talk); and
- Technical discipline plain language summaries, including explanations of key definitions and common elements across all summaries.

Included with the Assessment Summary, to support your review, is a USB containing all documents related to the Draft Environmental Assessment / Impact Statement, including the plain language summaries described above. In addition, Indigenous communities who requested hard copies of the Draft Environmental Assessment / Impact Statement will receive these the week of February 24, 2025; approximately 5-6 banker boxes of information will be delivered to the address provided.

As a reminder, the Indigenous communities and groups we are engaging have early access to the Draft Environmental Assessment / Impact Statement; the public review period starts 60-days after the early release to Indigenous communities / groups and ends the same day. This means that Indigenous communities and groups have 120 calendar days to review and provide their comments to the Project Team on the Draft Environmental

Assessment / Impact Statement. The review periods for Indigenous communities and groups, the public and regulators ends June 18, 2025.
Comments and feedback on the Draft Environmental Assessment / Impact Statement can be provided via the Project Website, email or by letter mail, **until June 18, 2025**, at the addresses provided below.

Website: [redacted]

Email: [redacted]

Mailing Address:

[redacted]

If you are not able to provide us with your feedback through any of these addresses, please contact us at [redacted]. We will find a way to support your submission through other means.

Four additional support documents for the Environmental Assessment / Impact Assessment process will be released over the coming months. These are:

- **Milestone 3 Progress Report**—This summary of consultation activities was issued for review by Indigenous communities in November 2024, in advance of the release of the Draft Environmental Assessment / Impact Statement. This progress report provides a detailed account of engagement and communication activities conducted from June 1, 2023 to July 31, 2024. A final version of the report will be made available once feedback has been reviewed and addressed; feedback has been requested by February 14, 2025.

- **Draft Record of Consultation and Engagement with Indigenous Communities**—This Record of Consultation and Engagement will be available this summer in advance of the Final Environmental Assessment / Impact Statement. The Indigenous communities and groups we are engaging will have the opportunity to review and comment on the report prior to the release of the Final Environmental Assessment / Impact Statement. Communities will be provided 90 days to review the Draft Record of Consultation and Engagement with Indigenous Communities.

- **Aboriginal and / or Treaty Rights and Interests Reports (ATRI) Reports**—In the coming months, Indigenous communities will be provided with community-specific Aboriginal and / or Treaty Rights and Interest assessment results. In 2024, communities were provided with community-specific preliminary existing conditions ATRI reports for their review. Some feedback was received, and this information will be included, where applicable, in the soon-to-be released ATRI assessment results. This phased approach allows Indigenous communities time to consider their community-specific ATRI assessment in consideration of the information shared in the Draft Environmental Assessment / Impact Statement. Communities will be provided 90 days to review their ATRI assessment results and provide comment.

- **Community Well-Being Technical Report**— Community Well-Being examines three interconnected disciplines: economics, socio-community, and human health and community safety. The Community Well-Being Technical Report will describe changes that might result from the proposed Community Access Road; recognizing both opportunities and challenges. This report will be available for Indigenous communities and groups in April ahead of the release of the Draft Environmental Assessment / Impact Statement to the public and regulators. Communities will be provided 90 days to review the Community Well-Being Technical Report and provide comment. A plain language Community Well-Being summary has

been prepared and included with the Assessment Summary. It is also available on the Draft Environmental / Impact Statement website.

Any concerns raised during the review period by Indigenous communities will be documented in the Final Environmental Assessment / Impact Statement Report.

We appreciate your time and effort to review the Draft Environmental Assessment / Impact Statement, and associated documents, and look forward to receiving your input. We encourage you to book time to meet with the Marten Falls First Nation Community Access Road Project Team to explore your interests, questions and insights.

--
Marten Falls First Nation Community Access Road - Draft Environmental Assessment / Impact Statement
Website: [redacted]
Email: [redacted]
Phone: [redacted]

From: Anderson, Victoria
Sent: Thursday, February 20, 2025 4:15 PM
To: [redacted]
Cc: [redacted]

Subject: MFFN Community Access Road - What's New
Attachments: [redacted]

Hi Ogamakan Michael Sugarhead and Roger Oskineegish,

I hope that you're both doing well! I have a few updates for the Marten Falls First Nation Community Access Road:

- **Draft Environmental Assessment / Impact Statement (EA / IS) available for Indigenous Community review**
    - **MFFN CAR Draft EA / IS Email**
        - As you may already be aware, the Draft EA / IS is now available for Indigenous community review. All information pertaining to the Draft EA / IS will come from a separate email account [redacted]. **Please ensure you send your questions and comments on the Draft EA / IS to this email address**.

    - **Book a meeting!**
        - We are here to assist you in the review process of the Draft EA / IS. Please reach out if you would like to book an in-person or virtual meeting to discuss the Draft EA / IS. We understand the size of the document (~20,000 pages) can be overwhelming and are here to support you with review.

    - **Community Capacity Funding Program**
        - In November 2024, we introduced the one-time lumpsum capacity funding payment of $[redacted] to support your review and comment on the Draft EA / IS.
        - The **February 28** deadline for expressing interest is approaching fast. I will be sharing the updated copy of the Community Capacity Funding Agreement with Riley Weyman in a separate email, but I have also attached it here. The updated copy has the changes requested by Nibinamik First Nation.

    - **Milestone #3 Progress Report Feedback**
        - The deadline to provide feedback on the Milestone #3 Progress Report was February 14, 2025. Feedback was requested by this date in order to make updates to the Report before it is made available to the public on the project website. We will still accept feedback after this date. Any feedback received after February 14, 2025, will be incorporated into the Draft RoCE.

          Later this year, a Draft RoCE will be produced, which will contain the Milestone #3 Report, as well as the other milestone reports, the Interim RoCE and engagement since August 2024. Indigenous communities will have an additional opportunity to provide feedback for the time period covered by the Milestone #3 Report during their review of Draft RoCE.

All the best,

From: Anderson, Victoria
Sent: Thursday, February 20, 2025 4:20 PM
To: Riley Weyman <[redacted]
Cc: [redacted]
Subject: RE: MFFN Community Access Road - What's New

Hi Riley,

Please see the attached document for the updated Capacity Funding Agreement with the accepted changes.

In addition to the signed Capacity Funding Agreement, we will also need the following information to distribute the funds:

a. First Nation Contact Information:
   i. First Name:
   ii. Last Name:
   iii. Email Address:
   iv. Phone Number:
b. Void Cheque or Banking Letter for the account where the EFT will be sent

All the best,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

AECOM
[redacted]
aecom.com

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From: Anderson, Victoria
Sent: Tuesday, March 11, 2025 9:08 AM
To: Riley Weyman [redacted]
Cc: [redacted]
Subject: RE: MFFN Community Access Road - Capacity Funding Agreement

Hi Riley,

Thanks for sending the Capacity Funding Agreement. I've passed it along for signing by our team and will have it back to you as soon as possible.

I'll keep an eye out for the Void Cheque or Banking Letter from Wendy.

All the best,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

AECOM
[redacted]

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From: Anderson, Victoria
Sent: Wednesday, March 19, 2025 1:48 PM
To: [redacted]
Cc: Andrea Nokleby [redacted]
Subject: Follow-Up on Consultation and Engagement Activities

Good afternoon Ogamakan Michael Sugarhead and Council,

The Project Team for the Marten Falls First Nation Community Access Road (MFCAR) is finalizing their reporting on consultation and engagement activities for 2024 in relation to their Environmental Assessment / Impact Assessment (EA / IA). At this time, we would like to provide you with some general updates and opportunities to discuss next steps with the Project Team.

Over the last two years, as a result of feedback from participating communities and their representatives, this Indigenous-led road Project Team has worked to reduce consultation fatigue by combining efforts with other road projects (Webequie Supply Road [WSR] and Northern Road Link [NRL]) in Northern Ontario to host events together where possible. The Aboriginal and/or Treaty Rights and Interests (ATRI) Forums held in February and November 2023, and the Three Roads Projects Gathering and Expo in June 2024 and February 2025, were undertaken to address consultation and engagement priorities while being respectful of cultural protocols. These events provided opportunities to share information in settings that encouraged discussions and feedback. They have also encouraged community representatives from potentially affected Indigenous communities to participate in learning more about these road projects and to share information individually with each of the Project Teams, that can be considered in each of the EA / IA processes.

Today, we would like to provide you with summaries of the feedback we have received through your community's participation in the ATRI Forum held in November 2023. Attached you will find summaries of discussions held in the MFCAR breakout sessions your representatives attended in November 2023 and participation in the Cumulative Effects Workshop undertaken on the last day of the ATRI Forum.

We note that the Project Teams from MFCAR, NRL, and WSR have indicated their willingness to work with your community through their respective assessment processes and would be happy to set up separate meetings to discuss the next steps at your convenience. We look forward to hearing from you.

Chi Miigwech,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

AECOM
[redacted]
aecom.com

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ABORIGINAL AND / OR TREATY RIGHTS AND INTERESTS

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

MIIGWECH / MIIGWETCH / THANK YOU!

Webequie First Nation and Marten Falls First Nation greatly appreciate your community's participation in the 3-day Aboriginal and/or Treaty Rights and Interests Forum and Cumulative Effects Workshop held in Thunder Bay from November 21 to 23, 2023. The Forum focused on discussing potential impacts to northern Indigenous communities' Aboriginal and/or Treaty Rights and Interests and the Workshop provided an overview and discussion of the Cumulative Effects Assessment as they relate to the following Projects:

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

AS PART OF THE ASSESSMENT PROCESSES FOR THE PROJECT(S), OUR GOAL IS TO WORK WITH YOU TO:



Develop an understanding of Aboriginal and/or Treaty Rights and Interests of each community within each distinct Project area.

By understanding Rights and Interests we will be in a better position to have discussions about potential Project(s) impacts.

Together, we can then look at ways of avoiding, reducing, and mitigating potential negative impacts while enhancing potential opportunities to support Aboriginal and/or Treaty Rights and Interest.

The Forum was also an important opportunity to:

- Meet face-to-face
- Connect on how we can work together
- Better understand the roles we all play in assessing potential impacts to Aboriginal and/or Treaty Rights and Interests
- Reduce consultation fatigue
- Provide input into the ongoing Baseline (Existing) Conditions reporting for all three road Projects

For your review and comment, please find attached:

- Summary of comments your community provided in the individual Project-Specific Breakout Session(s)
- Summary of comments provided during the Cumulative Effects Discussion (Day Three Morning)

As First Nation Proponents we understand that assessing potential impacts to Aboriginal and/or Treaty Rights and Interests is complex and iterative. As such, we would greatly appreciate the opportunity to meet with your community one-on-one to further our conversations on this important part of the assessment processes.

Based on positive feedback, we planned related sessions in 2024 and 2025.
Please stay tuned for updates on other sessions and more information on upcoming ones.

To ***schedule a one-on-one meeting*** or to share further information about your Aboriginal and/or Treaty Rights and Interests with Project Team Representatives please contact:

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

WSR WEBEQUIE SUPPLY ROAD

MARTEN FALLS FIRST NATION COMMUNITY ACCESS ROAD

NRL Northern Road Link

Cumulative Effects Workshop

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

November 23rd, 2023

The Cumulative Effects Workshop was undertaken with all community representatives present on Day 3 of the Aboriginal and/or Treaty Rights and Interests Forum in Thunder Bay held from November 21st to 23rd, 2023. The purpose of the Workshop was to introduce the concept of cumulative effects and how they would be assessed in the environmental assessment/impact assessment (EA/IA).

The Workshop opened with an overview presentation on Cumulative Effects Assessment by representatives of the three road Project Teams which was followed by the Impact Assessment Agency of Canada's (IAAC) overview presentation. This was then followed by a formal Q&A session where community representatives could ask questions of members of the Project Teams, for Marten Falls Community Access Road (MFCAR), Northern Road Link (NRL), and Webequie Supply Road (WSR), IAAC staff, and the Ministry of the Environment, Conservation, and Parks (MECP) staff about cumulative effects and the cumulative effects assessment process.

The table below outlines the comments made and issues raised by participating community representatives and the responses provided during the session by members of the MFCAR, NRL, and WSR Project Teams, IAAC, MECP, Ministry of Mines (MINES), and Ministry of Natural Resources (MNR) staff. The last column provides further information from the Project Teams as overall post-forum responses considered feedback on comments shared and issues raised by participating community representatives. The table includes comments from an Attawapiskat First Nation community member who attended for information purposes only and were not representing Attawapiskat First Nation. No formal representation from Attawapiskat First Nation was present during the Forum.

Subject: RE: email
Sent: 2025-03-19, 3:20:18 PM
From: Anderson, Victoria [redacted]
To: r [redacted]
Cc: [redacted]

Hello Roger,

Thanks for the update! I'll update our contact list with your new email address.

Best,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

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[redacted]
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Subject: MFFN Community Access Road - What's New in March
Sent: 2025/03/28, 22:45:41
From: Anderson, Victoria [redacted]
To: [redacted]
Cc: [redacted]

Hello Ogamakan Michael Sugarhead and Roger Oskineegish,

I have the following updates on the Marten Falls First Nation Community Access Road Project for the month of March:

- **Draft Environmental Assessment / Impact Statement (EA / IS) available for Indigenous Community review**
  - **MFFN CAR Draft EA / IS Email**
    - The Draft EA / IS is now available for review by Indigenous Communities. All information pertaining to the Draft EA / IS will come from a separate email account [redacted]. **Please ensure you send your questions and comments on the Draft EA / IS to this email address**.
  - **Book a meeting!**
    - We are here to assist you in the review process of the Draft EA / IS. Please reach out if you would like to book an in-person or virtual meeting to discuss the Draft EA / IS. We understand the size of the document (~20,000 pages) can be overwhelming and are here to support you with review.
- **Aboriginal and / or Treaty Rights and Interests (ATRI) Forum #2 Summary**
  - On March 19, we distributed the ATRI Forum #2 Summary with comments and notes. Please let the MFFN CAR Project Team know if there are any adjustments needed to the comments your community has provided.
- **Upcoming Webinars**
  - In April and May, we will host webinars on identified project effects and proposed mitigation measures for Land, Water and People. Keep an eye out for a registration email from info@martenfallsaccessroad.ca!

Please feel free to reach out if you have any questions or concerns.

All the best,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

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[redacted]
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From: Anderson, Victoria
Sent: Tuesday, April 15, 2025 1:04 PM
To: 'Riley Weyman' [redacted]
Cc: [redacted]
Subject: RE: MFFN Community Access Road - Capacity Funding Agreement

Hi Riley,

Thanks for the update, I look forward to hearing from Wendy.

Best,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

AECOM
[redacted]
aecom.com

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Subject: RE: MFFN Community Access Road - Capacity Funding Agreement
Sent: 2025/04/15, 20:36:53
From: Anderson, Victoria [redacted]
To: Riley Weyman
Cc: [redacted]

[redacted]
Hello Riley,

I hope you're having a good week.

I wanted to follow-up from your email below regarding the void cheque or banking letter. Have there been any updates on this? Unfortunately, we are unable to process the capacity funding payment until we receive this information.

Please let me know if there is any additional information you need from me, or if there's anything I can do to help move things along.

I look forward to hearing from you.

All the best,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

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Subject: MFFN Community Access Road - What's New in April
Sent: 2025/04/28, 23:15:55
From: Anderson, Victoria [redacted]
To: [redacted]
Cc: [redacted]

Hello Ogamakan Michael Sugarhead and Roger Oskineegish,

I hope spring is treating you well so far.

I'm hoping a procurement specialist from AECOM has been in touch about having you onboarded into our system so that we can pay out the $[redacted] Capacity Funding. If not, please let me know so that I can follow-up on our side.

A representative from Nibinamik First Nation, Dan, had met with the folks on our team in February and mentioned that Nibinamik has a Mining Week every May, and I know Roger had mentioned that in the past as well. Is that still going ahead this May, and if so, are you still interested in having the Community Access Road Project Team participate?

I have a few updates and refreshers on the Marten Falls Community Access Road Project for the month of April:

- **Draft Environmental Assessment / Impact Statement (EA / IS) Updates**
  - **Public Review Period Now Starting**
    - The Draft EA / IS is now available for public review. Comments and feedback can be provided via the Project website, email or by letter mail.
  - **Book a Meeting**
    - We are here to assist you in the review process of the Draft EA / IS. Please reach out if you would like to book an in-person or virtual meeting to discuss the Draft EA / IS. We understand the size of the document (~20,000 pages) can be overwhelming and are here to support you with review.
  - **Community Well-Being Report**
    - On April 16, 2025, the Community Well-Being Report was released for review by Indigenous communities and groups.
  - We are halfway through the review process of the Draft EA / IS. Please keep in mind that the review process **concludes on June 23, 2025.**
- **Public Information Centre #6**
  - We will be hosting our Public Information Centre (PIC) #6 on Monday, May 26, 2025, and Thursday, May 29, 2025, in Thunder Bay and Geraldton, respectively. The first hour of each PIC is dedicated to Indigenous community members. For more information, visit [redacted] and keep an eye out for an email from info@martenfallsaccessroad.ca.
- **Upcoming Webinars**
  - Our Draft EA / IS webinar series will start in May. The first in this series is Community Well-Being, held on Tuesday, May 6, 2025, at 4:00 p.m. EST. Register now by following this link: https://us06web.zoom.us/webinar/register/WN_vpqexWmeRpalobu3qIkAsA
  - Keep an eye out for more information on the remaining webinars in the Draft Environmental Assessment / Impact Statement Series:
    - **Land: Ungulates** - Thursday, May 8
    - **Water: Fish and Fish Habitat** - Thursday, May 22
    - **People: Land and Resource Use** - Thursday, June 5
- **Oji-Cree Translations Available:**
  - Several Oji-Cree translations are now available of the plain language summaries here: [redacted]
  - There are also Oji-Cree translations of the executive summary and message from Chief Bruce Achneepineskum: https://eais.martenfallsaccessroad.ca/draft-ea-is-oji-cree/
  - Please feel free to share these with community members!

I'll be out of office from April 29 – May 5, but will continue to monitor my email inbox and will gladly accept phone calls if you have any questions or concerns. My number is [redacted]

All the best,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

AECOM

Subject: MFFN Community Access Road - What's New in May
Sent: 5/28/2025, 8:10:20 AM
From: Anderson, Victoria [redacted]
To: [redacted]
Cc: [redacted]
Attachments: [redacted]

Hi Ogamakan Michael Sugarhead and Roger Oskineegish,

I hope you're doing well.

I have the following updates for the month of May regarding the Marten Falls First Nation Community Access Road.

- **Draft Environmental Assessment / Impact Statement (EA / IS) - Reminder for Final Review**
  - We are nearing the end of the review process of the Draft EA / IS. Please submit your comments and feedback via the Project website, [redacted] email or by letter mail **by June 23, 2025.**
- **Public Information Centre #6**
  - A reminder that while our Public Information Centre (PIC) #6 was hosted on Monday, May 26, 2025 in Thunder Bay, we have another PIC #6 in Geraldton tomorrow, Thursday, May 29, 2025. The first hour of each PIC is dedicated to Indigenous community members. For more information, visit [redacted]
- **Upcoming Webinars**
  - Our next webinar in the Draft EA / IS webinar series is **People: Land and Resource Use**, to be held on Thursday, June 5 2025, at 4:00 p.m. EST. Keep an eye out for the registration link, and for more information on the remaining webinars in the Draft Environmental Assessment / Impact Statement Series.

All the best,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

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PUBLIC INFORMATION CENTRE #6: DRAFT ENVIRONMENTAL ASSESSMENT / IMPACT STATEMENT

Join the Marten Falls First Nation Community Access Road Project Team to discuss updates on the Draft Environmental Assessment / Impact Statement Review.

Thunder Bay
Monday, May 26, 2025

Location:

Superior Inn and Conference Centre

555 Arthur St. W, Thunder Bay, Ontario

Time:

5:00 p.m. - 8:00 p.m. Public Session.

*Light refreshments will be served.

Geraldton
Thursday, May 29, 2025

Location:

Geraldton Community Centre

200 Wardrope Avenue, Geraldton, Ontario

Time:

4:00 p.m. - 7:00 p.m. Public Session

*Light refreshments will be served.

Learn about:

- What is the Draft Environmental Assessment / Impact Statement?;
- Understanding identified project effects and proposed impact management measures;
- Update on socio-economic studies and the Community Well-Being Report;
- Cumulative effects; and
- Next steps and future opportunities to get involved.

* The first hour is dedicated to Indigenous Community members only.

If you cannot make the in-person session, you can find the information posted on our website (www.martenfallsaccessroad.ca). Public Information Centres are wheelchair accessible; contact us if you require other accessibility accommodations.

Contact Information

Website: https://eais.martenfallsaccessroad.ca/get-involved/

Email: info@martenfallsaccessroad.ca

Phone: [redacted]

Scan the QR to learn more, and for other ways to Get Involved.

Subject: MFFN Community Access Road - What's New in June
Sent: 6/30/2025, 3:33:46 PM
From: Anderson, Victoria [redacted]
To: [redacted]
Cc: [redacted]

Hi Ogamakan Michael Sugarhead and Roger Oskineegish,

I hope your week is off to a good start.

I've got a few updates to share for the Marten Falls First Nation Community Access Road in the month of June:

- **Draft Environmental Assessment / Impact Statement Review Period Complete. Thank you for your feedback!**
  - The review period for the Draft Environmental Assessment / Impact statement officially closed on June 23, 2025. We sincerely value all the feedback Nibinamik First Nation provided. Input on the Draft Environmental Assessment / Impact Statement is important to us and will help inform the preparation of the Final Environmental Assessment / Impact Statement that will be submitted to the federal and provincial governments for review in mid to late 2026.
  - If you have questions or if you would like to schedule a meeting to discuss, please contact us.

- **Public Information Centre #6**
  - Public Information Centre #6 was held on May 26 and 29, 2025, in Thunder Bay and Geraldton, respectively. Thank you to all those who were able to attend the meetings in person. You may review the materials on our website: [redacted]

- **Coming Up...**
  - The Draft Record of Consultation and Engagement for Indigenous Communities will be released in Fall 2025. Keep an eye out for the report to be sent to your community! Ways to provide feedback will be included.

All the best,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

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[redacted]
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Subject: MFFN CAR - Aboriginal and / or Treaty Rights and Interests: DRAFT Impact Assessment Report
Sent: 7/11/2025, 2:38:43 PM
From: Anderson, Victoria [redacted]
To: [redacted]
Cc: [redacted]

Dear Ogamakan Michael Sugarhead and Roger Oskineegish,

As part of our ongoing collaboration on the Marten Falls First Nation Community Access Road, we're sharing your community specific **Draft Aboriginal and / or Treaty Rights and Interests: Draft Impact Assessment Report** (Draft Report) for your review and feedback.

This Draft Report includes information from publicly available sources, as well as any Indigenous Knowledge Reports we received before January 2025. It outlines the assessment process for Aboriginal and / or Treaty Rights and Interests related to the Community Access Road, and it focuses specifically on your community.

Please use the following link to access and download your Aboriginal and / or Treaty Rights and Interests: Draft Impact Assessment Report for the Community Access Road:

- [redacted]

The review period for this report is 90 calendar days. If your community has comments, questions, additional Indigenous Knowledge or details about important sites, areas, or resources—and how often they're used— that could better inform this report we'd appreciate you sharing that with us. Your input will help us refine the potential effects to your Draft Report. A final version of this report will be provided to you.

If we don't hear back with new information by October 9, 2025, Draft Report will be finalized.

We would be very pleased to meet with you to review the Draft Report, answer any questions you may have, or have a discussion on the assessment process.

Kind regards,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]
AECOM
[redacted]
aecom.com

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Subject: FW: MFFN Community Access Road - What's New in July
Sent: 7/30/2025, 3:22:44 PM
From: Anderson, Victoria [redacted]
To: [redacted]
Attachments: [redacted]

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

AECOM
[redacted]
aecom.com

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From: Anderson, Victoria
Sent: Wednesday, July 30, 2025 3:19 PM
To: [redacted]
Cc: [redacted]
Subject: MFFN Community Access Road - What's New in July

Hi Ogamakan Michael Sugarhead and Roger Oskineegish,

I have a few updates to share for the Marten Falls First Nation Community Access Road in the month of July:

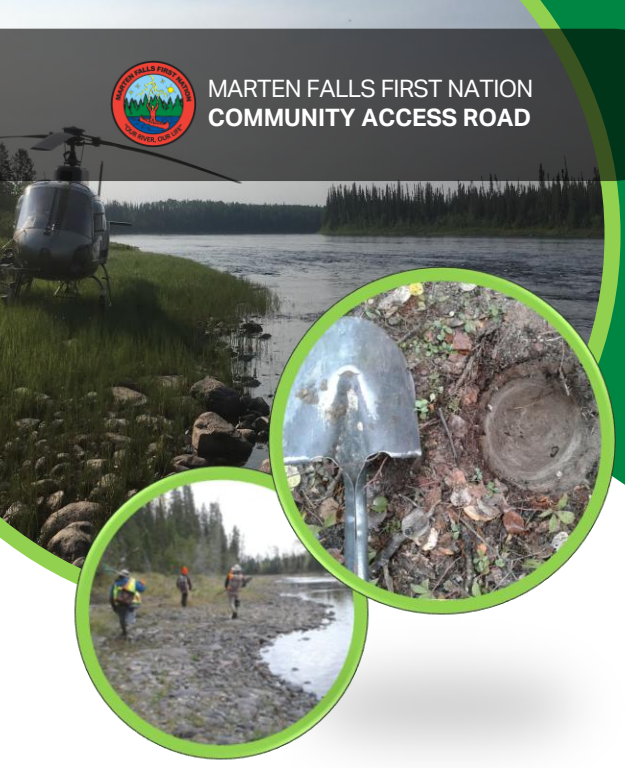
- **Draft Record of Consultation and Engagement for Indigenous Communities**
  - The Draft Record of Consultation and Engagement for Indigenous Communities will be released in Fall 2025. Keep an eye out for the report to be sent to your community! Ways to provide feedback will be included.
- **Ongoing Field Studies**
  - Field programs will be continuing into the 2025 summer and fall seasons to support the Preliminary Design and future permitting for the MFFN CAR. The following three field programs are included in the Summer 2025 Field Notice: Stage 2 Archaeological Assessment, Groundwater Well Decommissioning and Geotechnical Investigation.
  - For more information, read the full field notice here: [redacted]
- **Draft Aboriginal and / or Treaty Rights and Interests: Impact Assessment Report**
  - On July 11, 2025 your community-specific Draft Aboriginal and / or Treaty Rights and Interests: Draft Impact Assessment Report was distributed.
  - The review period for this report is 90 calendar days. Please submit any comments, questions, additional Indigenous Knowledge or details about important sites, areas or resources through email.
  - Please use the following link to access and download your community-specific report: [redacted]

Please reach out if you have any questions.

All the best,

Victoria Anderson BA, BSc
She/Her

MARTEN FALLS FIRST NATION
COMMUNITY ACCESS ROAD



Field Notice

Summer / Fall 2025 Field Notice

Issued: July 2025

What's Happening?

Field programs will be continuing into the 2025 summer and fall seasons to support the Preliminary Design and future permitting for the Marten Falls First Nation Community Access Road.

The following three field programs are outlined in this notice:

- Stage 2 Archaeological Assessment
- Groundwater Well Decommissioning
- Geotechnical Investigation

Stage 2 Archaeological Assessment

Archaeological assessments are crucial for determining the potential presence of archaeological sites and artifacts and are mandated through the Ontario Heritage Act. For the Marten Falls First Nation Community Access Road, background archaeological research (Stage 1) began in 2019 to look into archaeological potential for possible unknown sites, and some initial field surveys were conducted in 2019.

Now that the preferred route has now been chosen for the Community Access Road, archaeologists will conduct Stage 2 field surveys in the following locations in advance of geotechnical investigations:

- where the road is planned to cross waterbodies;
- at sites where bridges may be built; and
- at one potential aggregate location.

The investigations will focus on the area where geotechnical drilling will be required, and where helicopter landing sites may be created.

The archaeology team will complete the work **during the summer or fall season**. Dates have yet to be determined, though the work is expected to take approximately two weeks to complete. An update will be provided once dates are confirmed.

The stages of an Archaeological Assessment in Ontario

1. **Stage 1** – Background Study: A background study is first conducted to determine archaeological potential, which means areas where people liked to live.

2. **Stage 2** – Field Survey: Archaeologists go out and look for sites that may be impacted by construction. In Northern Ontario, this is typically completed using a test pit survey. This means a team of archaeologists dig small holes in areas of high archaeological potential and sift the soil to search for artifacts.

   If the team finds artifacts, we have a site!

3. **Stage 3** – Find Site Limits: The next step is finding the site limits. When looking for site limits the team of archaeologists digs larger 1 m by 1 m excavation units and collect the artifacts. These units are dug every 5 m until we find the site edge.

4. **Stage 4** – Excavation or Avoidance: In the final step, the site is either excavated or the development is moved to avoid and protect the site. Depending on the size and nature of the site, it might be easy to move the purposed impacts than remove the site. Some projects are easier to move around archaeological sites than others.

Geotechnical Investigation

Field crews are proposing to conduct geotechnical investigations to support preliminary exploration of potential aggregate sites and water crossing locations along the route for the Community Access Road. Geotechnical investigations will focus on aggregate sites and water crossings to assess material quantity, quality, soil suitability and groundwater monitoring.

Advance notice was initially provided for the Geotechnical Investigation in the Fall 2024 Field Notice, however, work was unable to commence at that time. Instead, it is expected that this work will be conducted **during the fall 2025 season**. An update will be provided once dates are confirmed.

Groundwater Well Decommissioning

Field crews will be decommissioning selected monitoring wells this fall as part of the Groundwater and Geochemistry program. This program has been essential for checking the health of groundwater along the proposed route for the Community Access Road. The program has tested for things like minerals, dissolved metals (such as mercury), and volatile organic compounds. By understanding current groundwater conditions, we can better predict how the road might affect the natural environment.

The wells are being decommissioned are in a location that will not support future long term monitoring of the proposed roadway. Future wells within the final right of way may be installed in accordance with the mitigations outlined in Section 9.3.4 of the Draft Environmental Assessment / Impact Statement. The report is available here: [redacted]

Since 2022, field crews have collected samples from the same monitoring wells each spring, summer, and fall to track seasonal changes. With the sampling now complete, field crews will proceed with decommissioning selected wells **during the fall season**. An update will be provided once dates are confirmed.

What to expect

Field crews will be accessing sites across the study area by helicopter—you may see helicopters in the area. An update will be provided if the above schedule changes due to weather or other conditions.

To learn more about our studies, view our past webinar recordings, valued component videos, Groundwater and Geochemistry Discussion Guide, and the Draft Environmental Assessment / Impact Statement on our website.

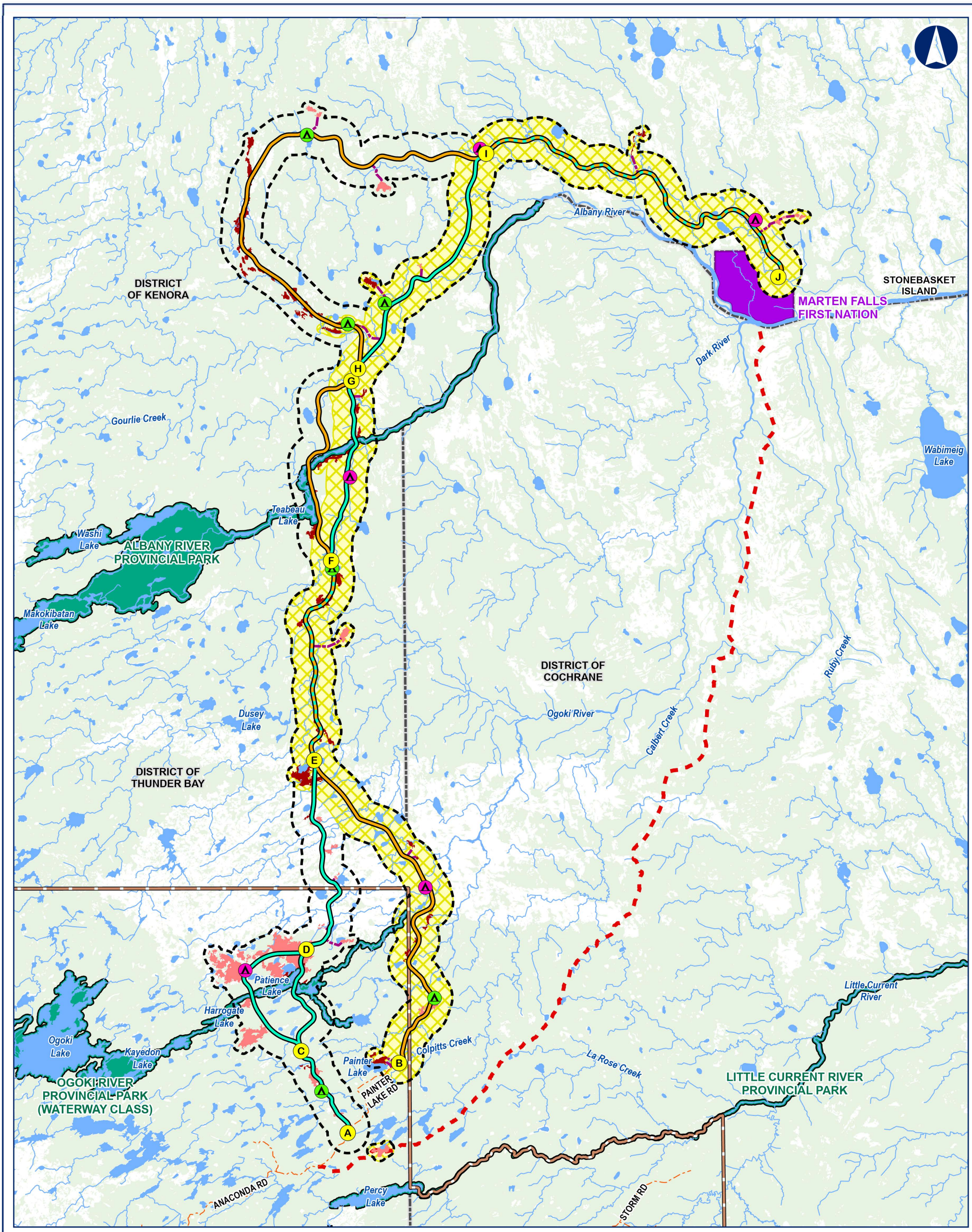
Where?

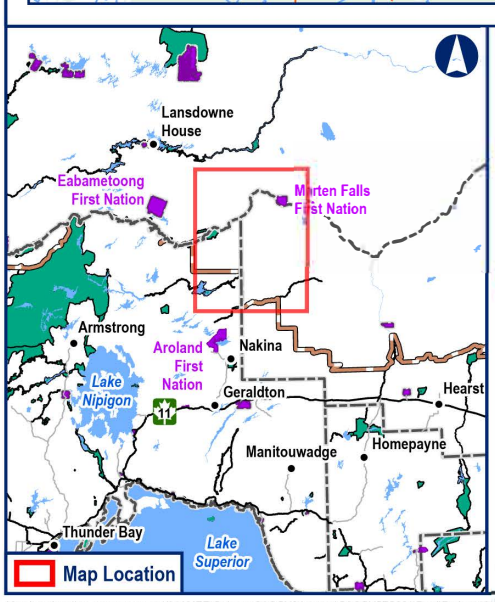
See the next page for a map of the study area.

Contact Information

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

Lawrence Baxter
Senior Community Member Advisor
Marten Falls First Nation
[redacted] | info@martenfallsaccessroad.ca
www.martenfallsaccessroad.ca





Legend

- Segment Node
- Project Study Area
- Preferred Route

Construction Disturbance Area

Route Alternatives (100 m Right-of-Way)
- Alternative 1
- Alternative 4

Potential Camp Site
- 50 Persons (108 m x 150 m)
- 200 Persons (108 m x 150 m)
- Approximate Access Road to Potential Construction Camp (10 m Width)

Potential Aggregate Source
- Bedrock
- Sand and gravel
- Approximate Access Road to Potential Aggregate Site (10 m Width)

General Features
- Resource / Recreation Road
- MFFN Existing Winter Access Road
- Watercourse
- Waterbody
- First Nation Reserve
- District Municipal Boundary
- Far North Boundary
- Provincial Park

Data Source:
Base Data: Provided by MNRF 2023; Route Infrastructure - Provided by AECOM 2021. Contains Information licensed under the Open Government Licence Ontario
Service Layer Credits:

MARTEN FALLS FIRST NATION COMMUNITY ACCESS ROAD

Summer / Fall 2025 Field Programs

0 5 10 20
Kilometres

Datum: NAD 1983 CSRS UTM Zone 16N

November 2024 | 1:450,000 * when printed 11"x17"

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Figure 1

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Map location: \\na.aecomnet.com\ifs\AMER\Calgary-CACGY3\Legacy\CACGY5FS001\Prod\Projects\60593122\171 PRJ\172 GIS\Graphics\Design\01_Reports_2024\EA-IS\PRJ_MFCAR_EA-IS_60593122.aprx Figure: MAP_Fig4-7_MFCAR_FinalRoute_60593122
Date Saved: 2024-11-13 11:07 AM User Name: Stephanie.Clark

Subject: MFFN Community Access Road IK Program
Sent: 8/20/2025, 4:08:08 PM
From: Anderson, Victoria [redacted]
To: [redacted]
Cc: [redacted]

Hello Roger,

The Marten Falls First Nation Community Access Road team has been hard at work reading through the comments on the Draft Environmental Assessment / Impact statement. While we're working hard to incorporate all the feedback we have received, there is one comment in particular that we received from Nibinamik First Nation I'm hoping to follow-up with you on. The comment we received says:

> Recommendation:
> Nibinamik was not able to participate in past efforts of the MCAR Project Team to collect Indigenous Knowledge, however Nibinamik should still be given opportunity, including capacity support, to offer Indigenous knowledge of water as the Project progresses.

I'd love to chat more with you about how we can work with Nibinamik First Nation to make sure your Knowledge is incorporated, and to provide information about the funding that's available.

Do you have any time this week for a phone call?

All the best,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

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[redacted]
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Subject: MFFN Community Access Road - What's New in August
Sent: 8/29/2025, 2:16:49 PM
From: Anderson, Victoria [redacted]
To: [redacted]
Cc: [redacted]

Hi Ogamakan Michael Sugarhead and Roger Oskineegish,

I hope you're both enjoying your summer. I sent an email to Roger last week about possibly having a phone call soon to discuss Nibinamik First Nation's interest in contributing IK to the Marten Falls First Nation Community Access Road EA / IS. I'd still be interested in an opportunity to chat if you have time sometime next week?

I also have a few updates to share for the Community Access Road in the month of August:

- **New Video: Understanding Cumulative Effects**
  - As part of the Environmental Assessment / Impact Assessment for the Community Access Road, we are looking closely at how different activities—past, present and future—may combine to affect the land, water, animals and people. This includes considering how the Community Access Road might interact with other projects happening in the same area or at the same time. By looking at the bigger picture, we aim to better understand the full impact of the Project on the environment and the Community.
  - To watch our latest video, click here: [redacted]
- **Draft Aboriginal and / or Treaty Rights and Interests: Draft Impact Assessment Report**
  - On July 11, your community-specific Draft Aboriginal and / or Treaty Rights and Interests: Draft Impact Assessment Report was distributed.
  - The review period closes on **October 9, 2025.** Please submit any comments, questions, additional Indigenous Knowledge or details about important sites, areas or resources through email.
  - Please use the following link to access and download your community-specific report: [redacted]

I hope you enjoy the long weekend!

All the best,

Victoria Anderson BA, BSc
She/Her

Socio-Economic Specialist, Impact Assessment and Permitting, Western Canada
[redacted]

AECOM
[redacted]

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B16.2 Incoming Community Specific Correspondence

From: Riley Weyman
Sent: Tuesday, October 8, 2024 11:04 AM
To: Anderson, Victoria [redacted]
Cc: [redacted]
Subject: RE: MFFN Community Access Road - What's New

Good morning Victoria,

Thank you for the update.

Would you be able to provide us a copy of the Indigenous Knowledge Funding and Sharing Agreement? Thank you for confirming you can accommodate Nibinamik.

Best,

Riley

Riley Weyman (He/Him)
B.A., J.D./Certificate in Environmental Law
Associate

PAPE SALTER TEILLET LLP BARRISTERS AND SOLICITORS

[redacted]

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From: Riley Weyman [redacted]
Sent: Thursday, October 31, 2024 12:57 PM
To: Anderson, Victoria [redacted]
Cc: [redacted]
Subject: RE: MFFN Community Access Road - What's New

Thanks Victoria,

Nibinamik is also interested in receiving funding for the Community Coordinator position. Can you please confirm if they are already accessing this funding, and if not, how they can access it?

We also have a few questions about the Indigenous Knowledge Program funding agreement:

1. Section 3.1 - What are the timelines for the deliverables (i.e. IK program check in meeting, and Final IK Study Report and associated mapping/GIS files)?
2. Section 1.1 - What would the geographic area/scope for Nibinamik's IK Study Report be? It says the geographic area identified in Schedule A, but there was no Schedule A attached to the agreement.
3. Please provide copies of Schedules A and B to the Agreement.

Thanks,

Riley

Riley Weyman (He/Him)
B.A., J.D./Certificate in Environmental Law
Associate

PAPE SALTER TEILLET LLP BARRISTERS AND SOLICITORS

[redacted]

This email communication may be **CONFIDENTIAL AND LEGALLY PRIVILEGED**. If you are not the intended recipient, please notify me at the telephone number shown above or by return email and delete this communication and any copy immediately. Do not forward, reproduce or copy this email or its contents. Thank you.

From: Riley Weyman
Sent: Tuesday, November 5, 2024 10:00 AM
To: Anderson, Victoria [redacted]
Cc: [redacted]
Subject: RE: MFFN Community Access Road - What's New

Thanks Victoria,

Nibinamik is interested in receiving the $[redacted] funding payment. I will confirm with leadership and the best way to receive the payment and get back to you as soon as practicable.

Looking forward to hearing about the IK program soon.

Best,

Riley

Riley Weyman (He/Him)
B.A., J.D./Certificate in Environmental Law
Associate

PAPE SALTER TEILLET LLP BARRISTERS AND SOLICITORS

[redacted]

This email communication may be **CONFIDENTIAL AND LEGALLY PRIVILEGED**. If you are not the intended recipient, please notify me at the telephone number shown above or by return email and delete this communication and any copy immediately. Do not forward, reproduce or copy this email or its contents. Thank you.

From: Riley Weyman <Rweyman@pstlaw.ca>
Sent: Wednesday, November 13, 2024 3:12 PM
To: Anderson, Victoria [redacted]
Cc: [redacted]
Subject: RE: MFFN Community Access Road - What's New

Good afternoon Victoria,

I can confirm Nibinamik would like to receive the $[redacted] capacity funding payment. Payment should be made to Nibinamik First Nation. Please share the funding agreement when you are able.

Please let us know if you have an update on the questions regarding the IK program.

Thank you,

Riley

Riley Weyman (He/Him)
B.A., J.D./Certificate in Environmental Law
Associate

PAPE SALTER TEILLET LLP BARRISTERS AND SOLICITORS

[redacted]

This email communication may be **CONFIDENTIAL AND LEGALLY PRIVILEGED**. If you are not the intended recipient, please notify me at the telephone number shown above or by return email and delete this communication and any copy immediately. Do not forward, reproduce or copy this email or its contents. Thank you.

From: Riley Weyman [redacted]
Sent: Tuesday, January 28, 2025 4:25 PM
To: Anderson, Victoria [redacted]
Cc: [redacted] Wendy Koehler [redacted]
Subject: RE: MFFN Community Access Road - What's New

Hi Victoria,

Thank you for following up. We have reviewed and propose some minor changes to s. 2.1 to reflect your point below that the funding is meant to provide Nibinamik “with the flexibility to allocate the funds as they see fit and ensure that use matches their needs.”

As track changes are locked in the agreement, if you approve, please accept the changes and share a clean copy.

Best,

Riley

Riley Weyman (He/Him)
B.A., J.D./Certificate in Environmental Law
Associate

PAPE SALTER TEILLET LLP BARRISTERS AND SOLICITORS

[redacted]

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Community Capacity Funding Agreement

THIS COMMUNITY CAPACITY FUNDING AGREEMENT ("**Agreement**") made as of the _____ day of _____, 202___.

BETWEEN:

OF THE FIRST PART

[Enter Name of Community]	
[Enter Mailing Address]	
Attention:	[Enter Primary Contact Name]
Email:	[Enter Primary Contract Email Address]

(hereinafter, the "**Community**"),

- AND -

OF THE SECOND PART

Marten Falls First Nation as represented by 2617482 Ontario Inc.	
[Enter Mailing Address]	
Attention:	Qasim Saddique, Project Director
Email:	[redacted]

(hereinafter, the "**Project Team**"),

- AND -

OF THE THIRD PART

AECOM Canada Ltd.	
[Enter Mailing Address]	
Attention:	[Enter Contact Name]
Email:	[Enter Primary Contract Email Address]

(hereinafter, "**AECOM**"),

(Each a "**Party**" and collectively the "**Parties**" to this Agreement)

RECITALS:

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 MFFN 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 "**Draft EA/IS**") to assess the potential Project effects and benefits;

AND WHEREAS the Project Team would like to engage the Community for participation in a "Community Capacity

Funding Program" as set out in this Agreement so as to facilitate the review of the Draft EA/IS by the Community and the gathering of feedback where provided by the Community.

AND WHEREAS, through this Agreement, the Community has agreed to participate in the Community Capacity Funding Program.

AND WHEREAS the Parties agree that it is the Community's responsibility to identify the use and allocation of the funds in connection with this Agreement for the purposes of reviewing the Draft EA/IS and, further, to have an opportunity to provide feedback at its discretion to AECOM and the Project Team ("**Funding Purpose**").

AND WHEREAS, specific to this Agreement, the Project Team has retained AECOM for the sole purpose of making payment of the Capacity Funding (as defined below) to the Community at the direction of the Project Team as set out in this Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSES that, for the good and valuable consideration set out herein, the Parties hereby agree as follows:

ARTICLE I: PAYMENT OF CAPACITY FUNDING

1.1 Lump Sum Payment. The Project Team agrees to pay the Community a one-time, lump sum payment of $[redacted] ("**Capacity Funding**").

1.2 Schedule of Payment. Upon execution of this Agreement by all Parties, the Project Team hereby directs AECOM to pay the Community the Capacity Funding within 30 days of the execution of this Agreement by all Parties.

ARTICLE II: SCOPE OF CAPACITY FUNDING

2.1 Scope of Capacity Funding. The Capacity Funding is intended to support the Community's ability to engage on the Project in accordance with the Funding Purpose. The Capacity Funding may be used to facilitate the Funding Purpose by financially supporting the Community's review of the Draft EA/IS, including costs related to: (a) securing meeting space, (b) rental or purchase of office and/or accessibility equipment; (c) office materials and incidentals; (d) compensating community members for their time to review and the provision of feedback; ~~or~~ (e) hiring of a community coordinator to facilitate the Community's review and organize the submission of feedback; (f) travel for community representatives to engage with off-reserve community members; or (g) professional services (including consultant and legal fees).

2.2 Confirmation of Draft EA/IS Review and Provision of Feedback. The Community agrees that it shall review the Draft EA/IS and provide written confirmation of its completed review to AECOM and the Project Team. This written confirmation shall be provided by no later than 120 days following the Community's receipt of the Draft EA/IS ("**Review Date**"). Additionally, the Community may provide feedback it obtains through the review process to AECOM and the Project Team at its sole discretion before the Review Date.

2.3 Voluntary Participation. The Community agrees that it is participating in the Community Capacity Funding Program voluntarily, without pressure, duress or inducement. As the Community Capacity Funding Program is being used to facilitate engagement with several First Nations across northern Ontario, it is acknowledged and agreed that the Capacity Funding is intended to support Community consultation and that neither the Project Team nor AECOM make any representations or warranties, express or implied, in relation to the sufficiency of the Capacity Funding to fully facilitate the Community's engagement on Project, including the Funding Purpose as set out herein.

ARTICLE III: USE OF INFORMATION

3.1 Use of Information. The Project Team and AECOM may use the information gathered through the Community Capacity Funding Program and this Agreement for the purposes of incorporating the Community review and feedback into finalizing the Provincial Environmental Assessment and Federal Impact Assessment of the Project. Further, AECOM and the Project Team may use the information to report on the Community Capacity Funding Program to the MFFN or any authority having jurisdiction, including on issues pertaining to specific Community consultation or First Nation consultation generally, in respect of the Project or any other reasonable use or purpose, including to comply with any legal obligations.

3.2 No Expectation of Confidentiality. There is no expectation of confidentiality associated with the Community Capacity Funding Program, including in relation to this Agreement, receipt of written confirmation of the Community's review and feedback, and the Capacity Funding.

ARTICLE IV: **RELATIONSHIPS AMONGST PARTIES WITHIN COMMUNITY CAPACITY FUNDING PROGRAM**

4.1 Role of AECOM. The Project Team and the Community confirm and agree that AECOM's only responsibility under this Agreement is to facilitate the payment of the Capacity Funding in accordance with Article I (Payment of Capacity Funding). The Project Team and Community acknowledge and agree that AECOM shall have no other obligations or requirements of any kind or nature whatsoever with respect to this Agreement. AECOM and the Project Team have no responsibility for, or control of, the Community or its personnel and AECOM and the Project Team will have no liability for any acts or omissions of the Community or its personnel. The Project Team and the Community agree and acknowledge that AECOM makes no representations, and shall have no responsibility, as to the completeness or sufficiency of the Community Capacity Funding Program or the Capacity Funding for any purpose, including the Funding Purpose. AECOM does not have responsibility regarding the treatment of Community's consultation or feedback by any authority having jurisdiction in relation to the Project.

4.2 Independence of Community. The Parties acknowledge and agree that the Community is not a consultant, subconsultant, contractor, subcontractor, employee, or advisor of AECOM or the Project Team. For greater certainty, this Agreement shall not be interpreted or construed to create an association, joint venture, agency relationship, vendor-client relationship or partnership between the Parties. It is understood and agreed that the Community's participation in the Community Capacity Funding Program does not represent the Community's position in relation to the Draft EA/IS in any way whatsoever and this Agreement shall not be interpreted or construed to represent a position by the Community in relation to the Draft EA/IS for any purpose.

ARTICLE V: GENERAL

5.1 Governing Law. This Agreement shall be governed by the laws of the Province of Ontario.

5.2 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.

5.3 Assignment. No Party may assign this Agreement without the prior consent in writing of the other Parties.

5.4 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.

5.5 Notice. All written notices required to be given in this Agreement must be in writing and must be delivered to each Party's representative at each Party's address first listed above. Notice may be given by (a) hand delivery; (b) email; or (c) registered mail. Notice by hand delivery or registered mail shall be effective on the day of delivery. Notice by email shall only be effective on the day of written responding confirmation of receipt (which, for certainty, does not include any automated replies from a recipient's email account.) Each Party's representative and address may be changed upon the delivery of written notice to the Parties.

5.6 Successors and Assigns. 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.

5.7 Dispute Resolution. Upon the delivery of a written notice of a dispute arising out of or in connection with this Agreement by any Party, the Parties shall attempt to resolve such dispute, by structured negotiation, on a without prejudice basis, with the assistance of a mediator appointed by the Parties. If a dispute cannot be settled within a period of 30 days after such notice of dispute, or such longer period as may be agreed to by the Parties, the Parties shall be free to pursue any other procedures or remedies available to them, including arbitration or litigation, in an effort to finally resolve the dispute.

5.8 Interpretation. The recitals first listed above form an integral and essential part of this Agreement. Capitalized terms shall be given the meaning as first set out in this Agreement.

5.9 Severability. The invalidity or unenforceability of any provision of this Agreement will not affect the validity or enforceability of any other provision but this Agreement will be construed as if such invalid provision were omitted.

5.10 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.

[*Remainder of page intentionally blank. Signature page follows.]*

IN WITNESS WHEREOF the Parties hereto have executed this Agreement as of the day and year first written above.

[NAME OF COMMUNITY]

Per:		Per:	
	I/We have authority to bind the [name of community].		I/We have authority to bind the [name of community] .
Name:		Name:	
Title:		Title:	
Date:		Date:	

Marten Falls First Nation as represented by 2617482 Ontario Inc.

Per:		Per:	
	I/We have authority to bind 2617482 Ontario Inc. and the MFFN Project Team.		I/We have authority to bind the MFFN Project Team.
Name:		Name:	
Title:		Title:	
Date:		Date:	

AECOM Canada Ltd.

Per:		Per:	
	I/We have authority to bind AECOM Canada Ltd.		I/We have authority to bind the AECOM Canada Ltd.
Name:		Name:	
Title:		Title:	
Date:		Date:	

From: Riley Weyman [redacted]
Sent: Tuesday, February 25, 2025 2:14 PM
To: Anderson, Victoria; [redacted]
Cc: [redacted]
Subject: RE: MFFN Community Access Road - Capacity Funding Agreement
Attachments: [redacted]

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Report Suspicious

Hi Victoria,

We are finalizing a BCR authorizing the signature of the Capacity Funding Agreement. I've inputted Nibinamik's contact information in the preamble of the agreement and signee information on the last page. As track changes are locked, could you please accept and return for signature?

As requested, here is the First Nation Contact Information:

i. First Name: Walter
ii. Last Name: Oskineegish
iii. Email Address: [redacted]
iv. Phone Number: [redacted]

I have asked Wendy Koehler, cc'd to provide the Void Cheque or Banking Letter for the account where the EFT will be sent.

Thanks,

Riley

Riley Weyman (He/Him)
B.A., J.D./Certificate in Environmental Law
Associate

PAPE SALTER TEILLET LLP BARRISTERS AND SOLICITORS

[redacted]

From: Riley Weyman [redacted]
Sent: Thursday, March 6, 2025 10:14 AM
To: Anderson, Victoria [redacted]
Cc: [redacted]
Subject: RE: MFFN Community Access Road - Capacity Funding Agreement

Hi Victoria,

Attached is a copy of the Capacity Funding Agreement for $[redacted] signed by Ogamakan Sugarhead.

Please return a fully executed copy for Nibinamik's records.

I've asked Wendy Koehler, cc'd to provide the Void Cheque or Banking Letter for the account where the EFT will be sent.

Best,

Riley

Riley Weyman (He/Him)
B.A., J.D./Certificate in Environmental Law
Associate

PAPE SALTER TEILLET LLP BARRISTERS AND SOLICITORS

[redacted]

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Community Capacity Funding Agreement

THIS COMMUNITY CAPACITY FUNDING AGREEMENT ("**Agreement**") made as of the _____ day of _____, 202___.

BETWEEN:

OF THE FIRST PART

[Enter Name of Community]	Nibinamik First Nation
[Enter Mailing Address]	[redacted]
Attention: [Enter Primary Contact Name]	Walter Oskineegish, Councillor
Email: [Enter Primary Contract Email Address]	[redacted]

(hereinafter, the "**Community**"),

- AND -

OF THE SECOND PART

Marten Falls First Nation as represented by 2617482 Ontario Inc.	
[Enter Mailing Address]	
Attention:	Qasim Saddique, Project Director
Email:	[redacted]

(hereinafter, the "**Project Team**"),

- AND -

OF THE THIRD PART

AECOM Canada ULC	
[Enter Mailing Address]	
Attention:	[Enter Contact Name]
Email:	[Enter Primary Contract Email Address]

(hereinafter, "**AECOM**"),

(Each a "**Party**" and collectively the "**Parties**" to this Agreement)

RECITALS:

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 MFFN 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 "**Draft EA/IS**") to assess the potential Project effects and benefits;

AND WHEREAS the Project Team would like to engage the Community for participation in a "Community Capacity

Funding Program" as set out in this Agreement so as to facilitate the review of the Draft EA/IS by the Community and the gathering of feedback where provided by the Community.

AND WHEREAS, through this Agreement, the Community has agreed to participate in the Community Capacity Funding Program.

AND WHEREAS the Parties agree that it is the Community's responsibility to identify the use and allocation of the funds in connection with this Agreement for the purposes of reviewing the Draft EA/IS and, further, to have an opportunity to provide feedback at its discretion to AECOM and the Project Team ("**Funding Purpose**").

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2.2 Confirmation of Draft EA/IS Review and Provision of Feedback. The Community agrees that it shall review the Draft EA/IS and provide written confirmation of its completed review to AECOM and the Project Team. This written confirmation shall be provided by no later than 120 days following the Community's receipt of the Draft EA/IS ("**Review Date**"). Additionally, the Community may provide feedback it obtains through the review process to AECOM and the Project Team at its sole discretion before the Review Date.

2.3 Voluntary Participation. The Community agrees that it is participating in the Community Capacity Funding Program voluntarily, without pressure, duress or inducement. As the Community Capacity Funding Program is being used to facilitate engagement with several First Nations across northern Ontario, it is acknowledged and agreed that the Capacity Funding is intended to support Community consultation and that neither the Project Team nor AECOM make any representations or warranties, express or implied, in relation to the sufficiency of the Capacity Funding to fully facilitate the Community's engagement on Project, including the Funding Purpose as set out herein.

ARTICLE III: USE OF INFORMATION

3.1 Use of Information. The Project Team and AECOM may use the information gathered through the Community Capacity Funding Program and this Agreement for the purposes of incorporating the Community review and feedback into finalizing the Provincial Environmental Assessment and Federal Impact Assessment of the Project. Further, AECOM and the Project Team may use the information to report on the Community Capacity Funding Program to the MFFN or any authority having jurisdiction, including on issues pertaining to specific Community consultation or First Nation consultation generally, in respect of the Project or any other reasonable use or purpose, including to comply with any legal obligations.

3.2 No Expectation of Confidentiality. There is no expectation of confidentiality associated with the Community Capacity Funding Program, including in relation to this Agreement, receipt of written confirmation of the Community's review and feedback, and the Capacity Funding.

ARTICLE IV: RELATIONSHIPS AMONGST PARTIES WITHIN COMMUNITY CAPACITY FUNDING PROGRAM

4.1 Role of AECOM. The Project Team and the Community confirm and agree that AECOM's only responsibility under this Agreement is to facilitate the payment of the Capacity Funding in accordance with Article I (Payment of Capacity Funding). The Project Team and Community acknowledge and agree that AECOM shall have no other obligations or requirements of any kind or nature whatsoever with respect to this Agreement. AECOM and the Project Team have no responsibility for, or control of, the Community or its personnel and AECOM and the Project Team will have no liability for any acts or omissions of the Community or its personnel. The Project Team and the Community agree and acknowledge that AECOM makes no representations, and shall have no responsibility, as to the completeness or sufficiency of the Community Capacity Funding Program or the Capacity Funding for any purpose, including the Funding Purpose. AECOM does not have responsibility regarding the treatment of Community's consultation or feedback by any authority having jurisdiction in relation to the Project.

4.2 Independence of Community. The Parties acknowledge and agree that the Community is not a consultant, subconsultant, contractor, subcontractor, employee, or advisor of AECOM or the Project Team. For greater certainty, this Agreement shall not be interpreted or construed to create an association, joint venture, agency relationship, vendor-client relationship or partnership between the Parties. It is understood and agreed that the Community's participation in the Community Capacity Funding Program does not represent the Community's position in relation to the Draft EA/IS in any way whatsoever and this Agreement shall not be interpreted or construed to represent a position by the Community in relation to the Draft EA/IS for any purpose.

ARTICLE V: GENERAL

5.1 Governing Law. This Agreement shall be governed by the laws of the Province of Ontario.

5.2 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.

5.3 Assignment. No Party may assign this Agreement without the prior consent in writing of the other Parties.

5.4 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.

5.5 Notice. All written notices required to be given in this Agreement must be in writing and must be delivered to each Party's representative at each Party's address first listed above. Notice may be given by (a) hand delivery; (b) email; or (c) registered mail. Notice by hand delivery or registered mail shall be effective on the day of delivery. Notice by email shall only be effective on the day of written responding confirmation of receipt (which, for certainty, does not include any automated replies from a recipient's email account.) Each Party's representative and address may be changed upon the delivery of written notice to the Parties.

5.6 Successors and Assigns. 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.

5.7 Dispute Resolution. Upon the delivery of a written notice of a dispute arising out of or in connection with this Agreement by any Party, the Parties shall attempt to resolve such dispute, by structured negotiation, on a without prejudice basis, with the assistance of a mediator appointed by the Parties. If a dispute cannot be settled within a period of 30 days after such notice of dispute, or such longer period as may be agreed to by the Parties, the Parties shall be free to pursue any other procedures or remedies available to them, including arbitration or litigation, in an effort to finally resolve the dispute.

5.8 Interpretation. The recitals first listed above form an integral and essential part of this Agreement. Capitalized terms shall be given the meaning as first set out in this Agreement.

5.9 Severability. The invalidity or unenforceability of any provision of this Agreement will not affect the validity or enforceability of any other provision but this Agreement will be construed as if such invalid provision were omitted.

5.10 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.

[Remainder of page intentionally blank. Signature page follows.]

IN WITNESS WHEREOF the Parties hereto have executed this Agreement as of the day and year first written above.

[NAME OF COMMUNITY]

[redacted]

Per: _____
I/We have authority to bind the [name of community] .

Name: _____

Title: _____

Date: _____

Marten Falls First Nation as represented by 2617482 Ontario Inc.

Per: _____
I/We have authority to bind 2617482 Ontario Inc. and the MFFN Project Team.

Name: _____

Title: _____

Date: _____

Per: _____
I/We have authority to bind the MFFN Project Team.

Name: _____

Title: _____

Date: _____

AECOM Canada ULC

Per: _____
I/We have authority to bind AECOM Canada Ltd.

Name: _____

Title: _____

Date: _____

Per: _____
I/We have authority to bind the AECOM Canada Ltd.

Name: _____

Title: _____

Date: _____

From: Riley Weyman [redacted]
Sent: Tuesday, March 11, 2025 9:15 AM
To: Anderson, Victoria [redacted]
Cc: [redacted]
Subject: RE: MFFN Community Access Road - Capacity Funding Agreement

Thanks Victoria

Riley Weyman (He/Him)
B.A., J.D./Certificate in Environmental Law
Associate

PAPE SALTER TEILLET LLP BARRISTERS AND SOLICITORS

[redacted]

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From: [redacted]
Sent: Tuesday, March 11, 2025 1:18 PM
To: [redacted] Michael Sugarhead [redacted]; 'Walter Oskineegish' [redacted] 'Benny Yellowhead' [redacted]
Cc: Gershom Beaver <[redacted]>; 'Mary Ashpanaquestcum' <[redacted]>; 'Riley Weyman' <[redacted]>; [redacted] 'Peggy Sofea' <[redacted]; 'Ruth Mckay' <[redacted]>; 'Robina Neshinapaise' <[redacted]; victoriawabasse <[redacted]>; Anderson, Victoria <[redacted]>; 'Wendy Koehler' <[redacted]>; 'Jon Schiffer' <[redacted]>
Subject: email

Hello everyone!!
My summer beaver email has been full 4 times since last year and I created a new email address. My email is [redacted] Thank you all.

Miigwetch!

Roger Oskineegish
Nibinamik First Nation
Regional Assessment Coordinator / Roads Coordinator

[redacted]

From: Riley Weyman <[redacted]>
Sent: Tuesday, April 15, 2025 12:52 PM
To: Anderson, Victoria <[redacted]>
Cc: [redacted]
Wendy Koehler <[redacted]>; [redacted]
Subject: RE: MFFN Community Access Road - Capacity Funding Agreement

Hi Victoria,

I followed-up with Wendy (cc'd) about the void cheque or banking letter on Friday. I'm hoping she will be able to provide it to you soon.

Best,

Riley

Riley Weyman (He/Him)
B.A., J.D./Certificate in Environmental Law
Associate

PAPE SALTER TEILLET LLP BARRISTERS AND SOLICITORS

[redacted]

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Subject: RE: MFFN Community Access Road - Nibinamik Comments on MFCAR Draft Impact Statement
Sent: 2025-06-25, 9:47:33 AM
From: Rita Karrel[redacted]
To: MFFN CAR; [redacted]
Cc: 'Michael Sugarhead';[redacted] Richard Roundhead; [redacted] Benny Yellowhead; stan oskineegish; lias yellowhead; Byron Wapoos; Chirag Patney; Zachary Davis; Riley Weyman; Anderson, Victoria; Morgan Edwards
Attachments: Nibinamik_ MFCAR EAIS Review_2025.06.25.pdf

Good Morning,

Please find attached the Nibinamik First Nation review of the Marten Falls Access Road (the Project). This report outlines concerns regarding the Projects impacts to Nibinamik Homelands, land use and rights. It is respectfully requested that this submission be reviewed and considered as part of the ongoing Project evaluation process. Please confirm receipt of this letter at your earliest convenience. Should you require any additional information, please contact us.

Thank you for your time and consideration.

Rita Karrel, BSc | **Regulatory Specialist**

SHARED VALUE SOLUTIONS
[redacted]
SVS is a certified B Corporation using the power of business
to solve social and environmental problems.

NIBINAMIK FIRST NATION
General Delivery
Summer Beaver, Ontario
[redacted]

June 25, 2025

VIA EMAIL to:
eaisinput@martenfallsaccessroad.ca
[redacted]

Marten Falls Community Access Road Project Team,
Impact Assessment Agency of Canada; and
Ontario Ministry of Environment, Conservation and Parks.

RE: Nibinamik First Nation – Review and Recommendations on the *Draft Environmental Assessment/Impact Statement* for the Marten Falls Community Access Road

---

Marten Falls First Nation ('**Marten Falls**') has proposed the creation of the Marten Falls First Nation Community Access Road (the '**Project**'). The Project is going through a joint process of federal Impact Assessment and provincial Environmental Assessment. As part of that joint process, the *Draft Environmental Assessment/Impact Statement* ('***Draft EA/IS***') was provided to Nibinamik First Nation ('**Nibinamik**') on February 18, 2025 for review. The *Draft EA/IS* was prepared by Marten Falls and their team of specialists to meet the intent of both the federal *Tailored Impact Statement Guidelines* and the Ontario *Terms of Reference* for the Project.

Nibinamik has retained Shared Value Solutions Ltd. to support with reviewing the *Draft EA/IS* with the intention of ensuring that potential impacts and benefits for Nibinamik and our members are recognized and reflected in the assessment of the Project. The full review is attached to this letter.

The attached document outlines comments, questions, and recommendations from Nibinamik regarding the Project. Overall, we support Marten Falls in the creation of an access road for the community and the benefits that it would bring. We also see opportunity in ensuring that potential benefits from development projects, including all-season roads, are equitably disbursed throughout the region. However, we must exercise caution. The Project together with the other proposed all-season roads—Northern Road Link and Webequie Supply Road ("**Roads Projects**")—will literally pave the way for development in our Homelands. We must ensure that the potential effects from these projects and future industrial development that they will enable are adequately studied and appropriate safeguards are put in place to protect our Homelands and way of life for generations to come.

Nibinamik, Marten Falls, and other First Nations that will be impacted by the Roads Projects are currently co-leading a regional assessment in the Ring of Fire region with the Impact Assessment Agency of Canada under the *Impact Assessment Act* ("**Regional Assessment**"). This Regional Assessment will provide critical information on the potential impacts (negative and positive) the Roads Projects and the industrial development they will enable may have on the environment, on the health and well-being of our community, and on our Aboriginal and treaty rights. The findings from the Regional Assessment will fill key gaps we have identified in the *Draft EA/IS*, particularly relating to cumulative effects and impacts on community wellbeing. It is imperative that the Regional Assessment is completed before regulatory decisions on the Project are made and that the Regional Assessment's findings and recommendations are incorporated into the impact/environmental assessments for the Project.

We would welcome the opportunity to discuss our review with Marten Falls to help reduce potential impacts and risks of the Project on our community. Additionally, we request that the Marten Fall Community Access Road Project Team, Impact Assessment Agency of Canada, and the Ontario Ministry of Environment, Conservation and Parks provide responses that detail how the issues and recommendations outlined in the review will be addressed and integrated within decision making.

Sincerely,

[redacted]

Ogamakan Michael Sugarhead

CC. Nibinamik First Nation Council

Encl. Nibinamik First Nation Technical Review Report re Maten Falls Community Access Road Draft Impact Statement/Environmental Assessment.

SHARED VALUE SOLUTIONS

MARTEN FALLS COMMUNITY ACCESS ROAD DRAFT ENVIRONMENTAL ASSESSMENT/ DRAFT IMPACT STATEMENT TECHNICAL REVIEW

Prepared for: Nibinamik (Summer Beaver) First Nation

June 23, 2025

Morgan Edwards

[redacted]

PROSPERITY.
STEWARDSHIP.
JURISDICTION.

Nibinamik First Nation

June 23, 2025

Dear Contact,

It is our pleasure to provide you with the Draft Technical Review on the Marten Falls Community Access Road Draft Environmental Assessment/Impact Statement. Hannah May, Genevieve Campbell, Rita Karrel and Morgan Edwards of Shared Value Solutions completed this review with assistance from consultants Dylan White and Dave Norris.

We look forward to continuing to support you in consultation and lands and resources protection matters. Please do not hesitate to get in touch with us if you have any questions or concerns with the enclosed report.

With best regards,



Morgan Edwards

Senior Fisheries Biologist, Shared Value Solutions

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ACRONYMS

ABBREVIATION	NAME
ATRIS	Aboriginal and Treaty Rights and Interests Study Plan
CDA	Construction Disturbance Area
EA/IS	Environmental Assessment/Impact Assessment
GHG	Greenhouse gas
IK	Indigenous Knowledge
LSA	Local Study Area
Mbgs	Metres Below Ground Surface
MFCAR	Marten Falls Community Access Road
MFFN	Marten Falls First Nation
RA	Regional Assessment
RoF	Ring of Fire
ROW	Right-of-Way
RSA	Regional Study Area
SVS	Shared Value Solutions
TKLU	Traditional Knowledge and Land Use
VC(s)	Valued Component(s)

1.0 INTRODUCTION

1.1 BACKGROUND

NIBINAMIK FIRST NATION

Nibinamik First Nation (Nibinamik), also known as Summer Beaver, is an Oji-Cree community, descendants of the Anishinaabe and part of the larger Anishinaabek Nation, situated approximately 215 km northwest of Marten Falls First Nation. The proposed Marten Falls Community Access Road (MFCAR) is located near Nibinamik's Traditional Territory/Homelands; the area west of the Attawapiskat and Winisk rivers. There, the lakes, rivers, and resources are plentiful, and the land has been traditionally used by Nibinamik members and their families present and past. Nibinamik is a remote community, accessible only by plane or by the winter roads during the colder months. The winter roads connect them to neighbouring communities such as Webequie First Nation, Wunnumin Lake First Nation, Neskantaga First Nation, and Eebametoong First Nation (Fort Hope). Nibinamik members frequent these communities often during winter, and in some cases by river during the summer months to visit family, friends, get supplies, and practice traditional activities such as hunting, trapping, and fishing

> *Summer Beaver began as an intentional community in 1975 when a group of Anglican people, related by kinship, decided to leave Lansdowne House, a Catholic settlement. Violence had reached epic proportions in Lansdowne House in the 1970's and the community was divided along religious lines. The Summer Beaver people felt that they could make a better life for themselves and their children back at Nibinamik Lake. The Canadian government was wary of this move, and offered nothing in the way of support for quite some time.*

Nibinamik is a self-governing First Nation with inherent Aboriginal, and Treaty Rights rooted in their relationship with the lands, waters, and ecosystems of their Homelands. These rights include the right to govern, to steward the environment, to harvest, and to meaningfully participate in decision-making processes that affect their Homelands. Nibinamik's responsibilities as stewards of their lands are deeply interwoven with their cultural and spiritual identity and are not only rights but sacred obligations to protect and sustain the land for current and future generations.

Nibinamik signed Treaty 9 in 1905, alongside neighbouring First Nations, with the understanding that they would continue to sustain their way of life through access to, and use of, the lands and waters of their Homelands. Respecting Nibinamik's Treaty and Aboriginal Rights requires their direct participation in environmental and strategic decision-making, particularly for large-scale developments with the potential to disrupt ecosystems, affect harvesting practices, and impact the cultural survival of the community.

MARTEN FALLS COMMUNITY ACCESS ROAD PROJECT

The Marten Falls Community Access Road (MFCAR or "the Project") is a proposed all-season road intended to connect Marten Falls First Nation to the provincial highway network. The Project is community-led through the Marten Falls Community Access Road Project Team ("MFCAR Project Team") and is part of a broader infrastructure vision tied to other remote communities and resource development in the region. The proposed two-lane gravel road would cover approximately 184 km and would include multiple water crossings. The Project would also include associated construction infrastructure such as work camps, laydown areas, and aggregate quarries. The cumulative physical footprint of the road corridor—including the roadbed, water crossings, temporary construction areas, and support infrastructure—is estimated to be 12,665 hectares. This construction disturbance area (CDA) is referenced throughout the Draft Environmental Assessment/Impact Statement (AECOM, 2025a).

MFCAR, while it has independent purpose and rationale—connecting a remote fly-in community to the provincial road network—forms a strategic part of a regional road network. This regional network includes the proposed Northern Road Link, which would extend from the MFCAR northeast to the central Ring of Fire mining zone. This link is intended to enable mineral resource development as well as connection to the proposed Webequie Supply Road—led by Webequie First Nation—linking the Webequie community to the same regional road network. The two First Nations, Webequie and Marten Falls are also joint proponents of the Northern Link Road. Although proposed and presented separately, the three (3) road projects are geographically and functionally interdependent.

In January 2025 the Province of Ontario announced that a historical agreement had been established to build roads along the entire route to the Ring of Fire. This agreement includes support for upgrades to Anaconda and Painter Lake Roads, which are important connections on the road to the Ring of Fire, as well as major new investments in infrastructure and energy transmission in the region. Ontario claims it also builds on agreements that are in place with other First Nations partners along the entire proposed length of roads to the Ring of Fire, and helps set the stage for further potential partnerships, including:

- Connecting the proposed Marten Falls Community Access Road, Northern Road Link and Webequie Supply Road – linking Marten Falls First Nation and Webequie First Nation to the Ontario highway network and providing access to the Ring of Fire.
- $70 million to advance route and design planning of the Greenstone Electricity Transmission Line project.
- "Hold[ing] discussions to establish an agreement to share the economic benefits of forestry and mining operations in the region." (Government of Ontario, 2025)

Early in 2024, Marten Falls First Nation signed an agreement with Juno Corporation for mineral exploration (MFCAR, 2024). Juno Corporation is a private exploration company with the largest mineral claim holdings in the Ring of Fire area and has been working to support shared goals, including infrastructure development and commercial activities (Juno Corp., 2025).

Marten Falls First Nation has consistently framed the access road as a pathway to greater socioeconomic self-determination. Anticipated benefits include reduced cost of living, improved access to healthcare and education, enhanced food security, and opportunities for training, employment, and local business development. The community has emphasized that the road is not just an industrial access route but a lifeline for improving community health, safety, and well-being. The MFCAR Project Team has also stated a strong commitment to environmental stewardship, recognizing that the proposed route crosses through pristine boreal forests, muskeg, and critical watersheds that are culturally and ecologically significant, and that the Project may lead to environmental and socioeconomic impacts.

Within this context of direct and indirect ecologically significant impacts, there are corresponding impacts to socioeconomic conditions, Aboriginal and Treaty Rights, not only for the community of Marten Falls, but also for nearby Nibinamik First Nation. The proposed regional infrastructure corridor overlaps with Nibinamik's Homelands. The Project must consider and respect Nibinamik's rights and jurisdiction in their Homelands.

PROJECT CONSULTATION AND REGULATORY PROCESS

The regulatory process for the Project is a coordinated environmental assessment (EA) and impact assessment (IA) process, involving both provincial (Ontario) and federal (Canadian) requirements. This approach is undertaken because the two distinct regulatory frameworks are applicable. The effort to align processes has resulted in the MFCAR Project Team generating a single, comprehensive Environmental Assessment/Impact Statement (EA/IS) that satisfies both jurisdiction requirements.

Draft EA/IS Review

In advance of further regulatory progress on the Project, the MFCAR Project Team has circulated a Draft EA/IS for review. The purpose of this draft document is to enable meaningful Indigenous consultation and public engagement, through two reviews:

- Early Access for Indigenous Communities February 18 to June 23, 2025.
- Public Review Period April 22 to June 23, 2025.

Input from these reviews informs the preparation of the Final EA/IS.

Final EA/IS Review

Following the Final EA/IS completion and submission, both federal and provincial authorities will review the Final EA/IS. If approved, conditions will be imposed for Project construction and operation.

The MFCAR Project Team has stated commitments to a Project process guided by principles of truth and transparency; both of which are integral to decision-making process and consultation (MFCAR Project, 2019).

Nibinamik Involvement

Nibinamik First Nation has communicated their right to be actively involved in early decision-making, environmental assessment, monitoring, and long-term stewardship throughout their Homelands (Winterburn, 2019). Nibinamik's involvement in this process is required to ensure potential impacts to their Aboriginal and Treaty Rights and responsibilities to the land are considered and respected. The MFCAR Project Team has facilitated a substantive consultation process for Marten Falls First Nation, as well as Aroland First Nation as the most proximal First Nation to the Project. Nibinamik has not been engaged in such substantive consultation. This creates a tiered approach to consultation, where other Nations, including Nibinamik, fall into a category of lesser consultation despite their being significant potential to impact their rights and interests.

Nibinamik continues to call for robust consultation on all projects in the region affecting their lands and waters, that incorporates Nibinamik knowledge and governance structures. As the projects advance, ensuring that Nibinamik's rights are respected—alongside the shared goal of socioeconomic advancement—will be essential to maintaining a balanced approach to infrastructure development across Treaty 9 territory. Existing and future deficiencies would result in the lack of a meaningful and equitable consultation process throughout the Project and insufficient recognition of First Nations' jurisdiction and governance.

Nibinamik does not oppose development outright, and supports Marten Falls First Nation in their desire for socioeconomic advancement. However, any development in this region should be governed by a process grounded in Aboriginal and Treaty Rights, full transparency, and environmental stewardship. This relates not only to Nibinamik's participation but also the order of the assessment processes. The risks of committing to a development path for MFCAR without fully understanding long-term cumulative consequences limit the ability to truly mitigate regional impacts effectively.

1.2 REVIEW METHODOLOGY AND APPROACH

Nibinamik First Nation contracted Shared Value Solutions (SVS), an environmental and community development consulting firm, to conduct a technical review of the Draft EA/IS for the MFCAR Project. SVS brings together expertise in science, cultural heritage, planning, and regulatory processes, with a commitment to braiding Indigenous Knowledge with western science in support of Nibinamik's values and goals.

SVS assembled an interdisciplinary team to complete the review. The process was designed to incorporate technical evaluations and integrate Nibinamik knowledge. To ensure the review reflected Nibinamik's priorities and concerns, SVS undertook multiple engagement activities, including:

- A community information session to share Project details and document feedback from Nibinamik members;
- Meetings with Nibinamik leadership to understand their perspectives and vision for the land and community;

- Meetings with individual community members, including Elders and Lands & Resources staff; and
- Ongoing communication and feedback loops, including sharing the Draft Technical Review with leadership prior to finalizing the submission.

The SVS team conducted the technical review systematically, assessing EA/IS compliance with relevant legislation, policy frameworks, and professional best practices. The team evaluated data collection methods, analytical approaches, and reported outcomes. Particular attention was given to:

- Alignment with Nibinamik's values and land stewardship responsibilities;
- Identification of impact pathways and assessment uncertainties; and
- The adequacy of proposed mitigation and adaptive management measures to address Nibinamik priorities.

SVS conducted this review independently from the MFCAR Project Team. Following the submission of the final Technical Review report, Nibinamik expects to be contacted by the MFCAR Project Team to engage in the integration of feedback into the Final EA/IS. This includes discussions between Nibinamik and Marten Falls leadership, and potentially site visits or further dialogue to clarify and address outstanding concerns or recommendations.

1.3 REVIEW OBJECTIVES

The objectives of Nibinamik's technical review of the Draft EA/IS are to:



The extent to which the outcome is achieved is largely based on how Nibinamik's feedback is integrated by the MCFAR Project Team and regulators into the Project moving forward.

This technical review intentionally limits comments and concerns to those related directly to the MFCAR Project and the regulatory required scope of the assessment. Nibinamik chose this approach to recognize the regulatory segregation of environmental and cumulative impact assessment of major and interconnected projects (current and future). The rationale for this limitation is not a reflection of Nibinamik's view on the interconnectedness of reasonable current and future Project impacts. This approach should not detract from Nibinamik's ongoing assertion of regional concerns and impacts that will be inherent from the additional projects enabled through the road development.

1.4 REVIEW SCOPE

The technical review included the Draft Environmental Assessment/Impact Statement and appendices developed by AECOM (or consultants) on behalf of the MFCAR Project Team in February 2025. The review also included prior submissions from Nibinamik on the Ring of Fire access roads and regional assessment process or technically relevant supporting documents as required.

1.4.1 SPATIAL SCOPE AND FOCUS

In alignment with the technical review methodology and approach (Section 1.2 above), the spatial scope for this technical review was informed by community feedback SVS received through engagement. Nibinamik community members spoke about:

- Family connections throughout the region, in multiple surrounding communities.
- The land use, land-based learning, and land-based healing undertaken by members in the area surrounding the community and more broadly throughout their Homelands.
- The cumulative impacts of development throughout the region, and within Nibinamik's Homelands.
- The intrinsic linkage between the MFCAR Project and other regional development.

The context provided by Nibinamik members' experience and input necessitated a regional approach and a focus on cumulative effects for the scope of the technical review.

1.4.2 ANALYSIS SCOPE AND FOCUS: PRIORITY ISSUES

This section outlines how the technical review was grounded in potential risks and implications for Nibinamik and its members, drawing from the community's rights and interests.

The methodology for connecting technical review results to potential risks and implications leveraged a braided approach, integrating community-led knowledge, priorities, and concerns with discipline-specific technical expertise. The review functioned as a rights-based and values-based evaluation. Technical concerns were reframed through the lens of Nibinamik's constitutionally protected Aboriginal and Treaty Rights, including land stewardship responsibilities, land use, and cultural continuity. This ensured that recommendations were rooted in Nibinamik's unique cultural, environmental, and governance priorities.

Nibinamik identified several potential infringements on their inherent Aboriginal and Treaty Rights, which are rooted in their relationship with the lands, waters, and ecosystems of their Homelands. Specific Nibinamik priority concerns driving the technical review included:

- Inadequate consultation and recognition of governance: Despite numerous communications from the MFCAR Project Team, Nibinamik raised concerns that the consultation process was a "tiered" approach, which lacked government-to-government relations. This approach resulted in less-intensive consultation for Nations outside Marten Falls and Aroland, which risked insufficient recognition of First Nations jurisdiction and governance. Nibinamik is concerned that this limited their involvement in decision-making, environmental assessment, monitoring, and long-term stewardship across their Homelands.

- Fragmented assessment of cumulative impacts: Nibinamik was concerned that the regulatory process was assessing the MFCAR in isolation, failing to account for its role as a precursor to broader regional development, including other roads and mining activities within the Ring of Fire. Nibinamik viewed this approach as undermining the Crown's constitutional obligation to assess regional and cumulative effects (historic, current, and future effects) and their impact on Aboriginal and Treaty Rights, as well as failing to meet the requirement to consider cumulative effects under section 22(1)(a) of the *Impact Assessment Act*. It risks approving precursors for regional development decisions (predicated on MFCAR approval) ahead of understanding the full regional impacts and cumulative consequences or mitigations to Aboriginal and Treaty Rights and interests.

- Impacts on traditional land use and community well-being: Impacts on surface water, fish and aquatic ecology, vegetation, terrestrial ecology, and wildlife directly affect Nibinamik's ability to practice and pass on traditional activities like hunting, trapping, and fishing, and to maintain cultural well-being. Environmental concerns included increased hunting and fishing pressure, habitat fragmentation, spread of invasive species, and contamination risks. Nibinamik members also noted potential negative social impacts from increased access, such as drug and alcohol influx, erosion of language or cultural identity, and increased rates of missing and murdered Indigenous women and children.

The review involved a results-based perspective for evaluating the Draft EA/IS against the following criteria:

- Adequacy of Baseline Information: The review evaluated the sufficiency of baseline data in several areas. For example, having comprehensive georeferenced Indigenous Knowledge (IK) for sensitive receptors, to inform the uncertainty of "insignificant" residual effects. Similarly, the spatial scope for Nibinamik's land and resource use assessment, to avoid generalizing impacts rather than providing community-specific detail.

- Adequacy of Effects Assessment: The SVS team reviewed effects assessment definitions and results for alignment with Nibinamik rights and interests (or potential impacts). The cumulative effects assessment should recognize the interconnectedness of ecosystems rather than pre-emptively excluding long-term operational impacts. The designation of "low magnitude" and "insignificant" impacts for some receptors was evaluated against the significant habitat fragmentation and pressures predicted from the Project.

- Adequacy of Methods Used: Methodological choices were assessed for the potential to understate short-term risks from Project activities, such as diesel and wood burning. Having a robust cumulative effects assessment, especially for climate change, and understanding synergistic impacts were also key methodological tests.

- Adequacy of Mitigation, Management, and Monitoring Plans: Proposed mitigation measures were evaluated for their specificity and likelihood of success. For example, a general commitment to reclamation for visual impacts would be deemed inadequate to prevent unintended side trails. For water management, reliance solely on provincial permits without detailed plans reflecting environmental best practices and First Nations values would be seen as a gap. Nibinamik would expect dedicated, long-term monitoring programs (e.g., for visual impacts, climate adaptation, noise) to accompany mitigations for the Project.

- Consideration of Indigenous Knowledge: The Draft EA/IS states a commitment to IK integration, but includes limitations that may raise concerns about the consultation process. A Nation-specific approach is important to ensure inclusion, along with facilitating appropriate capacity to participate and meaningful incorporation of IK into the assessment's conclusions. The Draft EA/IS must include a completed Rights Assessment, demonstrating that the verification of IK integration was not hindered.

1.4.3 DEVELOPMENT OF RECOMMENDATIONS

The technical review methodology is intentionally designed to support the development of recommendations that address Project-specific issues and uphold Nibinamik's rights, values, and long-term interests. This is achieved through a braided approach that integrates community-led knowledge, priorities, and concerns with discipline-specific technical expertise.

By incorporating feedback from Nibinamik's community members and leadership throughout the review process (see Section 1.2, above) the SVS review team ensured that recommendations do not merely address technical gaps in the Draft EA/IS, but are also grounded in Nibinamik's unique cultural, environmental, and governance priorities. This allows the technical review to function as a rights-based and values-based evaluation, rather than a strictly regulatory compliance or best practice check. As a result, the holistic recommendations developed as part of this review are intended to address both community priorities and technical details, such as:

- Best practice mitigation strategies that reflect both technical and cultural considerations;

- Robust mitigation and monitoring recommendations that ensure the effectiveness and accountability of mitigations over time;

- Engineering and design consideration tailored to the geographic, ecological, and social realities of Nibinamik's Homelands;

- Adaptive management frameworks that can respond to emerging impacts or new information.

- Advocating for Nibinamik's inclusion in decision-making processes;

- Ensuring that Nibinamik governance rights and community consent are recognized in Project plan development and implementation; and
- Accountability in areas where the Crown or MFCAR Project Team may otherwise overlook Nibinamik rights or cumulative impacts to Nibinamik.

2.0 REVIEW FINDINGS

Nibinamik recognizes and supports Marten Falls First Nation's right to socioeconomic betterment that would include an all season road and connection to other provincial infrastructure However, Nibinamik is opposed to the regulatory decisions on completion of the EA/IS prior to conclusion of the Regional Assessment (under the federal *Impact Assessment Act*) that is currently being conducted on the impacts of potential development in the Ring of Fire area. Decisions on major projects, including the MFCAR, that could impact Nibinamik's Homelands must be informed by the Regional Assessment. If projects, such as the MFCAR, are approved prior to the completion of the Regional Assessment there is significant risk of inaccuracies in assessment and approval criteria as project approvals may not appropriately account for how individual projects contribute to the cumulative effects or development in the area It is equally important, that to prevent potential future changes to the road following findings of the Regional Assessment, the MFCAR Project be put on pause until the completion of the Regional Assessment.

The MFCAR generates substantial concerns for Nibinamik. Although framed as a community access road for Marten Falls First Nation, Nibinamik understands the Project would be a multi-use supply road tied to broader regional development. The Draft EA/IS highlights that "traffic levels for the [MFCAR] are estimated at 700 vehicles per day for the north-south section and 100 vehicles per day for the east-west section... these volumes reflect the anticipated peak traffic in 2046." (AECOM, 2025a, p. 94). In comparison, the Draft EA/IS Community Well-Being Assessment indicates annual average local traffic is between 200 and 420 vehicles per day (AECOM, 2025b). Nibinamik asserts that, as suggested by the estimated 700 daily vehicles traveling north, the MFCAR cannot be separated from the larger regional infrastructure plan, which includes the proposed Northern Road Link, Webequie Supply Road, and the Ring of Fire development (Nibinamik First Nation, November 2021). Nibinamik maintains that it is the Crown's constitutional obligation to assess regional and cumulative effects and to ensure that potential impacts to Aboriginal and Treaty Rights are not ignored by focusing solely on project-by-project consultations. The MFCAR impact assessment is also statutorily required to consider the Regional Assessment under section 22(1)(p) of the *Impact Assessment Act*.

The Regional Assessment) is underway. Advancing any regulatory process or decisions for the MFCAR ahead of completing the Regional Assessment will advance regional development decisions (predicated on MFCAR approval) ahead of understanding the regional impacts. In other words, it is problematic to progress the regulatory process for the MFCAR before the comprehensive Regional Assessment of the Ring of Fire is complete.

- The MFCAR is more than just a road for Marten Falls First Nation; it is explicitly designed to provide access to the Ring of Fire and other road projects. Its approval is seen by Nibinamik

as a foundational step to broader industrial development, effectively "opening the door" in the region.

- Once the MFCAR is approved and potentially built, it creates significant momentum for further development. Nibinamik recognizes that MFCAR approval represents a commitment to, and facilitates the economic viability of, other regional development projects in advance of understanding the potential impacts.
- By approving this initial piece of infrastructure, regional development decisions are effectively being made piecemeal, without the benefit of a comprehensive understanding of the strategic goals and cumulative consequences of interconnected projects. Its approval is akin to building the basement foundation of a house without having the full architectural blueprint.

Nibinamik does not oppose development outright but insists that it must be governed by a process grounded in Aboriginal and Treaty rights, full transparency, and environmental stewardship. Through this process, Nibinamik must have the ability to shape how, whether, and under what conditions development proceeds across their Homelands. This includes considering and incorporating any findings from the Regional Assessment into all project-specific decisions in the assessment area. The risks of committing to a development path for MFCAR without fully understanding long-term, synergistic consequences limits the ability to truly mitigate regional impacts effectively. Nibinamik strongly recommends ensuring the Regional Assessment is completed first, for the following reasons:

- Chapter 4: *Regional and Strategic Assessment* of the Minister's Advisory Council on Impact Assessment, (MACIA, 2025) mentions the benefits and necessity for a Regional Assessment of the Ring of Fire, stating it:

  > *has the potential to identify and address the cumulative effects implications of development in the area, induced development from mining activities, and implications of that development on Ontario's Far North, while at the same time taking concrete actions towards reconciliation.*

- Completing the Regional Assessment helps understand the full regional context, potential stresses, and sensitive areas. This regional understanding should then inform the assessment and decision-making for individual projects like the MFCAR.
- If the Regional Assessment is completed first, it can identify regional thresholds, critical habitats, cumulative tipping points, and areas of high cultural significance that might not be apparent when looking at one road in isolation.
- Mitigations can be designed at a regional level to address systemic issues, not just project-specific ones. For example, if the Regional Assessment reveals a major cumulative impact on a caribou herd's regional population, individual project mitigations can be better coordinated and perhaps more stringent, or even lead to re-thinking the overall regional development plan.
- The Regional Assessment could identify areas where development should be avoided entirely, or where specific types of development are more appropriate. It could also lead to regional monitoring programs and adaptive management strategies.

- By having the regional picture, decision-makers are less likely to approve individual projects that, when combined, lead to unforeseen or unmanageable regional impacts, including impacts on Aboriginal and Treaty Rights.
- No mines, exploration, or other development projects are currently included in the cumulative effects assessment of the Draft EA/IS, despite the well-known impacts of mining on environmental components and Aboriginal and Treaty Rights and the requirement for a cumulative effects to be considered under section 22(1)(a) of the *Impact Assessment Act*.

Nibinamik emphasizes that the MFCAR benefits are recognized and that Nibinamik shares the desire of Marten Falls First Nation to be connected by all-season road to broader infrastructure. However, these benefits must not be pursued at costs unacceptable to impacted Nations. Not only does the order of assessment need to be revised for an improved approach to impact mitigation, but the nature of consultation must be adjusted to be more equitable in recognition of First Nations governance and knowledge systems.

The below sections provide summaries of the Draft EA/IS content as well as the technical appendices referenced in Section 1.4. They also provide analyses of the information from Nibinamik's perspective, grounded in community input, and offer recommendations informed by that analysis.

2.1 SURFACE WATER

2.1.1 SUMMARY OF DRAFT EA/IS CONTENT

The MFCAR Project Team used a combination of desktop review and field investigations to assess the existing condition of surface water within the area of the Community Access Road. The study area encompassed a Local Study Area (LSA) including the CDA, and a 2.5-km buffer, and a larger Regional Study Area (RSA) encompassing three tertiary watersheds (Upper Albany – Makokibatan, Upper Albany – Muswabik, and Lower Ogoki).

The proposed route for the MFCAR will cross 45 waterbodies. For the purposes of the Draft EA/IS, a water body is defined as a watercourse with defined beds or banks. Major watercourses crossed by the Project include the Dusey, Buffaloskin, Ogoki, Albany, and Wabassi rivers. An additional 24 water bodies will be crossed by temporary access roads, leading to aggregate sites. Water body crossings will be a variety of culverts, clear span bridges, and multi-span bridges depending on the size of the waterbody.

The effects to surface water are discussed in terms of the valued components (VCs) of surface water quality, surface water quantity, and sediment quality. The draft EA/IS finds there will be potential effects to these VCs during both construction and the operational and maintenance phases of the Project. The draft EA/IS proposes a variety of mitigation and enhancement measures to reduce or avoid effects to surface water. Examples of these measures include:

- Obtaining provincial permits for water use, water discharge, and the operations of aggregate pits and quarries.

- Designing roads and water body crossings to prevent changes to water flow and water quality.
- Developing environmental plans for spill prevention, waste management, rock blasting, and erosion control.
- Monitoring surface water for quality, quantity (flow and level), and river stability.

Even with proposed mitigation measures, the Project is predicted to have residual (lasting) effects on surface water. Residual effects predicted are listed in Table 1:

Table 1: Surface Water Residual Effects from Construction.

CONSTRUCTION ACTIVITY	RESIDUAL EFFECT APPLIES
Short-term water taking	Surface water quality
Short-term water discharges	Surface water quantity
Short-term water diversion during waterbody crossing construction	Surface water quality Sediment quality
Changes from land cover	
Wash-off of organic debris	Surface water quality
Increased erosion and sedimentation	Sediment quality

The Draft EA/IS anticipates that cumulative effects from the above activities are not expected to be greater than the residual effects from the Project. Communication and coordination between concurrent road development projects, such as the timing and monitoring of water takings and discharge, is a proposed mitigation.

Monitoring programs are planned for the pre-construction, construction, and operations phase of the Project to verify effects predictions and the effectiveness of mitigation measures:

- Pre-construction monitoring will include surveys at water body crossings not previously assessed.
- Construction monitoring will include one or more surface water quality and quantity parameters, like discharge, general chemistry of contaminants of concern, as well as monitoring of erosion and sediment control measures.
- During operation and maintenance, monitoring will be required at all new permanent water crossing structures and roadside drainage features, as well as water quality and streamflow conditions at select locations.

2.1.2 EVALUATION

Nibinamik members have expressed deep concerns about the broader implications of the MFCAR Project on their Homelands. The Draft EA/IS reflects Indigenous Knowledge that underscores a widely held First Nations worldview: *Water is life*. For Nibinamik, this principle is central—healthy water systems are essential not only for sustaining ecosystems, but also for maintaining cultural practices and upholding Aboriginal and Treaty Rights (Chiblow, 2023). The Draft EA/IS does not provide assurance that these essential water systems will be adequately protected by Project mitigations, as highlighted by several deficiencies and gaps in understanding.

CUMULATIVE EFFECTS

Water is particularly vulnerable to cumulative effects because it drives connections across landscapes. Activities within a watershed can have far-reaching and compounding impacts elsewhere, as water flows and different layers connect. Surface water continuously flows through different water bodies and land use areas, supporting both aquatic and terrestrial habitats while connecting and replenishing groundwater systems and peatlands. The Draft EA/IS cumulative effects assessment fails to recognize this vulnerability of water and provide proactive assessments, coordinated protection efforts, and ecologically relevant boundaries:

- Scoping of the cumulative effects assessment does not consider how additive or synergistic effects may change the significance of Project residual effects, pre-emptively excluding effects that could be amplified by compounding projects or land use changes from the cumulative effects assessment.
- The cumulative effect assessment should include all residual impacts from the operation and maintenance phase of the Project, considering the Project Team has recognized there is "moderate" uncertainty regarding these impacts.
- The cumulative effects assessment does not include a determination of significance for surface water based on federal or provincial requirements, which undermines the value of IK that emphasizes the importance of water.
- No mines, exploration, or other development projects are included in the cumulative effects assessment, despite the well-known impacts of mining on water quantity and water quality.

WATER MANAGEMENT

Nibinamik understands the potential benefits of the MFCAR. However, these benefits can only be realised if the Project is completed sustainably. Review of the residual effects and proposed mitigations have created concerns for some proposed strategies for water management, especially surrounding water taking and water discharge.

While some proposed mitigation measures employ best management practices or environmental enhancements, these may be inadequate for protecting this pristine and ecologically sensitive environment. Enhanced mitigation measures may be needed, for example:

- The proposed use of leaching beds for domestic wastewater discharge may introduce nutrients, heavy metals, or emerging contaminants of concern to surface water or impact infiltration regimes with implications for wetlands.
- The proposed measures to use temporary washout sites for concrete equipment may introduce poor-quality wash water (e.g., low pH, corrosive) into terrestrial and aquatic habitats. Preferred environmental practice would be to have water collected, contained, and treated, as well as employ methods to recycle water and reduce freshwater demand.
- Fulsome information must be provided on the locations and quantities of water taking and discharge sites, which must be well studied and well understood to ensure no impacts to ecologically sensitive areas.

It is beyond the current scope of this review to propose a detailed list of enhanced mitigation measures and best management strategies, especially for a Project which will undergo further detailed design and development of environmental protection plans. At this point in the regulatory process, Nibinamik asserts that the proposed mitigation strategies do not provide enough environmental protection and in some cases do not appear to reflect best practice.

Furthermore, much of the proposed mitigation for water taking and discharge relies on compliance with permits from the Government of Ontario (e.g., permits to take water and environmental compliance approvals). While Nibinamik recognizes that provincial permitting is a requirement, it is not enough to rely on the issuance of a permit for environmental protection. At minimum, these permits must contain strict conditions based on the best available science to mitigate potential negative effects.

EFFECTS ASSESSMENT

Nibinamik finds that the surface water effects assessment uses criteria that are too forgiving when characterizing impacts. For example, the Draft EA/IS uses an upper boundary of a 20% change in catchment disturbance to describe “low magnitude” effects. This boundary is based on an understanding that 20% is the natural variation in low hydrometric monitoring equipment. However, the boundary should be closer to 5% based on documentation from the Water Survey of Canada (Terzi, 1981). Furthermore, applying a blanket threshold of 20% does not provide consideration for ecologically sensitive or culturally significant waterbodies which may not tolerate 20% changes.

Nibinamik also notes that the effects assessment does not apply standard quantitative techniques to predict impacts to surface water and sediment quality.

SITE-SPECIFIC ASSESSMENTS, DESIGN, AND MITIGATIONS

There are concerns that the baseline assessment generalized the conditions of streams at water crossings as stable, despite considerable variability in morphology and bed condition found under field conditions. Nibinamik is concerned that generalizations will mean site-specific mitigation and design plans are not developed to the level of rigour required for unique channel conditions. As noted elsewhere, such generalizations will not sufficiently protect ecologically sensitive or culturally

significant waterbodies. Plans for assessment and mitigations do not consider how climate change will impact water levels or storms. The mitigation strategies also fail to address how natural channel design can be used to reduce impacts from any channel realignment required.

WATER QUALITY AND ROADWAY RUNOFF

The Draft EA/IS does not sufficiently consider the effects of roadway runoff on water quality. Roadway runoff is a known source of toxic compounds and contaminants that may impact water quality, sediment quality, and aquatic biota. There is a lack of discussion on how the Project will mitigate these ongoing long-term impacts. Additionally, Nibinamik is concerned that other management strategies to mitigate water quality issues, such as the restriction of road salt, may not be applied long-term without transparent plans for monitoring, responsibility and ownership.

2.1.3 RECOMMENDATIONS AND REQUESTS

The preservation of water integrity is directly tied to Nibinamik community members' capacity to thrive, both spiritually and physically, and to pass on their cultural heritage to the next generation. Negative impacts to water quality and quantity will cause direct adverse impacts to Nibinamik community members' ability to exercise their constitutionally protected Aboriginal and Treaty Rights to hunt, fish, and trap throughout their Homelands.

CUMULATIVE EFFECTS

Nibinamik requests that a more meaningful cumulative effects assessment be completed for the long-term use and operation of the road. The assessment should consider how land use and land cover changes will impact surface water and sediment VCs. This should include capacity and support for Nibinamik to lead their own cumulative effects assessment within their Homelands, including funding to develop a spatial database. Assessing cumulative effects on water requires a watershed-scale approach that considers both direct and indirect, long-term impacts across jurisdictions and ecosystems.

WATER MANAGEMENT

Both water taking and water discharge are potential sources of residual and cumulative effects from the Project. There are additional management strategies and environmental best practices not considered in the Draft EA/IS that would substantially reduce potential impacts to surface water. It is beyond the current scope to propose a detailed list of enhanced mitigation measures and best management strategies, especially for a Project which will undergo further detailed design and development of environmental protection plans, and require further consultation.

Nibinamik requests the development of a comprehensive water management plan that reflects environmental best practices and First Nations values to ensure that exemplary environmental protections are implemented. This management plan should also include provisions for detailed mitigations, documented in an environmental protection plan. This plan should also provide best

management practices, with supporting references, for activities such as concrete mixing, disposal of washout water, and disposal of domestic wastewater.

EFFECTS ASSESSMENT

Nibinamik recommends improving the methods used in the effects assessment to demonstrate that potential effects are well understood and appropriately mitigated. Specific recommendations are made in Appendix A, but include:

- Adjusting the "low" magnitude assessment boundary to reflect the Water Survey of Canada equipment tolerance.
- Grounding effects assessments in quantitative methods such as empirical estimates, export coefficients, and GIS land use change assessments.

SITE-SPECIFIC ASSESSMENTS, DESIGN, AND MITIGATIONS

Nibinamik finds that site-specific assessments are needed to provide tailored mitigation strategies that will protect sensitive surface water features. This includes improved baseline assessments that verify and describe the unique conditions of stream crossings and avoid generalizations of stream condition. Additionally, mitigations for "unmapped" water crossings should be described in the final EA/IS.

Furthermore, waterbody crossing design should consider hydrologic and hydraulic conditions under climate change. Waterbody crossing design and any stream straightening or realignments required must be conducted under the principles of natural channel design and approved/peer-reviewed by qualified professionals in the field.

WATER QUALITY AND ROADWAY RUNOFF

Nibinamik would like to see the development of an ownership and responsibility plan ahead of road construction. This plan should detail how roadway maintenance will avoid impacts to water quality (e.g., such as road salt restriction) and how this will be enforced for the lifetime of the Project. Furthermore, the detailed design stage must also consider how roadway runoff can impact water quality over the long term, and must integrate green stormwater infrastructure into roadway and bridge design.

2.2 GROUNDWATER AND GEOCHEMISTRY

2.2.1 SUMMARY OF DRAFT EA/IS CONTENT

The MFCAR Project team assessed the groundwater VC based on indicators of Groundwater Quality and Groundwater Quantity through the CDA, LSA, and RSA. The assessment included a desktop review of existing information sources and field investigations. The desktop review focused on published information from relevant studies and from interested First Nations communities to

develop a conceptual understanding of the local hydrogeological conditions. Field investigations included various installations and assessments:

- Installations of 20 groundwater monitoring stations in the LSA.
- Borehole drilling and geochemical testing.
- Groundwater level measurements at all monitoring stations in spring, summer, and fall.
- Continuous monitoring of groundwater level at five monitoring stations.
- Groundwater quality sampling at all monitoring stations in spring, summer, and fall.
- Testing for hydraulic conductivity (a measure of how easily groundwater can flow) at all monitoring stations.

EXISTING CONDITIONS

The area is underlain by two major regions: the Precambrian Shield and the Hudson Bay Lowland. In both regions, groundwater is commonly found in bedrock. Overburden (soils overlaying bedrock) contains some groundwater limited to certain areas. Both aquifers (areas where groundwater can flow) and aquitards (areas where groundwater flow is restricted) were found in the overburden. The borehole investigation found that the areas have a surface layer of organic peat-like material, which is just under 1 m thick on average. Under the peat-like layer, there are overburden deposits of silt, sand, gravelly-sand, silt, or clay, depending on the location. At six locations, bedrock was found under the overburden.

Researchers compared groundwater quality results to provincial standards for the protection of aquatic life and human health. Groundwater quality results exceeded some standards for certain metals, organic compounds, and general chemistry, like hardness and pH. Groundwater quality was similar between monitoring stations and over time.

Groundwater can be found both close to the ground surface and at depth in the Project study areas. Groundwater is expected to recharge in higher areas, like eskers or gravelly deposits and flows toward waterbodies in low-lying areas. Groundwater recharge and discharge rates were estimated using a water balance model. Groundwater is expected to flow slowly in most flat areas, but quicker in hilly areas. Groundwater flows to rivers, streams, and peatlands in the area, and could locally flow in almost any direction.

Geochemical testing measured if soils, organics, or bedrock materials have the potential to leach acid or metals. With the exception of six samples, all tested samples were found not to be acid generating. Testing found that most samples could leach some metals, like aluminum, boron, copper, fluoride, silver, and vanadium.

PROJECT EFFECTS

The Project may interact with groundwater during construction and operation, with potential residual effects on groundwater quality and quantity. The assessment predicted possible changes to groundwater quantity and quality from the activities listed in Table 2 below.

Table 2: Activities predicted to change groundwater quality and quantity.

GROUNDWATER QUANTITY	GROUNDWATER QUALITY
Short-term water taking for construction installations, camps, or concrete production;	Accidental spills and leaks during construction and operation;
Dewatering of aggregate pits and quarries;	Water and wastewater discharge;
Road construction in peatland areas interrupting groundwater flow; and	Release of blasting residue from quarries, road cuts, and bridge foundations;
Changes to land use cover and removing vegetation changing how groundwater is recharged.	Exposure of acid-generating or metal-leaching rocks from construction; and
	Application and storage of chemicals for dust control and de-icing.

There are a variety of mitigation measures proposed to prevent impacts to groundwater. Even with mitigation measures, the residual effects to groundwater are expected to be moderate. However, the MFCAR Project Team does not anticipate significant effects, asserting they are reversible and do not propose a management concern.

Cumulative groundwater effects could arise due to interactions with nearby developments such as the Northern Road Link, Anaconda and Painter Lake Forestry Road upgrades and the Rapid Lynx Broadband project. However, the MFCAR Project Team asserts that there will be not cumulative effects. The MFCAR Project Team will share information and monitoring data with the other developments to reduce negative effects. The MFCAR Project team will also conduct monitoring during pre-construction, construction, and operations.

2.2.2 EVALUATION

EFFECTS ASSESSMENT & MITIGATIONS

Nibinamik is concerned that aspects of the effects assessment may underestimate potential Project effects on groundwater:

- The effects assessment uses a reduced LSA and RSA, making it difficult to assess groundwater-surface water interaction on ecologically relevant scales.
- Site-specific studies will be conducted as mitigation measures, but it is not clear how results from these studies will be used to inform the effects assessment or mitigation measures.

- Locations of water taking and water discharge are missing from the effects assessment, making it difficult to assess potential impacts and the adequacy of mitigation measures for sensitive receptors.
- The effects assessment for groundwater is very spatially and temporally limited, with little consideration for monitoring around aggregate pits and quarries, sensitive receptors, springs and seeps, and other areas importance for groundwater-surface water interactions.
- Mitigation measures rely on the issuance of provincial permits such as permits to take water and environmental compliance approvals. The current Draft EA/IS does not adequately assess impacts from permitted activities as the locations and quantities of water taking and discharge are not yet known. Nibinamik is also concerned that these permits will be fast-tracked and/or will not undergo full evaluation, based on designated activities or changes to provincial permitting requirements with the introduction of new legislation. Fast-tracking permits will undermine the process to address rights impacts in relation to water use and discharge.

PITS AND QUARRIES

The Draft EA/IS predicts residual effects from the dewatering of pits and quarries, driven by the large volumes of groundwater typically associated with dewatering requirements. Nibinamik is concerned that the assessment does not consider the impacts of the aggregate pits and quarries during decommissioning and closure. Temporary quarries are planned to be "abandoned and blocked" (AECOM, 2025a, p. 141). This method of decommissioning and closure does not abide by requirements of Ontario's *Aggregate Resources Act*, which prescribes a duty to rehabilitate and require suitable progressive and final rehabilitation plans. Quarry abandonment puts the quality and quantity of water resources, human safety, and terrestrial and aquatic ecosystems at risk. An abandoned quarry in an area with abundant bedrock groundwater (such as the Project area) will fill over time from surface water and groundwater inputs. This filling effectively changes the area water balance and surface water and groundwater flow pathways. To the same extent, abandoned quarries often lead to ecological degradation through water pollution, environmental hazards to wildlife, visual environment degradation and the potential to generate metal leaching or acid rock drainage over time.

PEATLANDS

Nibinamik is concerned that the long-term use of the road will have lasting impacts on groundwater flow, which will impact peatland function if not properly designed. While the Draft EA/IS recognizes this potential impact, the MFCAR Project Team has not demonstrated an adequate understanding of baseline conditions nor developed detailed road designs that permit groundwater flow. Further, there is considerable confusion about when and where construction strategies that permit groundwater flow will be required (e.g., floating roads, equalization culverts) or when conventional excavation methods will be used.

2.2.3 RECOMMENDATIONS AND REQUESTS

Nibinamik has made specific recommendations within the comment tracking table in Appendix A, with key recommendations highlighted below.

- Nibinamik requests a strategic approach be developed for aggregate pits and quarries. This should include, at minimum, (1) a plan for ownership and responsibility during all phases of operation and closure, (2) site specific impact assessments for groundwater flow pathways and sensitive receivers, (3) cumulative effects assessments, and (4) comprehensive closure planning that follows reclamation guidelines in the *Aggregate Resources Act*.
- Nibinamik recommends developing comprehensive plans that outline where site-specific studies are needed, based on water taking and discharge locations and how results of these studies will be used to inform permit conditions or specific mitigation measures.
- Nibinamik requests the MFCAR Project Team develop monitoring plans for groundwater dewatering and water taking activities including adaptive management plans.
- Nibinamik recommends improving monitoring programs based on lessons learned from the Draft EA/IS and documenting the approach to adaptive management in the monitoring framework.
- Nibinamik requests that the infiltration of wastewater without treatment be fully prevented or that the MFCAR Project Team provide monitoring and adaptive management plans.
- Nibinamik requests development of a detailed Groundwater Use and Management Plan including locations of water taking, discharge, a water balance, and monitoring program.
- Nibinamik requests mapping of sensitive groundwater areas, such as groundwater recharge zones and pathways to sensitive receptors and the provision of enhanced mitigation measures for construction and operation in these zones.
- Nibinamik requests clarity on peatland-groundwater conditions, including seasonally and spatially relevant assessments. These assessments should inform detailed designs indicating where low-impact technologies (e.g., floating roads) will be required.
- Nibinamik should be further engaged on the permitting and approval of permits to take water and environmental compliance approvals. Additional studies are required to inform these permits and ensure that conditions and operating conditions are protective of groundwater resources and sensitive receptors. Nibinamik recommends that the full permitting process be undertaken for all required activities to ensure fulsome protection of this environmentally sensitive area.
- Nibinamik requests that all aggregate pits and quarries be properly reclaimed with approved restoration plans and water balances for the post-closure phase.

  Nibinamik recommends the MFCAR Project Team invest in a proactive approach to peatland management, including further studies to understand peatland hydrology and hydrogeology, the development of a First-Nations-led peatland monitoring network, and supporting pilot

projects for low-impact roadway design or peatland restoration techniques. Peatlands management should be a collaborative effort between projects with predicted cumulative effects in the region.

2.3 FISHERIES AND AQUATIC ECOLOGY

2.3.1 SUMMARY OF DRAFT EA/IS CONTENT

EXISTING CONDITIONS

The MFCAR Project Team assessed 91 proposed road water crossings in the study area. Nine crossings are on large rivers like the Albany, Wabassi, Dusey, and Ogoki. The Albany River, Ogoki River, and Gourlie Creek have high traditional value.

The study area has many types of fish habitat that the Project team described:

- Spawning areas for the six fish species in the Albany River, Dusey River, Ogoki River, and Gourlie Creek.
- Larger lakes and ponds that provide year-round fish habitat, including spawning, rearing, feeding, and overwintering habitat.
- Smaller and shallower areas like wetlands that freeze in the winter, but are good habitat for spawning, rearing, and feeding during different times of the year.
- Streams with fast-moving water and rocky bottoms that provide spawning habitat for brook trout in the fall and other species like suckers in the spring.
- Larger rivers that may offer spawning habitat for lake sturgeon.
- Lakes, like Patience Lake, that may provide spawning habitat for species like walleye.

The Project includes 64 water crossings over water with fish or connected to waters with fish. The presence of fish is known based on past studies and recent field work. However, it is likely that fish are present in all waterbodies near the Project even if there are no records.

Researchers encountered a total of 17 fish species during water crossing assessments. Many of these fish were minnow species or considered forage fish (food for larger fish). Six types of fish have been selected as “key fish species” for this Project. The selection was made based on feedback from Indigenous Peoples, the public, federal authorities, and other interested groups. The six species of fish are: lake sturgeon, pickerel (walleye), speckled trout (brook trout), northern pike, lake whitefish, ling (burbot).

POTENTIAL IMPACTS

Construction and long-term use of the community access road may affect fish and fish habitat. The MFCAR Project Team has evaluated changes to:

- Fish habitat and survival from the placement and construction of bridges and culverts (water crossings, in-stream construction, and blasting activities).
- Fish habitat from clearing of plants and vegetation, from the release of sediment, fuels, or chemicals during construction, and from changes in water flow and depth.
- Fish habitat quality from air contamination and dust.
- Fish survival and reproduction from increased public access and recreational fishing.

The MFCAR Project Team has also identified some residual effects to fish and fish habitat. Residual effects are Project effects that cannot be minimized or avoided through the mitigation actions (see below). The community access road may cause changes to fish and fish habitat quality and quantity through physical habitat changes. Fish survival and reproduction may also be impacted by improved public access bringing pressures such as invasive species (Smith, et al., 2012) and increased recreational fishing.

Cumulative Effects

The MFCAR Project Team considered the combined effects from the Project and other nearby projects, such as other proposed access roads and linear infrastructure. Effects from other proposed access roads are expected to be similar to those from this Project, depending on timing, location, and type of construction work. Each project will have its own site-specific mitigation measures to prevent cumulative effects. These include monitoring, erosion control, best management practices, and abiding by regulatory requirements. The MFCAR Project Team has stated that they do not expect cumulative effects to arise due to the construction of the road.

PROPOSED MITIGATIONS

There are some specific actions that the MFCAR Project Team has proposed to mitigate impacts to fish and fish habitat during the construction phase of the Project:

- Work outside of time periods important to critical fish life stages (spawning and egg development).
- Design and construct bridges and culverts that allow fish passage and prevent impacts.
- Remove fish prior to in-stream construction and use screens to keep fish out during work.
- Use measures to prevent erosion and the release of fine sediments.
- Manage surface water flow to prevent changes in water depth.
- Use a blasting management plan and limit blasting near fish habitat.

- Develop management plans for air quality and dust control.
- Develop a spill prevention and emergency response plan.

The MFCAR Project Team has also proposed actions to take after construction, during general operation and maintenance of the road:

- Replant vegetation near waterbodies and restrict the use of pesticides.
- Remove temporary infrastructure.
- Develop policies to minimize impacts from fishing.

2.3.2 EVALUATION

As noted elsewhere, Nibinamik supports the desire of Marten Falls First Nation to connect their community to services and opportunities with a permanent all-season road. Nibinamik community members recognize the importance of connections and access to their Homelands, and the many benefits that can come from that. Nibinamik also has a duty to future generations to preserve the land and the community's way of life, to ensure cultural well-being and connectivity.

Nibinamik recognizes the MFCAR Project Team's good efforts to pull together a comprehensive characterization of the existing conditions in the aquatic environment along the preferred road route. Nibinamik also recognizes the voices of Marten Falls First Nation land and water users that contributed important information to the existing conditions characterization.

Nibinamik has identified a number of substantial concerns with the MFCAR Project Team's effects assessment that increase the risk to fish and aquatic ecosystems. These concerns are linked to three general themes, driven by Nibinamik community priorities: cumulative effects, the accuracy of effects assessments, and ensuring environmental protections. Specific comments related to these themes are provided, below, in Appendix A.

2.3.3 RECOMMENDATIONS AND REQUESTS

Nibinamik recognizes fish to be cultural keystones, as both food and as important components of aquatic ecosystems. Maintaining healthy fish populations and aquatic ecosystems is directly tied to the community's capacity to thrive, both spiritually and physically, and to pass on critical cultural learnings to future generations. Nibinamik offers some general recommendations, below, to ensure the fish and aquatic ecosystems of this region are protected. More specific comments are provided in Appendix A.

- The cumulative effects assessment is a critical shortcoming of the Draft EA/IS. Nibinamik recommends preparation of a more substantive assessment that incorporates the additional reasonably foreseeable projects beyond a few additional linear infrastructure developments.
- Nibinamik requests clarity and justification for the assigned magnitude and significance for most of the residual effects discussed in Table 9-10 of the Draft EA/IS. The existing

assessment appears to ignore the interconnected nature of water and its tendency to convey impacts and sources of impacts across landscapes. Similarly, Nibinamik requests a robust and defensible assessment of the impacts and associated mitigations for pile driving during bridge construction.

- Nibinamik also requests clarification regarding the designation of some fish species as "key species" compared to others, despite the potential for ecological interactions and the cultural importance of species not designated as "key species".
- Nibinamik is concerned that language used throughout the proposed mitigations errs on the side of basic practices (i.e., using qualifiers such as "if possible" or "when feasible") rather than prioritizing environmental protection and avoiding impacts. Nibinamik recommends the use of stronger language throughout the mitigations to confirm the MFCAR Project Team's commitment to environmental protections above and beyond the industry standards.
- Nibinamik requests that targeted stressor-specific monitoring plans be developed and implemented, especially for sediment and erosion control. These plans would demonstrate that mitigation measures have been as successful as predicted by the MFCAR Project Team.

2.4 PEATLANDS

2.4.1 SUMMARY OF DRAFT EA/IS CONTENT

Peatlands, also known as muskeg, describe a specific type of wetland made up of organic materials from decaying plants. Peatlands were studied to understand potential impacts to peatland ecosystems. The MFCAR Project Team assessed impacts to peatland ecosystems based on four indicators:

- *Availability*: The amount of peatlands.
- *Distribution*: Where peatlands are found and connectivity between peatlands.
- *Composition and Function*: Composition considers species richness, diversity, and abundance in peatlands, whereas function refers to how a peatland functions as a habitat and how it performs.
- *Carbon Storage and Flux*: The ability of peatlands to store carbon.

EXISTING CONDITIONS

The LSA is dominated by wetlands, which comprise 73% of the area. Of those wetlands, 85% are peatlands. Thus, peatlands make up approximately 63% of the LSA, with the most common peatland being fens (37%), followed by organic swamps (23%), and to a lesser extent marshes and bogs.

Wetland vegetation is representative of the Ecoregions 2E (James Bay) and 2W (Big Trout Lake). Peatland ecosystems provide a range of functions categorized as hydrological, biogeochemical, or habitat. The peatland systems also function as carbon sinks, storing more carbon dioxide than they

release. However, peatlands in the study area were also found to be a natural source of greenhouse gas, contributing to the existing emissions estimate of 1,646 tonnes of carbon annually.

PROJECT EFFECTS & MITIGATIONS

Project activities have the potential to affect peatland ecosystems during the construction and operation phases. Peatlands are expected to be affected by a range of Project activities, like creation and removal of temporary infrastructure, creating aggregate pits and quarries, and general road construction, operation, and maintenance. Due to the prevalence of peatlands in the Project study areas, impacts cannot be avoided. However, a variety of mitigation measures and design features are proposed to minimize effects:

- Limit vegetation clearing.
- Complete construction in winter.
- Prepare a vegetation restoration plan.
- Use floating road construction and culverts to allow groundwater flow.
- Design pre-construction, construction, and post-construction monitoring programs.

Even with mitigations, there are predicted residual effects to peatlands. There will be changes to the availability, distribution, composition, and function of peatlands from direct loss, and indirectly from changes to groundwater flow, fragmentation and edge effects, and from dust emissions.

The MFCAR Project team considered Project effects to peatlands to be insignificant. However, there is a moderate degree of uncertainty due to the availability of baseline data and the unknown effectiveness of proposed mitigations. Changes to peatland ecosystems due to changes in groundwater, during construction as well as maintenance and operation, were considered highly uncertain. The MFCAR Project Team committed to addressing these effects further during the detailed design phase and additional studies to understand existing conditions. The MFCAR Project Team expected that an improved understanding of peatland hydrology and hydrogeology would help to refine road design.

Cumulative effects from nearby projects are anticipated to result in effects on peatlands. However, the Draft EA/IS predicts that peatland ecosystems will remain self-sustaining and ecologically effective within the region. This reasoning is used by the MFCAR Project Team to assert that there will be no cumulative effects on peatlands due to the Project.

2.4.2 EVALUATION

The peatland assessment was reviewed from a hydrogeologic perspective, whereas considerations for vegetation were captured elsewhere (see Section 2.5, below). The focus of the evaluation is on the residual and cumulative effects assessments.

CUMULATIVE EFFECTS

The peatland cumulative effects assessment states that although the MFCAR Project, Northern Road Link, Rapid Lynx Broadband Project, and the Anaconda and Painter Lake Forestry Road upgrade projects will result in the permanent loss of peatland functional area and ecosystem function, peatlands are expected to remain abundant and connected in the RSA. Further, the Webequie Supply Road (WSR) Project was left out of the cumulative effects assessment on peatlands. Appendix E suggests that the WSR was only included in the cumulative effects for Wildlife, which is a major deficiency of the evaluation of cumulative effects from MFCAR. Nibinamik remains very concerned that the cumulative effects of linear infrastructure throughout the RSA will result in irreversible changes to peatland function, including impacts to wildlife habitat, carbon storage, hydrology and drainage, and groundwater flow pathways. Road disturbance of peatland environments is known to have significant and lasting impacts on function, availability, and distribution, with only marginally successful restoration methods available (Ament, 2008). By assuming there will be little effect on the net ecological function and connection of peatlands in the area without adequate analysis, modelling, monitoring, and restoration plans, Nibinamik cannot be assured that effects will not have a lasting impact on ecosystem function.

Cumulative residual effects on peatland ecosystems from proposed development projects and climate change are predicted. Increased risk of forest fire in peatland ecosystems is a key potential impact identified by the Draft EA/IS. Impacts to the water table, such as changes to groundwater flow direction, are anticipated from linear projects like roadway development, as well as proposed temporary workspaces. Changes to water distribution, in combination with changes to rain and snowfall distribution from climate change, mean a heightened risk of forest fire for much of the RSA. The MFCAR Project Team relies on piecemeal environmental protections, implemented by each individual project separately, to explain the forest fire risk. Nibinamik is concerned that without coordinated, First Nations-led, forest fire management and response, region-spanning wildfires will become more frequent and more devastating.

RESDIUAL EFFECTS

Nibinamik is concerned about significant direct loss of peatlands from Project construction. The MFCAR Project Team considers the residual effect to be “low” and asserts the loss of peatlands to be small relative to the RSA, which encompasses multiple quaternary watersheds. However, like all wetlands, the ecosystem benefits of peatlands (storing carbon dioxide and acting as carbon sinks) greatly outweigh their physical size. Despite suggesting peatland restoration, Nibinamik notes there remains considerable uncertainty about the feasibility of peatland restoration as reflected by language in the Draft EA/IS.

The Draft EA/IS also does not consider potential impacts to groundwater quality from construction in peatlands and peatland restoration. Nibinamik is concerned that methylmercury concentrations could increase in groundwater due to construction activities changing groundwater sulfur content. Increased methylmercury in groundwater could influence surface water quality and fish health in areas of groundwater discharge. These potential effects have not been meaningfully assessed or mitigated.

2.4.3 RECOMMENDATIONS AND REQUESTS

The peatland effects assessment contains numerous uncertainties which raise concerns about its reliability and the effectiveness of proposed mitigations. Nibinamik offers the following recommendations and requests, which are also provided in more detail in Appendix A.

- Due to the uncertainty and severity of potential cumulative effects to peatlands from compounding linear development projects, Nibinamik recommends these impacts be considered "significant." Nibinamik also requests that additional coordinated mitigation measures be developed.
- Due to the uncertainties around peatland restoration, the direct loss of peatlands from Project construction should be considered "significant." Additional mitigation measures should be required to ensure peatlands can be restored and that local environmentally sensitive areas are not impacted.
- A more comprehensive cumulative effects assessment for peatlands is warranted given the uncertainty surrounding peatland hydrology and hydrogeology. Similar to recommendations made above for groundwater (Section 2.2), the MFCAR team should invest in a proactive approach to peatland management, including further studies to understand peatland hydrology and hydrogeology, and the development of an First Nations-led peatland monitoring network. Nibinamik also recommends supporting pilot projects for low-impact roadway design or peatland restoration techniques. Peatlands management should be a collaborative effort between projects across the region, recognizing their shared cumulative impacts.
- Due to the potential risk of forest fire in peatlands with changes in hydrology and hydrogeology, Nibinamik recommends a coordinated, first Nations-led, forest fire management response is warranted.
- Nibinamik requests that the Final EA/IS include an assessment of potential changes to groundwater quality due to construction in peatlands, with an emphasis on changes to sulfur and methylmercury concentrations. This assessment should use an ecosystem-based approach and discuss potential risk to surface water and fish health via groundwater-surface water interaction. Residual effects must be characterized and associated mitigations proposed.
- The impacts of the Webequie Supply Road Project, which is currently undergoing a joint federal and provincial Impact Assessment, must be included in the cumulative effects assessment of the MFCAR on peatlands.

2.5 VEGETATION, SOILS, TERRAIN, AND PHYSIOGRAPHY

2.5.1 SUMMARY OF DRAFT EA/IS CONTENT

The community access road, including temporary and permanent affiliated infrastructure such as aggregate pits, may affect the physical landscape like the terrain, soils, and plants. Temporary

infrastructure will largely be reclaimed, however temporary quarry pits are planned to be abandoned by blocking access, while pits required for ongoing maintenance will remain in operation. The MFCAR Project Team studied both direct and indirect effects from the Project on the physical landscape. They evaluated physical changes to the land as well as how these changes may affect water, fish, plants, and animals. The assessment mostly focuses on the LSA, which includes the communities of Marten Falls First Nation and Aroland First Nation.

EXISTING CONDITIONS

There are two main regional landscapes, Severn Upland (rolling hills with mixed forests, sparse young trees, lakes, and rocky areas) and Hudson Bay Lowland (flat, swampy wetlands with bogs and shallow lakes). The main soil types are mostly organic soils, like peat or muskeg, covering over 65% of the area, and a lesser extent of mineral soils, from sands to heavy clays.

There are two special land features in the Project area, eskers and moraines, and the LSA also contains a lot of terrestrial riparian habitat adjacent to a wide variety of waterbodies.

Traditional plants used for food, materials, medicines, and spiritual purposes are found throughout the area, especially close to lakes and rivers. Black ash trees were the only species at risk (SAR) found in the LSA. However, the ranges for Pitcher's thistle and northern marsh violet overlap —these species are also SARs —with this region, so these species could be present in the LSA.

POTENTIAL IMPACTS OF THE ROAD

The MFCAR may affect soil, vegetation, terrain, and physiography during construction and long-term use due to interactions such as:

- Changes to landforms and slope stability.
- Loss of upland, wetland, and riparian environments, including in areas like provincial parks.
- Some loss of suitable habitat for SAR, like black ash and northern march violet.
- Changes that affect soil moisture and soil density, making it harder for plants to grow.
- Changes to the amount, distribution, and quality of soils.
- The introduction and spread of invasive species, affecting native plants and wildlife habitat.
- Changes to vegetation from direct removal or loss (e.g., land clearing).
- Changes to vegetation due to changes in water flow.
- Contamination of soil, plants, and animals from spills, leaks, dust, and vehicle emissions.
- Changes in water flow and groundwater levels, affecting soil and plant health.
- Loss of plant biodiversity, increased erosion, and changes in water temperature.

PROPOSED MITIGATIONS

The MFCAR Project Team has proposed some measures that will be used to minimize or avoid impacts during the construction and operation phases:

During Construction

- Limit the size and amount of land cleared for construction areas and facilities.
- Minimize vegetation clearing and soil disturbance.
- Use a soil management plan with guidelines to prevent soils from entering water.
- Clean equipment to prevent the spread of invasive species.
- Use management plans to prevent dust and air emissions and monitor air quality.

After Construction

- Replant areas with native vegetation.
- Monitor soil and plant health regularly.
- Minimize use of herbicides in maintenance.
- Reclaim affiliated temporary infrastructure, with the exception of inactive pits, which will be abandoned and blocked.

2.5.2 EVALUATION

Nibinamik community members recognize that with respect to terrain and physiography, the physical impacts of linear infrastructure are unavoidable. Instead, community concerns focused on potential unknown or uncharacterized impacts of MFCAR on plant medicines, with specific mention of cedar bark, sap, birch bark, Labrador tea, and chaga.

Many pathways of impacts on plant medicines and culturally important vegetation are possible due to the proposed road. This includes increased human-caused forest fires, invasive species proliferation, over-harvesting of resources, and vegetation community shifts towards successional and disturbance-tolerant species (Watson, 2005).

Because plant medicines are not assigned economic value within western standards, they are often not taken into account when examining the impact of invasive species. Habitat fragmentation would alter vegetation communities along the MFCAR, with ecological effects to extensive adjacent areas (such as changes in plant species composition, road avoidance by large wildlife, pollinator and seed disperser impacts, etc.). The ecological changes to areas adjacent to the road and related infrastructure could further impact the distribution and abundance of plant medicines in unpredictable ways.

Airborne dust and road run-off contaminants, such as silts, sands, and salt, will have a negative impact on plant medicine quality near the MFCAR, and in particular quarry operations. Access through the region by various people (for recreation, forestry, construction and maintenance, community members, visitors, hunters and anglers etc.) will increase the harvesting of plant medicines. Often, increased human access leads to overharvesting (Mychasiw & Hoefs, 1988). [redacted]

Nibinamik community members also expressed concerns that the Project would facilitate the proliferation of invasive plant species, which can outcompete important native species and are less valuable as food sources for valued wildlife. Invasive species exert a cost of $13–$34 billion dollars per year on Canadian industries (Colautti, 2006). And, this is, by definition, an underestimate as no dollar-value is assigned for subsistence harvesting, culturally significant plants and animals, or ecosystem services. Roads are well-established vectors for invasive species proliferation (Mortensen, 2009) meaning the MFCAR comes with a massive risk of spreading invasive species. This may include terrestrial vegetation species such as European buckthorn, garlic mustard, and Japanese knotweed, but also aquatic plants like common reed, flowering rush, and Eurasian water-milfoil. Roads can also spread invasive tree insects such as hemlock, woolly adelgid, forest tent caterpillar, pine false webworm, and spruce budworm on vehicles, plant debris, relocated brush, and firewood. Tree diseases found elsewhere in the province such as Armillaria root rot, brown spot needle blight, and white pine blister rust are also at risk of being spread along the MFCAR (Madadi, 2017).

Many of these invasives have the potential to exert major damage on valued ecosystem components: invasive diseases, pests, and competitors on culturally significant plants and wildlife, and aquatic invasives on local fisheries (Smith, et al., 2012; Colautti, 2006)).

2.5.3 RECOMMENDATIONS AND REQUESTS

Nibinamik provides the following recommendations and requests related to avoiding or minimizing impacts to vegetation, soils, and terrains along the MFCAR, which are also provided in more detail in Appendix A:

- Nibinamik requests to be engaged on oversight and decision-making regarding access permissions and access control along the MFCAR.
- Nibinamik recommends the development and implementation of a plant medicines mitigation and conservation plan. Nibinamik also requests to be provided this plan for review and comment.
- Nibinamik recommends that temporary quarry pits be not only abandoned but also reclaimed, and that reclamation plans are developed in alignment with a plant medicines mitigation and conservation plan. Nibinamik also requests review of reclamation plans.
- Nibinamik recommends the development and implementation of an invasive species mitigation and management plan specific to both construction and operation of MFCAR and permanent quarry pits. Nibinamik also requests to be provided this plan for review and

comment, and for opportunities to collaborate with Marten Falls First Nation on invasive species management measures.

- Given the pristine and sensitive nature of the boreal forest in the region, Nibinamik requests that the MFCAR Project Team pursue a zero-invasives policy to ensure no or negligible residual effects due to the Project. This must not include application of chemical treatments that are harmful to non-invasive insects.
- To minimize impacts, Nibinamik recommends limiting the ROW to the width required for a community access road (as opposed to a heavy-use industrial road). This would lend itself to a variable-width ROW based on local conditions rather than a 60 m ROW for the entire length.
- To mitigate the residual effects of dust management, Nibinamik recommends that the operations must not apply chloride-based products and instead use nature-based solutions (that do not include fresh water withdraw).

2.6 TERRESTRIAL ECOLOGY AND WILDLIFE

2.6.1 SUMMARY OF DRAFT EA/IS CONTENT

The MFCAR has the potential to impact sensitive wildlife and bird species, including SAR, that are native to the boreal forest. The MFCAR Project Team studied what changes to wildlife and birds could occur, and how these changes can affect resources for First Nations communities. The terrestrial ecology existing conditions were established through field studies, gathering Indigenous Knowledge, and consulting public data, focused primarily in the LSA. Examples of information included in the assessment are:

- Bats: The LSA has habitat for bat breeding but habitat for bat resting and winter hibernation is limited.
- Furbearers: The LSA has suitable habitat for animals like wolverines, American marten, and beavers.
- Reptiles and Amphibians: Six types of frogs and toads, along with garter snakes, were found during field studies. The LSA has amphibian breeding habitat like bogs, fens, marshes, and swamps.
- Pollinating Insects: Bumblebees and lady beetles, which are both SAR, could be present in the LSA and RSA.
- Birds: There is good bird habitat throughout the LSA, including nesting habitat. One noted exception is osprey habitat, which is poor or nonexistent.
- Bird Species at Risk: Common nighthawk, bald eagle, olive-sided flycatcher, and rusty blackbird were SAR found commonly during field studies. The availability of nesting habitat in the LSA for SAR birds is variable.

IMPACTS ON TERRESTRIAL ECOLOGY

The study assessed three aspects to understand impacts to birds and wildlife: how much habitat is available, where habitat is, and how well birds and wildlife can survive and reproduce. Many Project activities have the potential to cause habitat loss or harm bird and wildlife survival, such as:

- Potential for chemical spills or leaks
- Blasting activities
- Dust and air emissions
- Disturbances such as light, noise, and human activity
- Vehicle collisions
- Habitat fragmentation caused by linear development
- Increased public access to hunting, harvesting, and fishing in the area

The MFCAR Project Team has proposed standard measures to minimize or mitigate these impacts, such as environmental monitoring and protection plans and wildlife protection policies.

Despite measures to protect birds and wildlife, the MFCAR may still impact wildlife and bird populations. The MFCAR Project Team anticipates residual effects on terrestrial ecology values to include:

- Loss of habitat, disturbances, dust, noise, and vehicle collisions. Potentially impacted species include bats, wolverines, martens, beavers, reptiles, amphibians, and pollinating insects. The MFCAR Project Team expects these species to be able to survive and adapt to the changes in habitat availability and populations.
- Direct loss of suitable bird habitat is predicted to be minimal, but the MFCAR Project Team anticipates that bird populations could be disrupted by noise, lights, and human activity.

Cumulative effects on wildlife and birds may occur due to the combined impacts of the new access road and other current and future projects. However, the MFCAR Project Team expects cumulative effects will be minimal, due to the abundance of available habitat in the Project study areas.

The MFCAR Project Team predicts that wildlife and bird populations will remain stable and healthy upon completion of the Project. A terrestrial biodiversity offset plan is being developed, which will create additional migratory bird habitat if needed, and monitoring programs and protective measures may be adjusted in order to improve survival of wildlife.

2.6.2 EVALUATION

The MFCAR Draft EA/IS predicts a human disturbance of 0.3% for the LSA. This is considerably lower than the Canadian average of 16.8% disturbance (Hill, 2024). However, the entire length of the MFCAR would impact the region in numerous ways, and become the first major and permanent road

through a previously undeveloped and highly naturalized area. It would, therefore, have far greater proportional environmental impacts than can be described by percent land use change, and would create a historic starting point for future developments (Mychasiw & Hoefs, 1988; Bekker, 2003; Watson, 2005).

The proposed MFCAR represents the beginning of a cascade of changes in the region. The Draft EA/IS acknowledges that the outcome of all impacts to plants and wildlife are negative, with the majority of impacts classified as "ongoing" and "irreversible." In addition to being negative and irreversible, several of these impacts should be classified as "moderate" or "high" magnitude and are "significant" (as opposed to their currently assessed values of "not significant").

Cumulative impacts are notoriously difficult to predict, assess, or monitor (Clark, 1994). As such, EIS work is often unable to quantify hypothetical, and sometimes emergent, effects. In this case though, a large contiguous wilderness without any permanent roads makes things more evident: all future developments which utilize the MFCAR will have impacts related to the Project, and therefore contributing to its cumulative effects. Robust, long-term monitoring (to detect changes) and research (to discover mechanisms) should be used to understand what this new road means for terrestrial ecological systems.

Nibinamik is concerned that the MFCAR Project Team has minimized the potential impacts to terrestrial ecology, wildlife, and birds. There are insufficient details provided in the Draft EA/IS to overcome the uncertainties associated with proposed mitigations. Nibinamik is concerned that a more conservative approach is required to ensure the local environment is appropriately protected. Nibinamik highlights the following concerns related to wildlife and birds, based on feedback received from community members.

INCREASED ACCESS FOR OUTSIDE INDUSTRY

New roads create major opportunities to access natural resources beyond mining. In addition to minerals, the completion of the MFCAR would immediately expose timber, wildlife, plants, and fungi to increased harvesting levels and greatly enhance the risk of over-exploitation (Mychasiw & Hoefs, 1988; Bekker, 2003). Legal sport and subsistence hunting as well as illegal poaching are expected to increase with creation of a road. Many Canadian case studies have shown that overharvesting follows the development of new roads into wilderness areas (Mychasiw & Hoefs, 1988).

WILDLIFE HABITAT FRAGMENTATION

Roads are known to create substantial fragmentation effects within wilderness areas (Ament, 2008). This fragmentation alters microclimates along the road (i.e. changes average temperatures, solar exposure, and drainage), which can result in significant changes to adjacent vegetation communities (Watson, 2005). These altered habitats often transition from mature systems towards successional, disturbance-tolerant habitats that contain invasive plants (Watson, 2005). The conversion of interior habitat to edge habitat results in decreased habitat function and productivity for many species, including those which are wide-ranging or large-territory dependent (Carr, 2011; Committee on the Status of Species at Risk in Ontario [COSSARO], 2015). These alterations to the vegetation

communities and associated ecosystems can result in significant impacts to the quality and quantity of important habitat for wildlife and birds, including;

- Stress induced by road and air traffic can be energetically costly, creating functional habitat loss by reducing, limiting, or otherwise changing movement.
- Lack of cover may also alter wildlife movement and pathways, forcing use of suboptimal or difficult terrain as well as increasing hunting efficiency and predation.
- Altered competition, disease, or parasites in previously undisturbed areas.
- Increased mortality due to traffic.
- Edge effects altering vegetation communities, causing habitat loss.

IMPACTS ON CULTURALLY VALUED SPECIES

Caribou

Boreal (i.e. woodland) caribou have been in decline for more than a century, resulting in near extirpation from the southern 40% of their range (COSSARO, 2015). This decline has been strongly linked to human development and settlement activities exacerbated by caribou avoidance behaviour resulting in the functional loss of habitat (ECCC, 2019; Carr, 2011). Formerly productive caribou habitat has been altered such that it supports smaller and more precarious caribou herds. Simultaneously, this altered habitat promotes competitors such as deer and moose, and facilitates hunting success for predators like grey wolf and black bear (Curveira-Santos, 2024; Dickie, 2017).

Caribou are known to preferentially avoid human disturbance (with a minimum buffer of 500 m), which creates functional habitat loss with margins up to 15 km (Carr, 2011; COSSARO, 2015; ECCC, 2019) on top of the direct physical loss. The Draft EA/IS states that the direct loss of 16,901 ha of Category 1 habitat within the Missisa caribou range would bring the total disturbed habitat area for this herd to 8%. The MFCAR Project Team asserts this major regional change as a “low magnitude” and “not significant” impact to the Missisa herd. Nibinamik fundamentally rejects this characterization, given the ongoing and substantial extirpation of boreal caribou linked to human activities.

Impacts to the Nipigon herd have been interpreted in the Draft EA/IS as “moderate magnitude” and “significant”, because “the Nipigon range already exceeds the disturbance threshold established by Environment and Climate Change Canada, so any additional habitat loss is considered significant” (MNRF, 2010). However, the Draft EA/IS does not fully acknowledge fragmentation, effective habitat loss (possibly up to 15 km), predator-mediated competition, and increased predator hunting efficiency effects on the Nipigon herd.

The MFCAR also sets the stage for major future cumulative effects to this herd from development associated with the road (including forestry and exploration impacts). Nibinamik community members have consistently voiced concerns regarding appropriate characterizations and mitigations of cumulative effects. Nibinamik asserts that, at minimum, the “moderate” and “significant”

designations should be applied for the proposed negative, permanent, and irreversible impacts on the already declining Missisa caribou herd.

Moose

Nibinamik members underscored the importance of moose as a culturally significant species. Moose will be impacted by the MFCAR through habitat fragmentation, effective habitat loss, road mortality, and increased predator efficiency. Moose are known to preferentially avoid roadways (up to at least 1,000 m; (Beazley, 2004), which creates functional habitat loss along the entire proposed route. Impacts to moose can also occur despite their preference for avoidance, due to the attractive quality of sodium-rich vegetation along the edges of access roads, which increases the risk of road mortality due to vehicle collisions (Laurian, 2008).

The Draft EA/IS acknowledges that there will be residual effects on moose in the form of altered habitats (due to invasive species), changes in movement patterns, and direct as well as functional habitat loss. However, the MFCAR Project Team maintains that all impacts to moose are "low magnitude" and "not significant." The proposed MFCAR also has a high likelihood of increasing levels of legal recreational and subsistence moose hunting and a possible increase of some illegal poaching, concerns consistently raised by Nibinamik community members.

There are multiple impact pathways, a high likelihood of increased moose mortality, and notable uncertainties regarding the efficacy of proposed mitigation measures. Together, these factors do not lead Nibinamik to be confident in the MFCAR Project Team's effects assessment. Recognizing the cultural importance of this species, Nibinamik asserts that the proposed impacts to moose in the LSA are, at minimum, of "moderate" magnitude and "significant."

Other Valued Wildlife

Predators, fur-bearers, birds, and other valued wildlife species will all be affected by proposed MFCAR development. As noted above, habitat fragmentation will have a lasting (permanent and irreversible) impact on all species in the vicinity of the Project, with the magnitude likely varying due to habitat needs, home range size, migration patterns, and other species-specific factors. New infrastructure has the potential to alter behaviour and mortality risks. Roads and culverts may attract wildlife, such as grazing ungulates, to cleared embankments, or beavers to culverts with running water as well as predators to the travel corridor.

Wolverine is a Threatened SAR and is present in northern Ontario because of the availability of large contiguous natural areas and undeveloped wilderness. In many parts of the world, wolverine have been extirpated or drastically reduced due to development (Scrafford M. A., 2018). It is well established that, in Ontario, wolverine population size and habitat occupancy go down as road density goes up (Scrafford, M.A., 2018; Ontario Wolverine Recovery Team, 2013). Improved hunting efficiency of wolves along roads may also be an important impact for wolverines: as potential competitors, wolves will sometimes kill, but often do not eat, wolverines (Scrafford, M.A., 2018).

Appropriately, the Draft EA/IS acknowledges a high level of uncertainty regarding residual effects on wolverine caused by the MFCAR. However, the MFCAR Project Team still aimed to minimize the

Project impacts. Nibinamik asserts that the magnitude of impact to wolverine in the region will be "high" and "significant," given that the road will directly contribute to local declines of a Threatened SAR.

The MFCAR Project Team has stated that "habitat connectivity isn't a problem for martens," (AECOM, 2025a, p. 210) however has not provided evidence to support this claim. Linear features, depending on their size, type, and density, are known to impact the movement patterns and habitat occupancy of martens (Tigner, 2015). Therefore, as with wolverine, the MFCAR would very likely impose substantial local impacts on martens with habitat ranges overlapping the LSA.

2.6.3 RECOMMENDATIONS AND REQUESTS

Nibinamik is concerned that Project impacts to terrestrial ecology, wildlife, and birds have been consistently minimized in the Draft EA/IS. Uncertainties and limited details have not provided sufficient confidence that residual effects have been appropriately characterized by the MFCAR Project Team. Nibinamik provides recommendations and requests in Appendix A, based on these themes:

- Nibinamik requests that impacts to key wildlife species (e.g., moose, caribou, wolverine) be appropriately characterized as "significant."
- Nibinamik recommends developing more appropriate and effective mitigations to ensure that impacts due to habitat fragmentation and increased public access are avoided or minimized. Minimization must entail reducing the road clearing from 60 m to a variable-width ROW accommodating only the Project footprint needs which considers a road appropriately sized for community access needs.
- Nibinamik requests to be involved in environmental management and monitoring measures to ensure protection of culturally valuable species and ecosystems. This include operations monitoring and wildlife management practices such as beaver removal.

2.7 LAND AND RESOURCE USE

2.7.1 SUMMARY OF DRAFT EA/IS CONTENT

The Project could lead to changes in the way the land is used and experienced. The MFCAR Project Team described land and resource use, and how the land looks (the "visual environment"). These are closely related: when humans use and change the land, we also change how it looks. The MFCAR Project Team studied current land uses and the visual environment in the CDA, the LSA, and the RSA. Nibinamik is grouped with approximately 20 other local communities in the RSA, and most of the assessment focuses on effects on the LSA.

The MFCAR Project Team evaluated nine VCs for land and resource use:

- Land Use Compatibility

- Parks and Protected Areas
- Recreation and Tourism
- Extractive Resource Industry
- Forestry Industry
- Remote Outfitters
- Traditional Land Use and Trapping
- Visual Environment
- Energy and Linear Infrastructure

Project construction and ongoing long-term use of the MFCAR will change land use and the visual character of the area. Effect pathways were described that relate to:

- Land Use Compatibility: Construction is planned within protected areas and provincial parks. These areas will be affected by construction and changes in noise and air quality.
- Tourism, Recreation, and Outfitters: There will be potential impacts to tourism and traffic from improved access and changes in noise, air quality, and animal habitat.
- Trapping: [redacted]
- Mineral Extraction and Forestry: Improved access to the area may increase opportunities for mineral extraction and forestry.
- Energy Projects and Linear Infrastructure: There is potential for increased opportunity to develop energy facilities along the road route.
- Visual Environment: The community access road will change the visual character of the area. This has the potential to effect parks, protected areas, recreation and tourism, and the privacy of permanent settlements. Construction and infrastructure could disturb culturally significant landscapes.

In the Draft EA/IS, the MFCAR Project Team proposed measures to mitigate effects to land and resource use and the visual environment. These focus mainly on minimizing effects on the CDA and LSA.

Land and Resource Use

- Engagement with affected groups like camp owners, outfitters, mineral and land claim holders, trapline tenure holders, and nearby First Nations.
- Limit land clearing and the creation of new trails and roads in provincial parks.

- Engage with provincial regulators to create control measures for park use, hunting restrictions, and education.
- Properly design infrastructure to prevent impacts to fish and animal habitat.
- Limit land clearing and ensure reclamation in disturbed areas.

Visual Environment

- Design bridges to blend in with the landscape and maintain natural vegetation.
- Maintain tree cover around sensitive areas like camps, outfitters, and settlements.
- Collaborate with local governments and First Nations communities to identify and protect cultural heritage sites.

The MFCAR Project Team also assessed the combined effects from this Project and other existing and potential future linear infrastructure projects. Potential cumulative effects include loss of habitat for furbearing mammals, improved access to land for trapping and hunting, and other disturbances during construction and long-term use of the MFCAR.

2.7.2 EVALUATION

INSUFFICIENT STUDIES FOR NIBINAMIK LAND AND RESOURCE USE

The existing conditions characterization and effects assessment are focused on the LSA, which includes a 5-km buffer around the CDA. As a result, land and resource use effects included in the Aboriginal and Treaty Rights and Interests assessment (see Section 2.14, below) are mainly for Marten Falls First Nation and Aroland First Nation. In contrast, effects on Nibinamik's land and resource use are considered only within the broader RSA, which encompasses more than 20 other local communities. This approach results in a generalized assessment of regional impacts, without providing a detailed or community-specific analysis of the effects on the rights, values, and interests of Nibinamik.

Further, the assessment describes trapping in the RSA as an "historically important activity" that is now "less common" and "largely recognized as a pastime" (Dillon Consulting Ltd., 2024a). However, this generalization fails to reflect the lived realities of Nibinamik community members, who continue to actively rely on trapping as a meaningful part of their subsistence practices and cultural identity. For Nibinamik, trapping remains a vital connection to the land, Traditional Knowledge, and intergenerational teaching. This type of generalization is reflected throughout the Draft EA/IS and is a recurring concern for Nibinamik.

POTENTIAL IMPACTS ON NIBINAMIK LAND AND RESOURCE USE

Nibinamik community members expressed a range of concerns about the proposed road and related development, highlighting significant direct impacts on their own land and resource use, as well as indirect impacts through changes to wildlife patterns and habitat. Community members recognize

that improved access to their Homelands through all-season roads could offer benefits—such as enhanced opportunities for hunting, trapping, fishing, and other traditional activities, as well as bringing youth onto the land for learning and healing. However, these potential advantages were weighed against serious concerns. Specifically, community members emphasized the potential disruption to wildlife habitat, changes to harvesting practices, and broader implications for their governance systems and responsibilities to care for the land.

Impacts to Wildlife Habitat and Harvesting Practices

- Increased hunting and fishing pressure on local wildlife (e.g., moose, caribou, beaver, grouse, lynx, marten, muskrat, migratory birds).
- Wildlife displacement due to noise (e.g., helicopters from mining exploration scaring off moose).
- Reduced hunting opportunities due to moose and caribou displacement and mortality from clear-cutting and road creation, including increased vulnerability to predators like wolves.
- Reduced access to and/or availability of medicinal plants and other culturally important vegetation (e.g., cedar bark, sap, birch bark, chaga).
- Concerns regarding the spread of invasive species (plants, insects) via transport trucks and the resulting impact on culturally valued species.
- Concern about potential accidents and spills on the road during construction and operation, which could impact water quality, fish and fish habitat, and other wildlife species that are important sources of traditional food and medicine. These environmental impacts would affect the ability of community members to harvest and consume traditional foods from the land.

Land Use and Governance

- Outsiders gaining access to Nibinamik's Homelands for hunting, fishing, and resource extraction (e.g., through MNR permits). Community members have already noticed a rise in outsiders coming to hunt and fish on their land without their permission, arriving by float planes.
- Road access may change how people use and relate to the land; many Nibinamik land users say it "doesn't feel right."
- Nibinamik land users expressed fears of the area becoming more overdeveloped and disconnected from traditional Ways of Life.
- Nibinamik community members expressed that they should be informed and involved in decision-making around development in their Homelands.

QUARRY RECLAMATION

Nibinamik community members have raised concerns about the reclamation or ongoing operation of aggregate pits and quarries once the road construction is done, and how these might affect their use of the land in the region. Despite soft commitments from the MFCAR Project Team to reclaim aggregate infrastructure, changes in the ownership of quarries are likely to occur over the life of the Project and would affect the reclamation process. The Draft EA/IS did not provide clarity regarding a reclamation approach for pits and quarries that may change ownership (see Section 2.5 above).

CUMULATIVE EFFECTS

Lastly, the report concludes that because there are currently no existing energy or linear infrastructure projects within the CDA, the Project will have no potential cumulative effects on the Land and Resource Use VC. This conclusion appears to completely overlook the likelihood that the road will facilitate future linear development, energy infrastructure development, and resource exploration. Once the MFCAR is built, it will significantly ease access for proponents to initiate energy and infrastructure projects, making such development far more feasible. As a result, the Project is likely to have an ongoing, permanent irreversible cumulative negative impacts on Land and Resource Use for Nibinamik.

2.7.3 RECOMMENDATIONS AND REQUESTS

Nibinamik provides the following recommendations and requests, which are also provided in more detail in Appendix A, to ensure that the Project effects on Nibinamik's land and resource use are adequately assessed and that appropriate mitigation measures are implemented to minimize these effects:

- Nibinamik requests that the effects of the MFCAR on Nibinamik's land and resource use be assessed independently and in detail to ensure that the full scope of impacts is understood. The MFCAR team should develop and implement meaningful, community-specific mitigation measures in collaboration with Nibinamik.
- Nibinamik recommends that the Land and Resource Use assessment explicitly account for the future development of energy and linear infrastructure that the MFCAR Project will enable. Ignoring these foreseeable outcomes undermines the integrity of the assessment.
- Nibinamik requests the development of robust, forward-looking mitigation measures to address the cumulative and long-term impacts on Nibinamik land and resource use.
- Nibinamik requests participation in the development of a comprehensive closure and reclamation plan for all aggregate pits and quarries associated with the Project. As noted above, this plan should remain enforceable regardless of any future change in ownership or responsibility. These sites will have direct impacts on fish and wildlife habitat during construction, which in turn affects Nibinamik's rights and land and resource use, including hunting, trapping, and fishing. Failure to implement thorough and culturally informed reclamation measures risks causing long-term, avoidable harm to the land and undermines Nibinamik's rights and responsibilities as stewards of their Homelands.

2.8 COMMUNITY WELL-BEING

2.8.1 SUMMARY OF DRAFT EA/IS CONTENT

The MFCAR could bring both positive and negative changes to the well-being of multiple communities in northern Ontario. In the Draft EA/IS, the MFCAR Project Team assessed community well-being for two (2) communities most immediately impacted by the proposed road, Marten Falls First Nation and Aroland First Nation. The assessment focused on the following factors that influence this VC:

- Local economy
- Traditional land use and culture
- Access to food and water
- Housing
- Safety
- Community and public health
- Infrastructures and services
- Environmental factors

The community well-being assessment was completed in two (2) stages. First was a local study focused on Marten Falls First Nation and Aroland First Nation, and second was a regional study focused on the Kenora, Thunder Bay, and Cochrane Districts. Nibinamik was grouped into the Kenora District with 14 other First Nations and local communities. The local assessment included IK and looked at how the Project might affect different people in the community—like women, youth, and Elders—in different ways. The regional study instead compiled community information across multiple districts and did not discuss well-being for specific communities.

The local community well-being assessment describes the potential benefits and challenges of the Project on Marten Falls First Nation and Aroland First Nation's well-being, including:

Potential Benefits

- Creation of jobs and boosts to local employment and the economy.
- Improved mental health from increased financial stability and employment opportunities.
- Improved access to surrounding communities.
- Improved access to goods and services, like health care and mental health support.
- Improved access to food through more efficient road-based deliveries.

- Increased access to educational and economic opportunities.

Potential Challenges

- Construction and other activities may lead to more working-age men in work camps, and thus a gender imbalance in communities.
- Construction jobs could encourage off-reserve community members to return, putting pressure on community housing and infrastructure.
- Impacts on traditional foods and harvesting areas due to increased access.
- Increased challenges related to mental health, and changes in social dynamics.
- Increased traffic resulting in increased risk of accidents on the road.
- Increased community access to drugs and alcohol.
- Risk of decrease in public safety.
- Impacts to human health from changes to air, water, soil quality, and noise.

The MFCAR Project Team plans to put together working groups with Marten Falls First Nation and Aroland First Nation to address their community needs and concerns related to healthcare, emergency services, employment, housing, safety, cultural programming, and violence prevention. Fair employment opportunities, along with job readiness programs, will be used for employment and work camps. The MFCAR Project Team is also planning to monitor air, water, and soil to help understand and address potential impacts to human health. Monitoring and mitigation plans will be different between construction and operation, and these will be created as part of the final Project permitting process.

2.8.2 EVALUATION

INSUFFICIENT STUDIES FOR NIBINAMIK WELL-BEING

The regional community well-being study looked at a large area that stretches south to Thunder Bay and east past Sioux Lookout. As a result, the study does not provide a good understanding of the potential impacts to the well-being of Nibinamik community members. For example:

- The study includes large cities and towns like Kenora, Sioux Lookout, and Dryden in the Kenora District, which means that it will not reflect the realities and needs of small, remote communities such as Nibinamik.
- The study averages information on community dynamics, employment rates, education opportunities, household characteristics, and housing adequacy for the whole district, which does not accurately reflect conditions in small, remote communities like Nibinamik.

- The study makes assumptions that do not represent life in Nibinamik. For example, the study assumes that members actively travel to Kenora for services like grocery stores, the airport, schools, and healthcare.

Overall, there are significant gaps in this study as it relates to accurately reflecting the potential benefits and challenges from the Project for Nibinamik. The regional study also does not assess the potential Project effects on community well-being in Nibinamik. Further studies are needed to determine the road's potential impacts to Nibinamik's well-being. Completing the formal regional assessment prior to the EA/IS for MFCAR, as noted at the start of this section, would relieve many of the uncertainties regarding the road's potential effects on Nibinamik community well-being.

POTENTIAL IMPACTS OF MFCAR ON NIBINAMIK'S WELL-BEING

The Project is located near Nibinamik's Homelands, where community members regularly engage in traditional activities such as hunting, trapping, and fishing within and around the RSA. This proximity means the Project may directly impact these practices and the associated rights of the community, and ultimately their well-being.

Community well-being is a top priority for Nibinamik leadership, especially as the community faces significant health challenges related to drug and alcohol use, mental health and youth suicide, as well as high rates of diabetes. While Nibinamik recognizes the potential benefits of all-season road access, any development must prioritize the health and well-being of the community and uphold Nibinamik's governance over their Homelands.

Community members shared their visions for potential benefits and concerns about improved road access to the Nibinamik Homelands, including:

Potential Benefits

- The winter road season is getting shorter due to climate change, which shortens the window for Nibinamik to transport supplies into the community. Having easier access would allow Nibinamik to have more reliable year-round access to supplies, food, and goods
- Year-round access would also lower the cost of supplies such as food, construction supplies, gas, etc.
- Development around Nibinamik could bring training and job opportunities for community members.
- Increased access to friends and family in surrounding communities.
- Easier access to the land for youth and future generations allowing them to continue to hunt, fish, harvest, and live off the land.
- Increased access to healthcare and emergency care.
- Easier to evacuate when there are emergencies such as forest fires.

- Increased economic development opportunities. Since Nibinamik is not recognized as a "reserve" by the federal government, the Nation has limited access to funding and support.

Concerns

- Community safety and well-being is a priority for Nibinamik. Most members that provided input on MFCAR mentioned the concern that all-season road access in the region will facilitate drug and alcohol transportation to the community.
- Members are concerned about increased rates of missing and murdered Indigenous women and children resulting from road access to Nibinamik and the region.
- Members fear that development will deepen existing social challenges; some feel the community needs healing before moving forward.
- Members note that youth are already losing connection to traditional practices, relying more on store-bought food (which has been linked to rising diabetes rates), and there are concerns that year-round road access might exacerbate these challenges.
- Members are concerned that there will be an increase in loss of language, cultural identity, and traditional place names through easier access.
- Members are concerned that the Draft EA/IS does not represent their community well-being needs by lumping the Nibinamik in with Kenora for the well-being assessment.
- The Regional Assessment has a community-specific approach to assessing well-being. However, members are concerned that project sequencing will not allow the Regional Assessment to inform MFCAR construction and Ring of Fire access.

All of the above factors need to be reflected in MFCAR's impact assessment to allow Nibinamik to make informed decisions on the Project.

CUMULATIVE IMPACTS ON NIBINAMIK'S WELL-BEING

The MFCAR is proposed to increase access to and from the Marten Falls First Nation and Aroland First Nation communities. However, the Project also inserts itself into the broader development strategy around the Ring of Fire and creating road access for industry to these mineral deposits. Despite being proposed as a community access road, it cannot be decoupled from the larger regional goals regarding development in this area. Therefore, the MFCAR will lead to additional development within and around the Nibinamik Homelands, resulting in broader and cumulative impacts on community well-being. These will almost certainly include increased opportunities for development of the area in industries such as mining, forestry, and hydro, as well as the construction of additional roads, and expanded opportunities for sport hunting and fishing. Such developments will place greater pressure on fish and wildlife populations, their habitats, and ultimately on Nibinamik as a whole.

2.8.3 RECOMMENDATIONS AND REQUESTS

Nibinamik is in the process of conducting a Traditional Knowledge and Land Use (TKLU) study on their Homelands to document land use by membership. This study will allow Nibinamik to complete an informed assessment of the impacts of the Project on their rights and interests, and propose mitigation or compensation measures to appropriately minimize Project residual and cumulative effects on Nibinamik community well-being.

In lieu of the TKLU study completion, Nibinamik presents some recommendations specific to the assessment of impacts of MFCAR on Nibinamik community well-being, as well as suggested mitigation measures and monitoring programs:

- Nibinamik asserts that no decision about the Project should be made before the Nibinamik TKLU study and the Ring of Fire Regional Assessment are complete.
- Nibinamik requests that the MFCAR Project Team work with Nibinamik to develop a Community Well-Being Plan to address their specific needs and concerns. Further, the plans must be funded and implemented to meet community needs and interests.
- Nibinamik recommends that the MFCAR Project team work with Nibinamik to develop education, training, and employment opportunities for community members. These activities must begin as soon as possible to ensure that Nibinamik is prepared to participate in contracting and procurement opportunities. Economic development from regional access must be equitable throughout the region.
- Nibinamik recommends that all non-Indigenous employees affiliated with any aspect of the project undergo cultural awareness and sensitivity training. No-tolerance policies must be established for any form of harassment and violence within Nibinamik Homelands (inside or outside the workplace).

Nibinamik requests that impacts of the MFCAR on Nibinamik community well-being need to be assessed independently, recognizing the distinctive rights, interests, culture, and governance of their Homelands. This is preferred over having Nibinamik grouped into the RSA and further into the Kenora District with 14 other communities.

Nibinamik recommends that a baseline for well-being in Nibinamik be established in collaboration with the community, prior to road construction. Once the baseline is established, a robust monitoring program, and plan to address needs, should be implemented with Nibinamik community monitors. This Project and related development must have positive impacts on community well-being.

2.9 ARCHAEOLOGY AND CULTURAL HERITAGE

2.9.1 SUMMARY OF DRAFT EA/IS CONTENT

EXISTING CONDITIONS

The LSA is a 5-km zone around the proposed road and aggregate pits and quarries that includes:

- Boreal forest, wetlands, mixed forests, and water sources
- Temporary and permanent settlements
- High potential for archaeological finding. This is because the area is close to water, food sources, and community interest areas

One significant site described in the Draft EA/IS [redacted]

Stage 2 assessments identified five areas of interest, three of which contained culturally significant material:

- [redacted]
- [redacted]
- [redacted]

The MFCAR Project Team completed a Cultural Heritage Assessment which studied human-made or natural features from both First Nations and European (settler) history. The MFCAR Project Team used background research, mapping, and community feedback to identify 288 significant cultural heritage locations:

- 149 harvest areas
- 49 cultural, spiritual, and sacred areas
- 90 habitation areas
- 23 travel routes

POTENTIAL EFFECTS

Due to the inherent ground disturbance of road construction, the Project could encounter and damage archaeological resources. Proposed mitigation includes additional Stage 2 assessments, consultation, and potential Stage 3 investigations if significant sites cannot be avoided. The best way to protect these sites is through avoiding them. If that is not possible, then sites should be excavated

and documented. Long-term road use and maintenance could lead to wear and tear on the surrounding environment, potentially impacting nearby archaeological sites that were not in the direct path of the MFCAR.

The road may also have direct and indirect negative impacts on heritage sites and landscapes. Direct impacts include removing buildings and disturbing the land. Indirect impacts include altered shadows, vibration, blocked views, and traffic. Proposed mitigation measures include careful Project design and construction planning to avoid sites, identifying areas to protect, and monitoring to ensure protection.

2.9.2 EVALUATION

Overall, Nibinamik would like to see more engagement on the archaeological and cultural heritage assessment. The Draft EA/IS Appendix R mentions that some areas have been exempt from archaeological assessment, however it would be prudent to engage with communities to determine whether these areas might have archaeological or cultural heritage potential before excluding them.

Further, there is no mention of the use of LiDAR data in the assessment, though it is known to be extremely reliable data for archaeological assessments, especially in remote areas.

Lastly, it is important to consider that although there are only three known archaeological sites in the Project area, there have not been many archaeological assessments completed in northern Ontario. Archaeological assessments are often completed in the context of development, and since northern Ontario has not had much development, few archaeological studies have been conducted. Therefore, the absence of known archaeological sites must not exclude the possibility that there are important cultural or archaeological sites to consider in this assessment, and further studies must be done to ensure they are adequately protected.

Ensuring that the Regional Assessment, and comprehensive LiDAR through the RSA, is completed prior to the Final EA/IS for the MFCAR is essential to ensuring that potential unknown or unidentified archaeological and cultural heritage resources are appropriately protected.

2.9.3 RECOMMENDATIONS AND REQUESTS

Based on the evaluation above, Nibinamik provides the following recommendations for archeology and cultural heritage, which are also provided in more detail in Appendix A:

- Nibinamik requests that the MFCAR Project Team engage with communities beyond the LSA on specific areas that had been designated “exempt” based on Section 1.3.4 of Appendix R.
- Nibinamik recommends that aerial LiDAR data be used to improve archaeological assessments, as it is more reliable than satellite imagery and topographic maps.
- Nibinamik requests that the MFCAR Project Team engage with Nibinamik to develop a protocol for the handling of found sites or artifacts. This protocol would ensure potential community ownership is appropriately evaluated and respected when Anishinaabek Nation artifacts or sites are encountered.

2.10 ATMOSPHERIC ENVIRONMENT

2.10.1 SUMMARY OF DRAFT EA/IS CONTENT

The IK provided in the Draft EA/IS that relates to air quality is from Marten Falls First Nation and highlights that dwellings, protected areas, and areas where human activity is likely to occur should be considered sensitive receptors (AECOM, 2025a). The atmospheric environment VCs are considered to be air quality and greenhouse gases, with indicators for change based on common transportation and construction contaminants (Dillon Consulting Ltd., 2025a). The study area for Project effects on the atmospheric environment includes the CDA, a specific Project Area defined as a 2.5-km buffer from the centreline of the MFCAR, and the LSA. The MFCAR Project Team did not define a RSA for atmospheric environment, asserting that impacts are not anticipated beyond the LSA (Dillon Consulting Ltd., 2025a).

Ambient Air Quality

The ambient air quality baseline was established partially through desktop research and partially through a field study conducted within the Marten Falls community. The community already has sustained human activity (e.g., burning, vehicle traffic, exposed dirt), so the air quality data provides a conservative estimate of baseline conditions (Dillon Consulting Ltd., 2025a).The maximum measured values for some air quality parameters were at or near guidelines (Ontario Ambient Air Quality Criteria, 2020) within the Marten Falls community. The90th percentile of monitoring and desktop-derived data is compared against baseline demonstrating that when outliers are removed there are no exceedances from guideline. Air quality peaks and guideline exceedances were suspected to result from forest fires, wood burning, and the Marten Falls diesel generating station. The Draft EA/IS results indicate that particulate matter is the only compound with a significant residual effect (AECOM, 2025a).

Proposed mitigations include the development of a construction management plan for fugitive dust management and validation that mitigations are effective. The MFCAR Project Team also cites standard road construction practices as examples of air quality management (AECOM, 2025a).

Greenhouse Gas

Greenhouse gas (GHG) existing conditions were established from data on winter road travel (e.g., traffic volume, vehicle type, emissions factors), and land sequestration of GHG (AECOM, 2025a). Data limitations precluded the Draft EA/IS from including current air travel emissions, and future air travel emission avoided through road use (Dillon Consulting Ltd., 2025b). Marten Falls First Nation IK informed the winter road travel metrics (Dillon Consulting Ltd., 2025b).

The land within the assessment area is mostly peatland and old growth forest. Mature forests have lower carbon sequestration rates, so the MFCAR Project Team assumed a carbon flux of zero. Peatlands comprise 91% of the construction footprint and the MFCAR Project Team asserted them to be a carbon source rather than a sink (Dillon Consulting Ltd., 2025b).

Mitigations for GHG during the operational phase of the road are based on vehicle emission reduction requirements (Dillon Consulting Ltd., 2025b), are influenced by road users and regional governing agencies. The MFCAR Project Team has also noted that reforestation of areas outside the Project footprint or similar carbon offsets could serve as GHG mitigations, but these activities are not included in the Project scope (Dillon Consulting Ltd., 2025b, p. 73). The only GHG mitigation commitments are related to construction and include:

- Measures to develop a management plan which includes effectiveness monitoring.
- Reducing equipment idling and hauling distances.
- Keeping equipment in good working order and using fuel-efficient vehicles.

The significance of residual effects due to GHG emissions was determined based on comparing the magnitude of Project emissions to all Ontario transportation emissions. Despite the irreversible nature of effects, and lack of proposed operational mitigations, the MFCAR Project Team has asserted the residual effects to be "low magnitude" and "not significant" when compared to the rest of the province (Dillon Consulting Ltd., 2025b). Cumulative effects of the Project are noted to be an additionality from this specific Project to the larger GHG emissions of the province and in the context of global climate change.

2.10.2 EVALUATION

The MFCAR Project Team uses the 90th percentile in their evaluation of baseline air emissions data, which can misrepresent air quality risk, particularly when comparing against acute or short-term exposure guidelines such as one-hour averaging periods. These guidelines are typically designed to protect public health during peak exposure events, and using a 90th percentile value may understate the potential for short-term exceedances, creating a false sense of compliance or minimized risk. Where long term averages are relevant, and exceedances do not affect health, the background characterization using 90^{th} percentile may be appropriate.

Furthermore, air emission guideline exceedances in the baseline data are asserted to be linked to wood and diesel burning and attributed to existing community activities. However, both are also Project activities and Nibinamik is concerned that Project influences due to wood and diesel burning are being minimized. The potential human health impacts from these Project activities should be addressed through additional mitigations (e.g., clean fuel use, emissions control technologies, and air quality monitoring near receptors) because the baseline data suggest these types of activities can exceed guidelines. Nibinamik also notes that the work camps are considered to be an emissions source and should be addressed in the air assessment once the final designs are completed.

Nibinamik members expressed concern regarding the impacts of climate change on the environment and community access. Members expressed tangible ways in which climate change is already affecting their lives, such as increased wildfire risk, deteriorating winter road reliability, and reduced safe access to the land to exercise rights. While the Draft EA/IS includes a general discussion on climate change and acknowledges the connectivity between GHG emissions and global trends, it fails to meaningfully assess cumulative GHG effects at a regional scale. This deficit is particularly true in

relation to reasonably foreseeable development projects such as the Northern Road Link, Webequie Supply Road, and associated resource extraction activities. This Project will facilitate additional regional development and this must be considered in the assessment.

This omission is critical because the MFCAR is expected to enable further industrial development, thereby amplifying regional emissions and associated climate-related risks, including wildfire frequency and air quality degradation. These vulnerabilities are especially true for remote communities reliant on winter roads and natural foods, which limits the assessment's ability to evaluate rights-based impacts. A more robust and precautionary approach would consider the synergistic effects of development enabled by MFCAR and the compounding implications for Indigenous resource access, safety, and land use in the context of a changing climate.

2.10.3 RECOMMENDATIONS AND REQUESTS

Nibinamik is concerned that the data analyses applied for baseline air quality may underestimate the health risks presented to the workforce and/or local land users from diesel and wood burning. Nibinamik recommends additional mitigations to ensure the stated Project effects are minimized, including:

- Air emission monitoring to detect health risks and protect worker health, and Project-wide requirements to communicate the timing and location(s) of burning.
- Donating cleared timber (including the cost of a logging truck) to First Nations communities to reduce fuel on site. This donation could be considered an effort to distribute potential Project benefits.
- Nibinamik recommends a Project-wide commitment to Tier 4 engines to reduce equipment emissions. Where it is not possible to meet this requirement, older engines should be retrofitted with particulate filters or use fuel additives to reduce emissions.
- Nibinamik requests dust suppressant for exposed road surfaces be applied. For a holistic approach to environmental stewardship, Nibinamik recommends these should not include chloride products which have knock-on effects for soils, vegetation, wildlife, and aquatic environments. Suppressants must be environmentally safe products vetted through discussions with Nibinamik.
- Nibinamik recommends that all soil stockpiles or borrow sources must have vegetation cover established as soon as possible. Progressive reclamation must be applied to all exposed surfaces to prevent adverse impacts from soil exposure.
- Nibinamik requests that work camps be designed to be low-emission, since these have not been included in the air emission assessment. This includes the use of renewable power, locally-sourced procurement, and local decommissioning options such as donating structures or equipment and supplies to local First Nations communities.

Nibinamik is very concerned that the cumulative effects assessment for GHG does not consider the effects from reasonably foreseeable projects including the additional roads and mining and forestry

operations within the region. Despite the global nature of climate change and GHG emissions, GHG reduction initiatives can improve local air quality by reducing the emissions from fuel combustion. The rationale for not completing a cumulative effects assessment nor proposing Project mitigation specific to GHG reduction is unaligned with addressing rights impacts, local effects from GHG, and the Impact Assessment guidelines (IAAC, 2023). To address what Nibinamik considers to be a significant gap in the cumulative effects assessment:

- Nibinamik requests the cumulative effects from GHG are assessed encompassing other regional projects. If this is undertaken as part of the Regional Assessment, then decision-making pursuant to the MFCAR should be postponed until after the regional GHG cumulative effects assessment is complete. This will inform regional and Project-specific mitigations to address GHG on a regional and Project-specific scale.
- Nibinamik recommends that the Project address the full lifecycle of GHG as part of mitigations to consider material sourcing and energy use. This should include mitigation for sourcing low-carbon road material/products, and reducing GHG emissions from work camps.
- Nibinamik recommends that GHG performance targets be included in the procurement process for the Project.
- Nibinamik requests that specific accommodation for Project GHG emissions include preserving areas of mature forest and/or wetlands, with a specific focus on climate resilience and wildfire prevention.
- Nibinamik also recommends the Project support land-based stewardship initiatives for ecosystem health and resilience, as well as cultural continuity including traditional land management practice supporting fire-adapted landscapes. Offsetting actions should be considered in combination with monitoring or guardianship programs that include a fire watch program. Offsetting should target reducing the risk of wildfire, support cumulative effects mitigation, and align with Indigenous Rights and responsibilities to care for the land.

2.11 VISUAL ENVIRONMENT

2.11.1 SUMMARY OF DRAFT EA/IS CONTENT

The Project is proposing to clear a 60-m wide ROW. The visual environment is measured through three VCs, based on IK from Marten Falls First Nation (cultural heritage resources, recreation and tourism, and permanent settlements) as well as a Provincial Parks and Protected Areas VC from the Ontario government (Dillon Consulting Ltd., 2025c). The effects assessment for the visual environment was informed by field work, desktop data collection, and IK. The specific areas of concern include river crossings, the Albany River Park, and areas identified through consultation for traditional use (some require future georeferencing) (Dillon Consulting Ltd., 2025c). Visibility mapping simulated the potential sightline from sensitive receptors to the MFCAR and temporary construction disturbances (e.g., staging areas, camps, pits etc.). The mitigations proposed in the Draft EA/IS for impacts to the visual environment include:

- Avoiding settlement areas, and clearly defining construction limits to reduce impacts to permanent settlement areas.
- Reduced land clearing and land use;
    - Especially within the Albany River Park, there will be avoidance of additional temporary disturbance within and near the park boundaries.
    - Reducing and monitoring the development of any side trails or roads that could extend into the park, or other specific sites, altering existing landscape features.
    - Restricting construction-related activity to the Project ROW.
- Monitoring river navigation, to determine the need to reduce or reverse visual effects in relation to river crossings.
- Monitoring Parks and Protected Area use levels, and determining any need to maintain access control into parks.
- Refining construction disturbance areas to avoid cultural heritage sites.
- Maintaining vegetation and treed buffers, or remedying/restoring any disturbed vegetation buffers.
- Developing a construction monitoring process to define procedures and working zones to avoid unnecessary effects;
    - Informing construction crews of sensitive locations and receptors to avoid effects.
    - Ground truthing sensitive receptors to avoid unnecessary effects.
    - Setting clear limits and buffers for Project-related operations and Parks and Protected Areas.
- Reducing visual inconsistencies by using local aggregate material for the roadway and shoulder as well as similarly cohesive material for bridge crossings.

Residual visual effects determination was limited to the geographic extent of the CDA (Dillon Consulting Ltd., 2025c, pp. 98-104). The MFCAR Project Team asserted that residual effects durations range from medium- to long-term, are infrequent, and have reversible effects. There are no predicted residual effects and cumulative effects are noted to be negligible and not significant based on the MFCAR Project Team's assessment of the MFCAR alone (Dillon Consulting Ltd., 2025c).

2.11.2 EVALUATION

The MFCAR recommendation to reduce clearing is not reflected in the current design. It is understood that the final engineering and design work is not completed at this point in time, however, the proposal to clear a 60-m wide ROW is inconsistent with best practices to reduce visual impacts (and other environmental disturbances). Nibinamik recognizes that effects to the visual environment

receptor sites from temporary construction activities may be considered infrequent, medium-term, and reversible. However, some quarries, MFCAR itself, and associated watercourse crossings are permanent infrastructure. In absence of a comprehensive decommissioning plan, the Project as a whole is not reversible, and impacts are significant and permanent—especially for crossings. Nibinamik also notes that there was limited geographic confirmation of receptors received through IK, suggesting a high degree of uncertainty must be applied to the results. Similarly, Nibinamik is concerned with the high degree of uncertainty associated with the asserted significance of effects to receptors identified through IK.

Nibinamik recognizes that the Project has committed to reclamation for the temporary construction footprint. However, these efforts take time to established and are not sufficient on their own to prevent the Project from enabling the development of side trails. Reclamation without monitoring and management is at risk of being unsuccessful. Furthermore, the MFCAR Project Team's caveat to restore disturbed areas from construction activities "where *possible"* (Dillon Consulting Ltd., 2025c, p. 110) does not provide assurance that appropriate reclamation will take place to address ecological needs, let alone visual impacts. Measures to quantify and improve the effectiveness of visual impact mitigation are necessary for the desired results (no residual effects) to be achieved.

The visual assessment states "it is possible that effects from nearby projects may result in similar effects to those described in this report, however they would be occurring in different spatial and temporal location and would thus not overlap with the effects from this Project and no cumulative effects would occur" (Dillon Consulting Ltd., 2025c, p. 108). Nibinamik is concerned that this is a significant limitation, especially given the context of the MFCAR as part of broader development within the Ring of Fire. Visual impacts from multiple, interconnected linear and resource extraction projects are inherently cumulative, and dismissing them as "minor and contained" without a comprehensive cumulative visual assessment is a serious oversight. This is an especially risky approach to mitigate rights impacts given the lack of IK georeferencing and limited inclusion of IK data within the assessment (noted as an uncertainty in Section 4.4.4 of the Draft EA/IS).

2.11.3 RECOMMENDATIONS AND REQUESTS

Unless otherwise determined through ongoing consultation relating to reclamation and closure, Nibinamik requests that the temporary footprint be blocked off for access by vehicles and off-road vehicles to prevent the development of trails. As noted above, reclamation takes time to establish, and without access restrictions the temporary footprint may enable human access and use in otherwise inaccessible areas. This can lead to the development of trails and the impromptu establishment of parking for land use. Nibinamik recommends that effective mitigation would include components to ensure the visual mitigations are effective, such as natural barricades. In addition to reclamation, the ROW should be reduced from 60 m to a variable-width and only cleared to the extent necessary to accommodate Project needs.

Nibinamik requests firm commitment from the MFCAR Project Team to reclaim and restore the temporary Project footprint. This should be paired with measures and objectives to reduce the visibility of the permanent footprint (e.g., shrubs and trees to block line of sight).

Given that bridges are permanent visual impacts, Nibinamik is skeptical that the commitment to monitor use levels and determine the need to address visual impacts (Dillon Consulting Ltd., 2025c) will be effective. Nibinamik recommends that bridge design(s) incorporate suggestions from First Nations land users regarding how to address the visual impacts of bridges.

Nibinamik notes that there are other Project commitments to have a communication mechanism in place for land users to voice their concerns, and for those concerns to be addressed. Nibinamik recommends that this mechanism be inclusive of impacts to the visual environment, and that concerns related to ongoing impacts are mitigated appropriately and meaningfully throughout the operational phase. This is especially important for addressing potential impacts to receptors that require georeferencing or to address known gaps in the IK available at the time of the assessment. Nibinamik recommends the development of a Visual Monitoring and Adaptive Management Plan with clear triggers for action to facilitate meaningful and ongoing communication. Nibinamik expects this could include addressing impromptu development of parking for land access and creation of trails, unsuccessful reclamation, and impacts to Indigenous land use receptor sites that were not included or georeferenced during the assessment.

In addition to added mitigation for the visual environment impact assessment, Nibinamik requests the MFCAR Project Team revisit the exclusion of reasonably foreseeable projects from the cumulative effects assessment for the visual environment. Nibinamik requests the MFCAR Project Team acknowledge and explicitly assess how the MFCAR, combined with other planned and reasonably foreseeable projects in the region (e.g., other access roads and mining or forestry operations, among other projects), will cumulatively impact the visual landscape, wilderness character, and viewscapes from receptors over the long term. This should include strategic visual simulations of the aggregated projects that encompass the full extent of the Ring of Fire development and its associated infrastructure. Additionally, Nibinamik recommends delaying the Final EA/IS until the Regional Assessment is completed, to ensure cumulative effects are appropriately addressed in both.

2.12 ACOUSTICS AND VIBRATIONS

2.12.1 SUMMARY OF DRAFT EA/IS CONTENT

The IK included in the Draft EA/IS Table 8-52 notes that the Marten Falls, Aroland, Attawapiskat, and Neskantaga First Nations are concerned about the potential for increased noise and vibrations at specific land use points (p. 309). Noise and vibration were selected as VCs in the context of peoples' adverse experience from noise (fish and wildlife exposure is excluded).

ACOUSTICS/NOISE

Researchers determined impacts from noise based on the change in sound level and the percent-change in "highly annoying noise" (AECOM, 2025a, p. 311). The spatial boundary for noise and vibration measurements included the 100-m wide Project ROW and all temporary construction disturbance areas, the LSA, and the RSA (AECOM, 2025a).

The MCAR Project Team identified between 341 and 379 potential receptor points for noise and vibration, based on IK and potential human use, through aerial photos and mapping (AECOM, 2025a). The potential points were refined to 141 different locations along the edge of the Project area, approximately 75 points at variable distances between the edge of construction and a 1-km buffer, and the remaining 142 points within 1 km and 2 km of the Project area.

To establish the acoustics and vibration baseline, monitoring locations were set within the Marten Falls First Nation community and surrounding forested area. This monitoring captured long-term (48 hrs) daytime and nighttime sound data, as well as short-term (20 minutes) of daytime data in either the morning or afternoon (AECOM, 2025a).

Noise measurements captured:

- The equivalent continuous sound level (LEQ, measured in decibels) which represents an average of sound levels with averages adjusted to reflect how the human ear would perceive the sound. This typically reflects a greater sensitivity to mid-range frequencies and less sensitivity to the high and low frequencies that are less discernible to humans, to understand the overall noise exposure and annoyance for people.
- The sound level exceeded 90% of the time (L90, measured in decibels) which often represents the background or ambient noise levels. This provides an estimate of the normal quietness that is sustained, and ignores intermittent increases or spikes in noise. For wildlife or sensitive communities, the L90 typically represents tranquility levels and as such comparison of the L90 with the LEQ helps to detect noise intrusions and annoyances.

The Draft EA/IS results show the comparison between quiet forested areas, against areas closer to the community of Marten Falls impacted by human noise activity. The monitoring results for both daytime and nighttime are summarized below in Table 3.

Table 3: Baseline Noise Assessment Results.

AREA	LEQ	L90
Quieter forested area		
- Short Term (20 min , Stations SC1, 3, 4, day only)	22–38	17–23
- Long Term (48 hrs, Station MF2, night-day)	33–37	29–28
Louder human impacted areas		
- Short Term (20 min, Stations SC 2, 5, 6, 7, day only)	31–55	31–53
- Long Term (48 hrs, Station MF1, night-day)	42–43	35–38

The predicted Project noise is added to the existing value to quantify the potential noise during construction. The results indicate that there will be a change in the noise levels not only at the edge of Project disturbance, but that these changes will persist up to 2 km away at the edge of the LSA. The percent-change in the level of noise annoyance is a 45% increase within the 100-m buffer around the construction area. However, this change declines with increasing distance from the Project and drops

to almost 0% at the edge of the LSA (WSP Canada Inc., 2025d). This prediction of heightened annoyance noise at or near the disturbance tapering to 0% at the edge of the LSA is applicable to quarry use and bridge construction as well. However, the results indicate that noise levels near the Project may exceed Health Canada's criteria for day and night (WSP Canada Inc., 2025d).

Mitigation and Enhancement Measures are not expected to reduce sound levels to below the level of annoyance. However, the MFCAR Project Team has proposed measures to minimize disturbance:

- Construction to take place during daytime hours (7 a.m. to 7 p.m.).
- Machinery will be maintained in good working condition.
- Minimizing the need for construction equipment to use their back-up beepers through design considerations.
- Locate and operate construction equipment as far as possible from points of noise receptions.
- Coordinate construction activities with First Nations communities to minimize schedule overlap with the timing of traditional land use activities.
- Avoid vehicle idling.
- Maintain the roadway surface to avoid rough surface conditions.
- Operate equipment and vehicles to avoid impulsive noises.
- Implement a complaint resolution mechanism where construction contractors can be contacted to address perceived issues and investigate noise concerns when they are reported (WSP Canada Inc., 2025d, p. 125).

The predicted daytime noise levels from road use (operation) range from 38 to 53 decibels, depending on proximity to the road, which represents up to a 1.5% increase in annoyance (WSP Canada Inc., 2025). Ongoing operational use of quarries is anticipated to be louder than the road operation, potentially reaching 77 decibels at the edge of the pits and 38 to 47decibels up to 2 km away from the pits, representing an increase of up to 2.1% in annoyance (WSP Canada Inc., 2025d). Residual effects are anticipated during the construction and operation phases, despite the MFCAR Project Team assuming effective mitigations. Residual effects are anticipated to be intermittent in nature and short-term (in the case of construction), as such, considered to be not significant.

VIBRATION

Impacts from vibrations are indicated by ground vibration velocity (measured by millimetres per second, mm/s), and air overpressure (measured by decibels). Impacts are determined based on changes in the ground vibration velocity or air overpressure (AECOM, 2025a). Vibration effects are anticipated to result from quarry pit blasting and construction blasting, both of which are temporary in nature. Ground vibrations from blasting are predicted to attenuate quickly within the first 200 m from the source (WSP Canada Inc., 2025). Air overpressure is estimated to be 143 to 139 decibels

declining to 121 to 117 decibels within 1 km. However, this does not account for the buffering capacity of vegetation or variable terrain (WSP Canada Inc., 2025d).

Vibration from typical road construction equipment is anticipated to produce human annoyance, based on ground vibrations above 0.1 mm/s expected to be experienced 50 m from vibratory rollers, 25 m from caisson drilling, and 175 m from impact pile driving.

Proposed mitigations to address vibration impacts include:

- Develop a construction vibration work plan including disturbance criteria and control measures.
- Consider the use of vibration limits.
- Coordinate planned activities with Indigenous communities to minimize overlap of vibration generating activity with the timing of traditional land use activities.
- Implement a complaint resolution mechanism where construction contractors can be contacted to address perceived issues, and to investigate concerns when they are reported.
- Conduct work during daytime hours (7 a.m. to 7 p.m.).
- Locate and operate equipment as far from receptors as possible.
- Maintain the road to avoid rough surfaces.
- Avoid operating multiple pieces of vibration-generating equipment at the same time.
- Apply Ontario Provincial Standard Specification 120 (blasting) and NPC-119 (noise).
- Quarry activities will comply with their permits.
- Blasting delays and mats will be used to control vibrations and fly rock as required (WSP Canada Inc., 2025d, pp. 161-162).

Currently, there are little to no human-caused vibrations and levels are very low at less than 0.1mm/s which is normal for remote areas where vibrations are only caused by moving water, rock slides, or storms (AECOM, 2025). The MFCAR Project Team does not expect contribution from the Project to the existing vibration conditions during operation (AECOM, 2025a; WSP Canada Inc., 2025). The potential exception to this is blasting operations at quarry pits, which is the topic of further assessment as there may be blasting-induced potential exceedances of noise or vibration criteria at potential points of reception as part of Project maintenance. Construction and blasting are anticipated to cause infrequent and short-term vibration, which is considered to be a residual effect, but not a significant effect (WSP Canada Inc., 2025d,).

NOISE AND VIBRATION CUMULATIVE EFFECTS ASSESSMENT

The cumulative effects assessment for noise and vibration considered other specific linear infrastructure projects, including the Northern Road Link, the Webequie

Supply Road, and the Anaconda and Painter Lake Forestry Access Road upgrades. The cumulative effects assessment maintains the assertion that the infrequency and short-term nature of noise and vibration effects does not result in significant cumulative effects from construction (WSP Canada Inc., 2025d). This is paired with and understanding that the reception points are infrequently used by people.

The cumulative effects assessment for the operation phase considered the dispersed and mobile location of equipment, equipment distance to nearby receptors, and the timing of maintenance activities. The overlap of these components, in combination with the proposed mitigation, result in the cumulative effects assessment of noise and vibration during road construction and operations to have a high magnitude of impact, and short-term, local, infrequent, and reversible effects (WSP Canada Inc., 2025d).

The MFCAR Project Team does not recommend noise monitoring. However, a vibration monitoring requirement is expected for the permanent quarry operation(s) that are within 500 m of a receptor. (WSP Canada Inc., 2025).

2.12.2 EVALUATION

Wildlife can be very sensitive to human disturbances from noise and vibration. Consistent noise exposure can result in noise habituation or habitat avoidance, each representing unique impacts for wildlife that are discussed further in the wildlife section. Underwater noise and vibration can be lethal for fish, and a unique bridge construction noise assessment was considered but it did not address fish as a receptor nor suggest underwater acoustics. Nibinamik is very concerned that there are no wildlife- or fish-specific mitigations included in the noise assessment. Potential impacts to the environment and culturally valuable resources must be accounted for in the Final EA/IS.

Understanding the potential impacts of noise requires understanding how noise is measured. Decibels are measured on a logarithmic scale and a 10-decible increase is approximately a doubling of noise level. Despite the small, predicted change of annoyance (up to 1.5%), the Noise Assessment indicates that the lower limit levels within a 500-m buffer of the MFCAR will change by up to 18 decibels (from a range of 20 to 47 decibels to a range of 38 to 48 decibels). This increase represents nearly a quadrupling of noise. While the MFCAR Project anticipates this not to be a significant impact, Nibinamik is concerned that such a dramatic change in the background noise will significantly alter the patterns of land use for both wildlife and people. Human use and occupancy of the impacted area will decline in quality as the tranquillity is disrupted. Further, the trickle-down effects of a change in wildlife use will alter hunting opportunities. The construction will have an adverse effect on the exercise of rights.

The cumulative effects from noise and vibrations are considered in the context of several other road projects, but other development activities are excluded, such as exploration work including the use of helicopters, or explosives. Given that a component of the Project purpose is to facilitate development, it is reasonable to expect added noise and vibration activities from mining, forestry, and other resource use or extraction projects. The impact of exploration noise is already being felt by Nibinamik community members. Exploration noise has been observed to affect wildlife and as a result

there is an impact on hunting and the tranquillity of being on the land. The Draft EA/IS noise assessment conclusions do not account for the current community experience nor the full breadth of cumulative noise and vibration effects. With community members already experiencing noise annoyance from exploration, Nibinamik questions whether appropriate metrics and triggers have been applied to the noise assessment. Predicting impacts to Aboriginal and Treaty Rights may require a different threshold of measuring effects than is presented in the Draft EA/IS.

2.12.3 RECOMMENDATIONS AND REQUESTS

Nibinamik recommends that the health and well-being of the community and their experiences of being out on the land are protected through additional mitigations and commitments to address Project and regional noise impacts.

The proposed operational mitigations lack ongoing engagement with First Nations communities to mitigate the potential continuous noise impacts, and as such do not sufficiently mitigate Project effects. Nibinamik generally agrees with the mitigations in place for construction and recommends that these be extended to the operation phase. This specifically includes:

- The same coordination of activities to avoid overlapping with the timing of traditional land use activities. This would include ongoing communication and coordination with all local communities throughout the life of the Project.
- The same complaint resolution mechanism as during construction, where operation contractors can be contacted to address perceived issues and investigate concerns when they are reported. Accountability mechanisms must be in place to ensure rights impacts are addressed throughout Project operation.

Nibinamik recognizes that mitigations for Project activities are a significant step towards addressing effects. Nonetheless, the design of the Project also offers ample opportunity to address potential impacts. Nibinamik recognizes that detailed Project designs are not complete. However, the current list of mitigations does not include potential design components that can address noise impacts. Nibinamik requests that addressing long-term noise impacts through Project design be added to the Final EA/IS list of mitigations, and that design incorporate natural solutions such as using trees and terrain to mitigate noise impacts.

- Trees to provide added noise buffering capacity. Where there are no trees along the edge of the ROW, appropriate species should be selected and planted in sufficient density to support the establishment of long-term sound barriers.
- Where fill placement will support buffering points of reception from noise impacts, the use of engineered terrain should be considered as part of the design. Although the cut fill balance has not been determined and the movement of material has additional environmental impacts, this solution should be weighed against other potential impacts and should form a component of consultation through the design phase for joint decision-making.

Nibinamik is concerned that the scope of the noise and vibration assessment does not capture the necessary conditions to mitigate rights impacts. Mitigations and accommodations are developed

based on the effects exceeding the guidelines and regulatory criteria, which determine impact. For the noise assessment these metrics and triggers are largely from Health Canada (the applicable noise limits applied are indicated in Tables 7-4, 7-5, and 7-6). Nibinamik recommends that specific thresholds for annoyance be developed in collaboration with First Nations land users. Health Canada guidelines may not necessarily represent the threshold of impact or annoyance during the exercise of rights, nor to wildlife and fish which may have more sensitive thresholds to annoyance and subsequently exhibit avoidance behaviour, in turn affecting the exercise of rights.

Lastly, the cumulative effects and impacts are evaluated only based on the physical activities from the Webequie Supply Road and the Northern Road Link construction and operations, and forestry road maintenance. This project list does not encompass the other development that is planned and reasonably foreseeable in the region.

Nibinamik requests that the cumulative effects assessment includes potential mining exploration and operation activities and tourism activities, at minimum, to effectively and accurately predict cumulative noise. Nibinamik expects that the Regional Assessment will present a more accurate reflection of cumulative noise and the development of meaningful mitigations or accommodations. In the absence of mining and other development considerations within the MFCAR effects assessment, it cannot be considered final until the Regional Assessment is completed and can inform cumulative effects in the region.

Nibinamik recommends that in addition to the above mitigations, The MFCAR Project Team progress efforts to protect the health and well-being of community members and their experiences of being out on the land through an accommodation measure. Nibinamik suggests the collaborative regional establishment of area(s) set aside for “quiet” or “tranquil” conditions. Potential areas could include any identified spiritual areas and a minimum 5-km buffer from ground-based noise. Noise restrictions around these areas must apply not only to ground equipment and blasting, but to aircraft as well.

2.13 CLIMATE CHANGE

2.13.1 SUMMARY OF DRAFT EA/IS CONTENT

The purpose of the climate change section is to understand potential risk and impacts specifically to the road infrastructure as result of climate change. This section includes strategies to improve road safety and build a road that is climate resilient to increased rainfall, flooding, wildfire, etc. These strategies are aimed at maintaining the operational condition of the MFCAR and keeping the road open, as well as addressing potential concerns for construction and worker safety (AECOM, 2025a). The MFCAR Project Team acknowledges that an essential part of considering how to build a road resilient to climate change, is ensuring road construction minimizes climate change risk to the surrounding community (AECOM, 2025a).

Existing climate conditions within the LSA are characterized by cold winters and mild summers. The MFCAR Project Team reviewed climate history from 1950–2010 and, using a high-emissions

scenario,[1] have modelled potential risks that span 2041–2100. The baseline dataset that informs the models included meteorological data from 1981–2010 (AECOM, 2024a).A trend toward greater temperature extremes was found to be more pronounced than the change in annual averages (AECOM, 2024a).

To inform the climate change assessment, the MFCAR Project Team also gathered observations from five First Nation communities, whose members noted:

- A shift in wildlife migration patterns (and corresponding adjustments to hunting practices),
- A change in fish populations, particularly a decline in cold-water species, affiliated with a change in stream flow, habitat degradation, and warmer waters,
- A change in vegetation, with some native species becoming less available while other more heat tolerant species flourish,
- Warmer and shorter winters,
- Less snowfall in the winter and more thunderstorms in the summer,
- Thunderstorms bring heavy rain and strong wind that can damage buildings and trees, and
- More tornadoes occurring (at least one per year) than 15 years ago. (AECOM, 2025a, pp. 921,925; AECOM, 2024a, p. 39).

Twelve climate change models were used to predict future weather and understand Project impacts. which included:

- Predicted temperature increases, with more heatwaves. More frequent heatwaves mean a higher risk of wildfire, potential equipment overheating, and pose health risks to workers (reducing productivity).
- Warmer temperatures mean milder winters, less snow, and a shorter frost/ice season. This may result in heavier snow and affect ground stability, resulting in structural integrity challenges, increasing maintenance needs (including snow removal), and potential hazardous road conditions.
- Rainfall is predicted to increase by 17%, with more intense rainfall events. More rain means a higher chance of floods, increasing the potential for erosion or road surface deterioration. This requires increased drainage or flow capacity (for culverts and bridges), imposes potential for construction delays, and can be a safety hazard, reducing visibility.
- Unpredictable weather conditions causing construction and operational challenges and infrastructure effects. This results in the need for continuous adaptation and resilience measures as part of the MFCAR design.

[1] Representative Concentration Pathways 8.5 assumes very high GHG consistent with no emission reduction (the most conservative scenario) (AECOM, 2024a).

The MFCAR Project Team identified adaptation measures and risk treatments for a variety of climate indicators (e.g., extreme temperatures, rainfall, snow fall, wildfire) for each of the valued components predicted to be impacted by weather (i.e., the MFCAR, culverts and bridges, people, camps). The adaptations include a variety of health and safety measures as well as engineering and design considerations (AECOM, 2024a).There is no cumulative effects assessment, as the purpose of the evaluation was to understand how climate change resiliency can be built into the MFCAR specifically (AECOM, 2024a).

2.13.2 EVALUATION

Nibinamik acknowledges a number of strengths in the chosen approach, such as robust prediction methods with the use of 12 models, the inclusion of IK from several Nations, and a detailed risk identification and mitigation process. However, it is unclear if the modelling encompassed the depth of weather data necessary to prove sufficient resiliency in the design, and the proposed adaptation measures for the biggest risks could be more future-looking (operations-based).

Nibinamik members also highlighted concerns about impacts from climate change, including the change of fish species present or absent and wildfire risk. It is important that adaptation measures include design components that will improve long-term risk mitigation. The road may inherently serve as a firebreak, but modelling also predicted increasing heat, thunderstorms, and human access (all precursors of wildfire). It is important that the MFCAR does not impose changes (mainly to the hydrological condition of the surrounding areas) that could potentially exacerbate the wildfire conditions.

Section 4.4.2 (Appendix Y - Climate Adaptation and Resiliency Technical Support Document: Existing Conditions & Effects Assessment, 2024a) highlights local meteorological stations with data from 1981–2024 and Natural Resource Canada data from 1950–2012. Nibinamik is concerned that the baseline dataset used (1981–2012) does not represent the most significant weather events, in particular rainfall or snowfall intensity and duration. This may result in the modelling outputs not predicting the potential severity of weather that the MFCAR may experience. The operational lifespan of the road is unknown, but it is reasonable to rely on a more substantive weather dataset to capture extreme events between 2010 and 2025, as well as pre-1981. This would support engineering and design consideration to ensure the road is equipped to manage the potential snow and rain volumes.

Snow and snow melt are addressed in the *Summary of Effects and Adaptations Recommendation – Operation Phase* with inspections, maintenance, public communication, and emergency preparedness. Nibinamik is concerned that there are components of road design that can support managing snow and melt which are excluded from consideration.

2.13.3 RECOMMENDATIONS AND REQUESTS

The climate change risk evaluation indicates that rain events represent the majority of high and moderate risk. Nibinamik recommends the modelling details be updated to encompass the full depth of data available (1950–2024). This would ensure the design and engineering of water management

systems and bridges would be capable of maintaining integrity through maximum-intensity future scenarios.

In addition to enabling climate resiliency, Nibinamik requests that culverts be appropriately sized and positioned to ensure flow across the Project ROW to maintain hydrological connectivity and prevent drying effects (both of which exacerbate wildfire potential).

Nibinamik recognizes that the road itself could act as a firebreak and would provide emergency access for firefighters. Nibinamik recommends strategic locations for turnouts and rest stops, which can also improve potential connectivity to water sources for firefighters or act as safe havens for firefighting personnel. Importantly, the Project ROW may serve as a future corridor for communication infrastructure which can support emergency management and human safety, all of which can and should be considered within the design.

While snowfall alone may not represent a high risk, Nibinamik recommends measures be put in place to (1) prevent ice buildup (on the crowned road and bridge slope), (2) reduce the prevalence of blowing snow, (3) facilitate snow clearing, and (4) ensure ample warning signage.

2.14 ABORIGINAL AND TREATY RIGHTS AND INTERESTS

2.14.1 SUMMARY OF DRAFT EA/IS CONTENT

Aboriginal and Treaty Rights and Interests, while recognized as distinct items, are collectively referred to as rights. The Rights Assessment forms a distinct discipline in the Draft EA/IS. Its objective was to gain a shared understanding of rights within the MFCAR Project area and was informed through consultation with 23 First Nations communities. The Rights Assessment was completed for the purpose of "validating, building on and revising" (AECOM, 2025a, p. 325):

- *The Project's understanding of Aboriginal and / or Treaty Rights and Interests relevant to the proposed Community Access Road,*
- *The context of existing impacts,*
- *Guiding values and topics associated with community well-being and cultural expression,*
- *Pathways of potential impacts, anticipated levels of impact, measures to address potential impacts*
- *And engaging with communities to validate the outcomes of the assessment.*

The MFCAR Project Team obtained initial data for the Rights Assessment through assessing VCs such as Indigenous land and resources use, cultural continuity, and community well-being through several forums for discussion as well as desktop research (AECOM, 2025a). Project researchers prepared a summary of consultation to-date (Appendix X) which informed the Rights Assessment, but this document was not available as part of the Draft EA/IS. The Draft EA/IS notes that the outcomes of the Rights Assessment will be included in the Final EA/IS (AECOM, 2025a). However, Appendix O

detailed a plan for a robust Aboriginal and Treaty Rights and Interests Study (ATRIS) to feed into the Rights Assessment.

The MFCAR Project Team included the First Nations land and resource use VC as a metric under the Rights Assessment, and removed the First Nations component of land use from the main ??. Some IK regarding specific VCs is included throughout the Draft EA/IS, but some of the IK provided was noted to be confidential and for this reason not listed in the Draft EA/IS. The IK was collected largely from Marten Falls First Nation and Aroland First Nation, with some other points noted from Neskantaga, Fort Albany, Animbiigoo Zaagi'igan, Attawapiskat, Weenusk, Kingfisher, Eabametoong First Nations, and Red Sky Métis Nation. These data represent 8 of the 23 First Nations communities identified??.

Despite the Rights Assessment's description of the current conditions, potential impacts, cumulative effects, and mitigations being reserved for the Final EA/IS, The MFCAR Project Team provides an overview of Project changes based on input to rights impacts received through engagement. This includes:

- Confidential and individual reports on caribou migration and impacts will be provided to communities which identified caribou as part of their rights and interests.
- The Rights Assessment LSA was increased from a 5-km buffer to a 10 -km buffer, the RSA was more than doubled, and a caribou-specific regional study area was added with consideration for caribou range (AECOM, 2025a).

2.14.2 SUMMARY OF APPENDIX O – ABORIGINAL AND TREATY RIGHTS AND INTERESTS STUDY PLAN

The purpose of the ATRIS plan is to describe the methodology that will result in a comprehensive description of Aboriginal and Treaty Rights and Interests as they relate to the MFCAR. This includes efficient and transparent data collection, management and analysis process, effects assessment, and alignment with EA/IS regulatory requirements (Dillon Consulting Ltd., 2021).

> *Indigenous communities will be provided the opportunity to be involved at critical decision-making points throughout the IS/EA development so that the Proponent can consider and incorporate, where appropriate IK and Indigenous land and resource use information into the Project as it pertains to the existing environment, [valued components], effects assessment methods, effects assessment results, and mitigation and follow-up program measures. (Dillon Consulting Ltd., 2021, p. 7)*

The ATRIS plan includes consideration for a diverse range of perspectives from women, youth, Elders, activity-based subpopulations (e.g., recreationalists, snowmobilers, tourism operators), or other subpopulations as identified throughout engagement. Within the plan there are two distinct approaches for IK to be incorporated into the EA/IS: (1) an IK Program and (2) the standard Consultation and Engagement Program. Ultimately, both serve the same purpose, but the IK Program is specifically designed to manage sensitive or confidential information.

Specific impact assessment methodology described for the ATRIS included:

- *Identify and understand the rights of Indigenous communities.*
    - *Based on background review/research, IK input provided during consultation and/or the IK Program is planned to support this initial step and all subsequent components of the methodology.*
- *Understand the context in which impacts on rights would occur.*
    - *Project-specific study information on socioeconomic and environmental disciplines is shared to understand how the discipline specific conditions affect the exercise of rights, how historic, existing and reasonably foreseeable future activities are cumulatively or could affect rights, and the identification of important areas to protect.*
- *Identify guiding valued components and metrics (what to assess).*
    - *Communities were invited to provide input on the Draft Terms of References, valued components, and indicators. Early involvement paired with the ongoing IK Program and consultation provided input on valued components and indicators.*
- *Identify impact pathways from the Project.*
    - *Based on background research and Project consultation and/or the IK Program to identify the relationship between the Project and the conditions needed to exercise rights (e.g. quantity and quality of resources).*
- *Assess level of impact.*
    - *Establish criteria for evaluating the indicators with the input of rights-holders and determine what constitutes a high medium or low level of impact.*
- *Dialogue on mitigations.*
    - *Iterative two-way dialogue on impacts that are likely to occur and way to address those impacts.*
- *Validate and follow-up on assessment outcomes/predictions.*
    - *As the impact assessment progresses this methodology may be revisited and revised based on new information* (Dillon Consulting Ltd., 2021, pp. 28-31).

2.14.3 EVALUATION

The ATRIS plan (Appendix O) was the focus of the Nibinamik technical review. Based on consultation records, Nibinamik assumes that the robust ATRIS was implemented between Oct 29, 2021, and July 31, 2024. Nibinamik received communications from the MFCAR Project Team that included the opportunity to participate in many facets of the MFCAR Project (Dillon Consulting Ltd., 2022; Dillon Consulting Ltd., 2023; Dillon Consulting Ltd., 2024b). Nibinamik acknowledges the considerable outreach regarding participation in the Project, through attendance at forums or reviewing Project information and providing feedback to the MFCAR Project Team.

Despite these communication efforts from the MFCAR Project Team, it is unclear whether consultation was effective. The majority of IK mentioned through the Draft EA/IS included limited mention of IK from communities outside of Marten Falls First Nation and Aroland First Nation. Based on the Draft EA/IS, it appears as though only 35% of nearby Nations were able to provide IK, and the IK incorporated was limited in scope and volume, especially in comparison with that from Marten Falls First Nation.

The ATRIS program is tailored toward the EA/IS process. The MFCAR Project Team recognizes that rights impacts extend into the operations phase, however, they have inexplicably an unacceptable confined the ATRIS to the assessment scope of the Project. Furthermore, there are no commitments to support First Nations in the region in shared economic development throughout operations. Treaty 9 signatories have a right to benefit meaningfully from development. This is especially important when development will impact constitutionally protected rights. As currently drafted, the ATRIS fails to address the full scope of potential impacts the Project may have on Aboriginal and Treaty Rights and Interests. The ATRIS must consider the full life-cycle of the Project, including construction and operation phases (Assessment of Potential Impacts on the Rights of Indigenous Peoples - Guidance). The MFCAR team must continue to consult with Nibinamik and other First Nations in the region throughout the life-cycle of the Project and ensure they equitably benefit from the Project.

Additionally, Nibinamik understands that the purpose of the Draft EA/IS review is to evaluate how IK has been integrated into the Project assessment. In absence of this information being available in the draft document, Nibinamik is unable to provide insight as to whether the inclusion of IK accurately represents or encompasses Nibinamik rights, values, and interests.

2.14.4 RECOMMENDATIONS AND REQUESTS

Nibinamik asserts that all development, and especially the MFCAR as a recognized precursor to further development, must be governed by a process grounded in Aboriginal and Treaty Rights, full transparency, and environmental stewardship. This relates not only to Nibinamik's participation (on their own terms, with the ability to shape how, whether, and under what conditions development proceeds across their Homelands) but also the order of assessment completion.

The risks of committing to a development path for MFCAR without fully understanding long-term, synergistic consequences to Aboriginal and Treaty Rights and Interests, limits the ability to truly mitigate impacts effectively (Nibinamik First Nation, November 2021). This becomes increasingly important given that the Draft EA/IS indicates there was limited IK provided by other rights holders and no commitment to future meaningful opportunity for MFCAR to address Nibinamik Aboriginal and Treaty Rights and Interests. Nibinamik requests the Regional Assessment be completed in advance of any MFCAR regulatory decisions. By having the regional picture, decision-makers are less likely to approve individual projects that, when combined, lead to unforeseen or unmanageable rights impacts.

ATRIS Shortcomings

Nibinamik recognizes that communication efforts have been robust within the context of the EA/IS process. The ATRIS also includes an essential component of meaningful consultation (verification and follow-up) to ensure that IK is meaningfully integrated throughout the Project lifecycle. However, the ATRIS and Draft EA/IS fall short in three (3) key aspects. Nibinamik offers recommendations and requests, below, to address these shortcomings.

- Nibinamik recommends that the updated EA/IS, along with the completed Rights Assessment, be provided to rights-holders for review before the document is finalized and made public. The Draft EA/IS was provided as part of the consultation process and is an opportunity for Nations to understand how rights impacts have been addressed. While IK information is available for the majority of the VCs either through the Draft EA/IS or its appendices, the absence of the Rights Assessment delays a full understanding and review until after the Final EA/IS release. This timing undermines the transparency and inclusivity of the consultation process. Additionally, given the failure of meaningful consultation with leadership-to-leadership relationship building to embed Nibinamik IK into the Project, Nibinamik asserts they are the appropriate author of an assessment on their rights infringements. Only Nibinamik is able to fully understand, define, and articulate how their rights are exercised, experienced, and harmed. Nibinamik requests funding to provide a community-specific Aboriginal and Treaty Rights Assessment to ensure Nibinamik is appropriately represented in the Final EA/IS.

- Ending the ATRIS verification and follow-up with the Final EA/IS does not align with the Study Plan and the Project's guiding principles of inclusion and transparency (MFCAR Project , 2019). Nibinamik requests that the ATRIS be reframed to represent a continuation of the consultation through the construction and operation phases of the Project. This should include direct involvement of all impacted communities and the owner and operator of the Project. The construction and operation phases will provide an opportunity to verify that mitigations are effectively addressing impacts on the right to resource use (cultural, economic, or subsistence). Where effectiveness of mitigation is not demonstrated, Nibinamik recommends that the ATRIS also include adaptive management processes to ensure a responsive and accountable approach to rights protection. In addition to addressing rights to resource use, the ongoing ATRIS must address the mutual benefit from development by way of early establishment of measures to ensure benefit.

- Based on what appears to be limited IK inclusion in the Draft EA/IS, Nibinamik reiterates the need for equitable and meaningful inclusion of the Nation in IK contributions and decision-making. Nibinamik has communicated their right to be actively involved in early decision-making, environmental assessment, monitoring, and long-term stewardship across the Nibinamik Homelands since 2019 (Winterburn, 2019).

- Nibinamik notes that the deficit in achieving equitable and meaningful participation for all rights-holders can be counterbalanced by withholding all Project decisions, including application approval, until after the Regional Assessment has taken place.

- Nibinamik recommends the order of assessment be reversed for an improved approach to impact mitigation, and that the nature of consultation be adjusted to be more equitable in recognition of First Nations governance and knowledge systems.

Continued Consultation

As noted above, consultation must not end with the completion of the EA/IS but continue throughout construction and operation. This process allows for ongoing verification of mitigation measures and adaptive responses where necessary as well as mutual benefit from development. Nibinamik offers simple recommendations to facilitate the braiding of Aboriginal and Treaty Rights, values, and interests throughout Project operation:

- Development must also support the protection of First Nations cultural values, including the use of First Nations' languages and place names.
- Equitable sharing of benefits—such as employment, training, and contracting opportunities—among all affected First Nations communities. These opportunities must be identified for Nibinamik early in the planning proceeds to ensure that Nibinamik is prepared to participate in procurement and contracting.
- Alternative funding and support mechanisms must be provided to address community-specific needs and uphold Aboriginal and Treaty Rights to mutual benefit where the Project does not provide equitable economic opportunity.

Rights Assessment

To ensure that the MFCAR Project is developed in a manner that respects rights, values, and interests, Nibinamik requests that the Rights Assessment be made available for review and input prior to the finalization of the EA/IS. In absence of the Rights Assessment being made available for review, Nibinamik offers additional comments for incorporation into the Final EA/IS (see Appendix A, below) that highlight:

- Protecting traditional lifestyles and community safety with road security measures.
- Preservation of First Nations language and place names on signage.
- Distributing the benefits of development equitably.
- Community-Specific Aboriginal and Treaty Rights Assessment is provided by Nibinamik (and funded by the Project) to input into the Final EA/IS.

3.0 SUMMARY AND RECOMMENDATIONS

Nibinamik's primary overarching concern is that the regulatory process for the MFCAR is progressing ahead of the ongoing comprehensive Regional Assessment for the Ring of Fire area. This order of assessment is problematic as it risks advancing regional development decisions, which are predicated

on, and include, MFCAR approval, without a full understanding of the long-term, synergistic regional impacts.

Nibinamik acknowledges the MFCAR Project Team's efforts. However, Nibinamik finds the Draft EA/IS to have notable deficiencies that limit the ability to fully evaluate the Project's effects, particularly regarding Nibinamik rights and interests, and the broader regional context of development. The Draft EA/IS current approach often presents a piecemeal view, failing to adequately capture the cumulative and interconnected nature of environmental and socio-economic impacts to Aboriginal Treaty Rights and Homelands.

Nibinamik recognizes the benefits of road access for Marten Falls First Nation and supports improved infrastructure for Marten Falls, as well as sharing this desire for their own community. Nibinamik wants to support the Marten Falls community in realizing the benefits of a road and avoiding undue regulatory delay or impacts to Aboriginal and Treaty Rights (unforeseen or otherwise). Therefore, it is imperative that the approval conditions for the MFCAR explicitly reflect a requirement for the Regional Assessment to inform and address MFCAR as part of the broader regional management of development projects. To avoid Rights-based cumulative effects and impacts, the MFCAR approval conditions must ensure that Project-specific mitigations are adaptive to, and integrated with, the wider regional context.

The recommendations and requests from this technical review can be summarized into the following common themes:

1. Holistic and Rights-Based Cumulative Effects Assessments:
    - Prioritize Regional Assessment: All MFCAR regulatory decisions should be postponed until the comprehensive Regional Assessment is complete, or approval conditions must reflect a requirement for integration. This Regional Assessment should inform all regional project assessments and decisions, identifying regional thresholds, critical habitats, cumulative tipping points, and rights impacts that are not apparent in isolation.
    - Expand Cumulative Effects Scope: The cumulative effects assessments for all disciplines covered in this report should explicitly include all reasonably foreseeable regional developments (e.g., other roads, mining, forestry, exploration activities, tourism, increased human occupation, etc.). In the comprehensive cumulative effects assessment, "reasonably foreseeable" development must be ascertained from common awareness and anecdotal knowledge and must not require any degree of planning to have been carried out or any degree of certainty.
    - Utilize a Watershed/Ecosystem-Based Approach: Cumulative effects on water and wetlands (including peatlands), in particular require a watershed-scale approach that considers direct, indirect, and long-term impacts across jurisdictions and ecosystems, moving beyond isolated Project boundaries. Wildlife such as caribou, moose and wolverine require a similar ecosystem or range-based approach to assessment for reliable impact prediction results and meaningful mitigations. These larger-scale approaches require assessing the cumulative effects of linear disturbance on wetland/peatland function, impacts to wildlife habitat and behaviour, carbon storage, hydrology, surface drainage, and groundwater flow pathways. The

assessment would also need to consider how the cumulative effects of groundwater dewatering on peatlands across multiple projects will be addressed.

- Comprehensive Closure and Reclamation Planning: Plans for all quarries, aggregate pits, and temporary activities associated with the Project should be established and remain enforceable, regardless of any future change in Project ownership or responsibility. These sites will have direct and continuous impacts on Nibinamik's rights to land and resource use, including hunting, trapping, and fishing. Failure to develop thorough and culturally informed reclamation measures risks causing long-term, avoidable harm to the land. This would undermine Nibinamik's rights, including governance responsibilities as stewards of Nibinamik Homelands.

2. Enhanced and Equitable First Nations Involvement, Governance and Recognition of Aboriginal and Treaty Rights:
    - Meaningful and Equitable Consultation: Implement a truly equitable consultation process that ensures all impacted First Nations communities, including Nibinamik, are involved on their own terms, recognizing their inherent governance rights and allowing them to shape how, whether, and under what conditions development proceeds across their Homelands. This must be undertaken with the objective of improving the integration of IK in ongoing Project planning and development, which has not yet been demonstrated as effective. Furthermore, Nibinamik must provide their independent report on Aboriginal and Treaty Rights and Interests before regulatory decisions on the MFCAR are made, as only Nibinamik is appropriately positioned to understand and articulate infringements to their rights (external assessors often miss key cultural, social, and spiritual harms).
    - Recognition of Treaty Right for Equitable Benefit: Treaty Rights endow mutual benefit from development. This must be achieved through early identification of contracting and procurement opportunities to ensure that Nibinamik is prepared to participate in the Project economics. In absence of the ability of the Project to ensure equitable mutual benefit, there must be additional opportunities to support achieving Nibinamik interests and the protection of Aboriginal and Treaty Rights and Interests.
        - Training and Economic Opportunities: Ensure early, community-specific job readiness and training opportunities for Nibinamik members related to the Project and ancillary developments. This includes commitments from all levels of government and the MFCAR Project Team for equitable economic benefit sharing and funding for Nation-tailored training opportunities. Nibinamik is interested in being prepared for economic participation when the time comes and would like early discussion with the MFCAR Project Team, Government of Ontario, and the Government of Canada. In the event that direct Project opportunities are limited, alternative funding and support mechanisms must be provided to support the continued exercise of Aboriginal and Treaty Rights and long-term community development goals.
    - Integration of Indigenous Knowledge (IK): Ensure that IK is meaningfully and comprehensively integrated into all aspects of the assessment, mitigation, and monitoring. IK integration is particularly important for sensitive receptors, traditional land use, and

culturally significant areas that were not adequately georeferenced or captured in the Draft EA/IS. Additionally, meaningful integration of IK should consider:

- Engaging with communities to develop a protocol for handling chance-find archaeological sites or artifacts, as well as on the management of specific areas that have been exempt from archaeological assessment. LiDAR data should be used for broader archaeological assessments, as it is more reliable than satellite imagery and topographic maps.
- Developing First Nations-led management plans (e.g., for wildfire, peatlands, plant medicines, invasive species) as well as IK-informed Project engineering and design (e.g. for safety, signage and language, reclamation etc.).
- Consultation and decision-making on access permissions along the road.

- Ongoing Monitoring and Adaptive Management: Consultation and the verification and follow-up aspects of the ATRIS must continue throughout the construction and operation phases of the Project. This should include direct involvement of First Nations communities in monitoring (e.g., First Nations environmental monitors for invasive species, surface water, groundwater, terrestrial ecosystems, and well-being) and adaptive management strategies based on observed impacts.

3. Rigorous and Specific Mitigation and Design:
    - Detailed Water Management Plans: Develop comprehensive water management plans reflecting environmental best practices and Indigenous values. Plans should include clear provisions for detailed mitigations for water taking and discharge, specific locations, quantities, and monitoring programs, including consideration for roadway runoff impacts.
    - Improved Impact Assessment Methodologies: Refine effects assessment methodologies to use more accurate and quantitative techniques. Site-specific assessments are needed for unique channel conditions at water crossings to avoid generalizations and provide tailored mitigation strategies. For groundwater, studies must be conducted to assess seeps and springs.
    - Climate-Resilient Design: Incorporate specific design components informed by climate change, such as appropriately sized culverts and bridges (based on broader modelling data) for increased rainfall and snowmelt, and consider the road's role as a firebreak, with strategic turnouts and access to water sources for firefighters.
    - Effective Reclamation and Access Control: Implement firm commitments to reclaim and restore temporary footprints, including measures like natural barricades and clear access restrictions. The Project must prevent the development of side trails and manage vehicle access into otherwise inaccessible areas as well as water crossings. Comprehensive closure plans for quarries and aggregate pits are also required, enforceable regardless of ownership changes, to prevent long-term environmental degradation.
    - Address Noise and Vibration Impacts: Implement ongoing operational mitigations for noise and vibration addressing human annoyance, including activity coordination with First Nations communities and an effective complaint resolution mechanism. Incorporate design

solutions such as natural barriers (e.g., trees, engineered terrain) to mitigate noise impacts, and collaboratively develop annoyance thresholds with Indigenous land users. The EA/IS must provide clear justification for how bridge construction will avoid injury or mortality to fish, including the use of acoustic measurements and modelling in the aquatic environment, and data on the sound pressure sensitivity of local fish species.

- Protect Vegetation and Wildlife: Ensure engagement on mitigations to protect and conserve plant medicines, and implement invasive species mitigation and management plans. Nibinamik requests involvement in decision-making and implementation for these plans. The Project must designate the residual effects on culturally valued wildlife such as caribou, moose, and wolverine as "significant." and involve Nibinamik in the development and implementation of wildlife conservation and habitat fragmentation mitigations.

- Adequacy of Aquatic Mitigation Measures: Mitigation measures for fish and fish habitat, particularly related to construction, must be strengthened to explicitly include robust erosion and sediment control plans. These plans must include the use of erosion-resistant fill material below the high-water mark at all locations requiring fill and continuous downstream monitoring. Ensure that culverted crossings of fish-bearing waterbodies use embedded and/or open-bottom culverts to maximize fish passage. Provide clear details on air quality/fugitive dust monitoring plans as they relate to risks to aquatic environments. Address the long-term impacts of roadway runoff and potential chemical spills on water quality and fish populations.

4. Equitable Benefit Sharing and Capacity Building:
    - Community-Specific Well-Being Plan: Provide capacity for Nibinamik to develop a Community Well-Being Plan to address specific needs and concerns, accounting for Nibinamik's unique culture and governance, rather than generalizing within a broad RSA. This Plan must be supported through implementation.
        - A baseline for well-being in Nibinamik should be established in collaboration with the community. Once the baseline is established, monitoring will ensure that this Project and related development have positive impacts on community well-being (effectiveness monitoring is required to demonstrate that effects predictions are accurate).
        - Land and resource use must be assessed independently and in detail to ensure that the full scope of impacts is understood and that meaningful, community-specific mitigation measures are developed, implemented, and appropriately monitored.
    - The Project must prevent increasing the risks faced by Indigenous women and children, in the context of the national crisis of missing and murdered Indigenous women, girls, and Two-Spirit people as well as all other harassment and violence. This must be implemented through rigorous cultural sensitivity and awareness training for all non-Indigenous employees or contractors within Nibinamik Homelands. A no-tolerance policy must be applied to all those connected with the Project within the Homelands, regardless of being on or off duty, and on or off the worksite.

CLOSING

Based on the comprehensive Draft EA/IS review, the most urgent issues demanding immediate attention are:

- Reversal of Assessment Order: Postponing all MFCAR regulatory decisions until the comprehensive Regional Assessment is complete to ensure a full understanding of regional, cumulative, and rights-based impacts before irreversible actions are undertaken.
- Equitable and Meaningful Consultation: Implementing a truly equitable consultation process that includes all impacted First Nations communities on their own terms, recognizing their inherent governance rights and ensuring their active involvement in decision-making throughout the Project lifecycle, including operations.
- Robust Cumulative Effects Assessment: Mandating a comprehensive cumulative effects assessment for all disciplines (including groundwater, peatlands, visual, climate change, noise, and terrestrial ecology) that accounts for the combined impacts of MFCAR with all other existing and reasonably foreseeable regional developments, especially those facilitated by the road. In this comprehensive cumulative effects assessment, "reasonably foreseeable" must be ascertained from common awareness and anecdotal knowledge and must not require any degree of planning to have been carried out or any degree of certainty.
- Strengthened Mitigation and Monitoring: Requiring firm commitments to detailed, community-specific mitigation and monitoring plans that are developed in collaboration with First Nation communities and are robust enough to address long-term, cumulative, and rights-based impacts effectively.

The MFCAR holds significant potential for Marten Falls First Nation, but this review underscores that its development must proceed with a heightened recognition respect for the rights, knowledge, and long-term well-being of all impacted Indigenous communities, including Nibinamik First Nation. Moving forward, a truly integrated approach should prioritize a regional understanding of impacts, ensure equitable and meaningful Indigenous participation, and commit to robust, adaptive, and culturally informed mitigation and monitoring strategies. Such an approach will be essential for the Project to achieve its intended benefits without compromising the environmental integrity and cultural survival of the region. This requires a shift in the regulatory process to ensure the Regional Assessment outcomes are guiding future conditions of MFCAR operation. These, future conditions for the MFCAR must truly address cumulative impacts, Indigenous Rights impacts, and uphold Indigenous governance and stewardship responsibilities.

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APPENDIX A: COMMENT TRACKING TABLE

COMMENT #	DOCUMENT NAME	SECTION REFERENCE	ISSUE	QUESTION/RECOMMENDATION
SURFACE WATER				
1	Draft EA/Is	8.1.1 Indigenous Knowledge of Water	Nibinamik's Indigenous knowledge of water has not yet been considered in the Draft EA/IS. Nibinamik holds a spiritual connection to water, uses watercourses for travel, and values high quality water to support a healthy ecosystem that upholds Aboriginal and Treaty rights in their Homelands.	Nibinamik was not able to participate in past efforts of the MCAR Project Team to collect Indigenous Knowledge, however Nibinamik should still be given opportunity, including capacity support, to offer Indigenous knowledge of water as the Project progresses.
2	Draft EA/IS	8.1.2 Valued Components of Water	The surface water VC assessment uses a Local Study Area that includes project footprint and a 2.5-km buffer from the centreline, for a total of 72,500 hectares. There appears to be a miscalculation in total assessment area, since the groundwater LSA, which includes a buffer area of only 1 km from the centerline is larger in size (104,898 hectares). Additionally, the groundwater Regional Study Area (RSA), also defined as 2.5 km from the centreline, covers a total area of 215,068 hectares.	Clarity is needed on the spatial boundaries and total area for the surface water local study area. Demonstrate that effects have been assessed fully within the descried boundaries and provide a correct estimate of study size.
3	Draft EA/IS	8.1.4.2 Water Crossings	The Draft EA/IS states that there are 53 total waterbody crossings in Alternative 1, and 51 total waterbody crossings on Alternative 4, including 13 that overlap between the two routes. However, the preferred route only described 45 waterbody crossings.	Clarity is needed on the number of waterbody crossings as there appears to be more crossings on each alternative than in the final preferred route.
4	Draft EA/IS	8.1.4.2 Water Crossings	The Draft EA/IS describes watercourses as having moderate to well-defined channels,	Nibinamik expects the Project to consider site specific conditions of

			with mostly straight paths, and generally stable slopes. Review of the surface water technical report finds this description to be far too broad a generalization for the watercourses that were assessed, where varying degrees of sinuosity and channel stability were encountered.	water crossings, reflecting their unique conditions. Generalizations should be avoided to prevent the downplaying of potential impacts and the unique design considerations or mitigations that may be required at water crossings with sinuous channels, active morphology or unstable channel banks.
5	Draft EA/IS Surface Water Technical Report	8.1.4.2 Water Crossings 4.3.11 Waterbody Crossings	Unmapped water crossings without defined beds and banks were not considered for the purposes of the surface water assessment.	How are residual effects determined for unmapped water crossings?
6	Surface Water Technical Report	4.4 Effects Assessment	The draft EA/IS asserts that there are no potential indirect effects on surface water as a result of changes in land and resource use. Nibinamik finds this unreasonable, as the land and resource use VC assessment demonstrates that the Project will provide improved access for the extractive resource industry, among other land use activities (e.g., recreation, forestry) that directly interact with surface water. Improved access to land and resource use will come with increased water demands, potential changes to water drainage pathways, and/or increased risk of pollution or changes to water quality,	The effects assessment has neglected to consider interactions between changes in land and resource use and potential impacts to surface water. This oversight is not reasonable, and additional work is needed to assess potential impacts and develop mitigation measures for the long-term protection of surface water quantity and quality.
7	Draft EA/IS Surface Water Technical Report	9.3.2 Surface Water 4.4.5.2 Magnitude	The draft EA/IS uses an upper bound of 20% change to classify an effect as “low magnitude” for hydrology and surface water and sediment quality. This translates to mean that when less than 20% of a catchment is disturbed, or if the variation in quality indicator parameters is less than 20% of the natural range in variation, effects are considered low. This threshold appears high and does not account for site context	Provide further clarify on how a 20% change can be considered low for all water crossings. This should be discussed for ecologically or culturally significant waterbodies. Discussions should also be rooted in tolerable variances in baseflow to support fish habitat. Additional fieldwork may be required to support discussion.

			like baseflow conditions, natural variability and ecological sensitivity.	
8	Draft EA/IS Surface Water Technical Report	9.3.2 Surface Water 4.4.5.2 Magnitude	The rationale for selecting the 20% threshold is partially based on the expected uncertainty with flow monitoring equipment, described as +/- 20%. The Water Survey of Canada Hydrometric Field Manual finds that flow monitoring equipment is generally accurate within 5% (Terzi, 1981). The 20% threshold appears high and is not justified by equipment error thresholds.	Provide justification for the 20% variance in hydrometric monitoring that was used to set the magnitude thresholds. If proper justification cannot be provided, the MFCAR team should consider a 5% threshold has the upper boundary for "low" magnitude impacts.
9	Surface Water Technical Report	4.6.1 Surface Water and Sediment Quality	The effects assessment fails to use common quantitative techniques to predict changes in surface water and sediment quality and instead relies on qualitative methods. For example, pollutant loads can be estimated based on empirical estimations with published data (e.g. annual total suspended solids from gravel roads), export coefficients or event mean concentrations for heavy metals; through the use of stormwater modelling approaches based on hydrology and land use change; or by conducting geospatially based risk mapping for sensitive areas and contamination paths (e.g. high-risk erosion zones, sensitive habitat receptors). Additional approaches are available to predict water quality based on road salt (or dust suppressant risk) and spill modelling for the transport of hazardous materials.	Nibinamik would like to see quantitative methods used when discussing potential impacts to surface water and quality. The final EA/IS should consider applying quantitative techniques or provide justification as to why these methods are not applied.
10	Draft EA/IS	9.3.2 Surface Water	Wash water from cleaning concrete mixing equipment and vehicles/equipment will be collected in a washout site 30 m from a waterbody. This mitigation does not provide enough environmental protection nor follow best management practices, given the potential detrimental impacts to the environment.	Best management practices for concrete washout water should include the collection and containment of all wash out water in impermeable containers. Washout water should be captured in leak proof containers and undergo treatment to recycle and reuse water for concrete production. Hay bale washout pits are not recommended due

			• Concrete washout water contains toxic metals, has high pH that can harm fish and can be corrosive. Concrete washout water can also alter soil chemistry, plant growth and contaminate water. • The definition of waterbodies in the draft EA/IS does not include peatlands, wetlands, and riparian zones. This mitigation offers no protection for these sensitive areas that support water quality.	to the susceptibility to damage and the sensitivity of peatland environments. Washout facilities should be inspected daily and checked for leaks or damage. When capacity is over 75% washout containers should be vacuumed, water disposed of of-site at approved facilities and should be removed when cementitious materials have hardened. Best management practices for cement and aggregate washout water must be documented in a management plan, shared with Nibinamik for review and kept on site for all contractors involved in project construction. The management plan must also include measures for inspection, reporting, and spill response.
11	Draft EA/IS	9.3.2 Surface Water	Conflicting information has been presented on the management of domestic wastewater and sewage. Section 7.2.3.6 describes that domestic sewage generated at waste camps will be temporarily contained and then disposed of off-site at an approved waste facility. Section 7.2.3.10 and Table 9-6 states that domestic wastewater will be displaced to onsite leaching beds at the temporary construction camps. It is not clear if domestic wastewater includes sewage, and if there are plans to discharge sewage via a leaching bed. Leaching beds can contaminate surface water (via runoff and overland flow) and groundwater (by infiltration) with nutrients, bacteria, heavy metals or contamination of concern (e.g. pharmaceutical), and degrade wetland environments and environmental quality.	Given the sensitive and pristine natural environment, Nibinamik does not support the use of leaching beds to manage domestic wastewater. Nibinamik would like to see enhanced environmental protection measures to further reduce potential effects from water discharge, include the collection, containment, and transport of all domestic wastewater and sewage offsite for treatment in an approved wastewater treatment plant.
12	Draft EA/IS	9.3.2 Surface Water	The draft EA/IS relies on Environmental Compliance Approvals to mitigate impacts	No discharge sites should be approved without mapping and approval by all

			from discharge. Nibinamik is concerned this process will not provide enhanced environmental assessments or consider ecologically or culturally sensitive water bodies when permitting discharge locations.	First Nations communities throughout the Homelands to verify that sensitive areas are protected and cumulative effects minimized. Additional work is needed ahead of construction design to identify sensitive areas, such as sensitive groundwater recharge areas, as these have not been determined in this under studied environment.
13	Draft EA/IS	9.3.2 Surface Water	Table 9-6 sates that monitoring noted in Section 8.2.6 of the Technical Support Document; Appendix F will be conducted as a mitigation measure. Section 8.2.6 of the technical support speaks to predicted confidence in the cumulative effects assessment and does not provide a monitoring plan.	Clarify what monitoring program is proposed a mitigation and provide a corrected version of the mitigation table in the final draft EA/IS.
14	Draft EA/IS	9.3.2 Surface Water	Mitigations proposed for bridge construction/decommissioning do not reference the DFO interim code of practice for temporary bridges. Additionally, the surface water mitigations do not mention the DFO interim code of practice for beaver dam removal.	Provide clarify if the DFO interim code of practice for temporary bridges will be used or how the DFO will be engaged in temporary bridge construction activities. Further, provide information on if the DFO practice for removing beaver dams will be abided by.
15	Draft EA/IS	9.3.2 Surface Water	Ontario has limited recently published guidance on best practices for making changes in and about a stream.	The MFCAR team is recommended to review and integrate best management practices from the Government of British Columbia, such as *Requirements and Best Management Practices for Making Changes In and About a Stream in British Columbia (2022).* (Government of British Columbia, 2022)
16	Draft EA/IS	9.3.2 Surface Water	Waterbody crossing structure design will be based on hydrologic and hydraulic design flows.	While Nibinamik is pleased to see that there will be consideration for channel slope and substrate in design considerations, designs must also

				consider the ecological context of the proposed water crossing, and traditional or contemporary land use to ensure the best-suited design is selected from an interdisciplinary perspective. Additionally, Nibinamik would like to see hydrologic and hydraulic modelling completed with a consideration for climate change to ensure that designs can both accommodate flood flows safety and allow the transport of fish under low flow conditions. Hydraulic models should include an erosion /sedimentation module to ensure the potential changes to sediment transport are well understood. Lastly, all bridge structures must be designed and modelled with the consideration of ice-jam conditions.
17	Draft EA/IS	9.3.2 Surface Water	Nibinamik understands that channel realignments and/or infillings may be required at some locations.	Nibinamik would like to see channel realignment and infilling avoided to the extent possible. However, if required, Nibinamik recommends designs prioritize developing ecologically connected channels, ensuring that channels can safely flood, migration and support wildlife. Material selection should reflect pre-construction conditions and not restrict groundwater/surface water interaction. Natural channel design principles should also be prioritized to protect against flooding and erosion concerns when conducting any in-stream modifications.
18	Draft EA/IS	9.3.2 Surface Water	Temporary waterbody crossings will be reclaimed as part of mitigation measures.	Nibinamik requires reclamation plans are developed ahead of construction,

				demonstrating the feasibility of reclamation on ecologically relevant timescales and ensuring that natural hydrologic conditions will not lead to erosion/sedimentation and/or bank instability issues.
19	Draft EA/IS	9.3.2 Surface Water	Changes to surface water value components from the operations and maintenance of water body crossings are described as "short-term" meaning "effect ends before the end of construction". It is unclear how effects during operations can be considered short-term.	Nibinamik requires justification as to how impacts during operation can be considered short-term. It is the opinion of Nibinamik that these effects will be continuous
20	Draft EA/IS	9.3.2 Surface Water	Riparian vegetation is essential to maintaining water quality and bank stability around bridge crossings. The current mitigation measure proposed clearing within 10 m of the ROW to install waterbody crossings. There is also concern that clearing within the riparian ROW will impact water crossings within peatlands or wetland areas. Mitigation measures also suggest that mechanical clearing will be needed for the maintenance and operation phase, potentially prolonging restoration.	Enhanced mitigation measures, beyond those proposed should be considered such as: • Abutment setbacks (e.g., 10 m from streambank) to avoid disturbance to riparian foot zones. • Preventing infill and excavation in the riparian zone. • Maintain a 30 m vegetated buffer and only selectively clear in temporary access spaces. • Avoid mechanical clearing methods within riparian zone. • Site temporary laydown sites/staging areas outside of the riparian zone. • Restrict the use of pesticides/herbicides to preserve water quality. • Install sediment and erosion control measures during

				vegetation maintenance activities.
21	Draft EA/IS	9.3.2 Surface Water	Mitigation measures describe some restricted activities in "sensitive areas," however it is not clear which areas will be considered sensitive and under what criteria.	The criteria to assess and define a sensitive area should be clearly presented as part of the EA/IS. The assessment should include a framework that considers hydrologic and ecologic sensitivities, as well as current and traditional land uses. This framework to determine land use sensitivity should be developed collaboratively with Nibinamik and other Indigenous groups throughout the Homelands.
22	Draft EA/IS	9.3.2 Surface Water	Mitigation measures propose to control sedimentation by directing sediment-laden water to drain through low gradient, well vegetated areas away from watercourses. There is no prescribed setback for this drainage area. Also, it is not clear how the sensitivities of muskeg and wetlands will be considered in this approach.	Pumping sediment laden water to low-gradient areas should only be pumped outside of the riparian area, with appropriate setbacks. Discharge areas must also avoid sensitive receiving environments such as peatlands. Discharge plans should be reviewed by Nibinamik ahead of construction activity.
23	Draft EA/IS	9.3.2 Surface Water	While Nibinamik is pleased to see that additional contingency measures will be implemented as needed during wet weather events or flood like conditions, greater detail is needed on the approach to decision making and adaptive management during these conditions to make sure that erosion and sedimentation protection is provided without risking impacts to other value components (e.g. vegetation).	Nibinamik requests that a Wet Weather Management Plan is developed with a clear framework for decision making and adaptive management, including threshold conditions to change work, clear site-specific contingency plans, communication protocols, and demonstration that contingency measures will not cause an impact to other value components (e.g. such as additional or alternative right of way leading to the clearing of sensitive plant species or wildlife habitat).
24	Draft EA/IS	9.3.2 Surface Water	Mitigation measures reference the *Aggregate Permits on Crown Lands for Pits and Quarries Above Water* (Ministry of Natural Resources	Nibinamik requests that the MFCAR team develops a transparent environmental protection strategy for

			and Forestry, 2014). This reference is outdated and not currently used as a permitting resource for aggregate pits in Ontario. Further, it is suspected that many of the aggregate pits required will be below the water table based on the hydrogeologic environment.	pits and quarries required to support the Project. This should include reference to current industry standards and guidelines. A coordinated environmental protection strategy for pits and quarries is recommended to avoid cumulative effects from the operation of numerous quarries in the Project area.
25	Draft EA/IS	9.3.2 Surface Water	The proponent states that "if refueling within 120 m of a waterbody cannot be avoided, enhanced spill containments measures, such as a Spill Prevention and Emergency Response Plan will be used" (p. 397). It is the understanding of Nibinamik that a Spill Prevention and Emergency Response Plan should be implemented at all times, regardless of proximity to a waterbody.	The enhanced measures to protect waterbodies and wetlands from spills and leaks from refueling, serving and maintenance is not clear. The MFCAR suggests that the 120 m buffer will not be maintained due to the prevalence of wetlands. Nibinamik requires clarity on what *enhanced* spill prevent and containment measures will be implemented to protect waterbodies and wetlands. These enhanced measures for wetlands and waterbodies should be clearly documented, including communication, checklists and reporting plans, within the Spill Management Plan. At the very least, these spill prevention and containment measures should prevent refuelling within riparian areas and require the use of drip-trays and automatic shut-off nozzles.
26	Draft EA/IS	9.3.2 Surface Water	The proponent anticipates sand will be used on bridge decks and roadways for de-icing instead of salt. It is encouraging that the proponent does not intend to use salt for de-icing, however it is not clear how this mitigation measures will be enforced for the lifetime of the road in lieu of legally enforceable bylaws or regulations. This also	Nibinamik would like more information on road ownership and responsibility of road maintenance for the lifetime of the projects. If mitigation measures are to effectively reduce impacts during operation, there must be a clearer mechanism on how these mitigation

			begs questions of responsibility for de-icing and snow removal during the lifetime of the road. Further, the use of salt (calcium chloride) has been mentioned throughout the draft EA/IS for dust control, potentially undermining the use of sand alternatives for deicing.	measures will be followed and practiced over the life of the road.
27	Draft EA/IS	9.3.2 Surface Water	The Draft EA/IS does not consider how roadway runoff will impact surface water quality during the lifetime of the road. Urban roadway runoff is known to contain toxic compounds, with emerging impacts to fish and wildlife. These long-term impacts have not been considered or mitigated through the draft EA/IS.	Nibinamik finds the draft EA/IS to be silent on the potential long-term impacts of roadway runoff. Nibinamik requires greater discussion and consideration for the introduction of toxic roadway runoff compounds and particles entering surface water systems surrounding the roads. This should include the required use of green stormwater infrastructure and plans for long-term monitoring to roadway runoff contaminants (e.g., tire wear particles, 6PPDQ). Monitoring programs should be regional and focus on developing capacity of First Nations-led monitoring programs through guardian programs. Programs must also include a long-term adaptive management plan, communication framework, as well as funding and capacity support. Additionally, a clear strategy for stormwater infrastructure design and maintenance should be developed during the detailed design phase to ensure that all stretches of the road are providing stormwater control for both water quantity and water quality concerns, and clear plans for a sustainable maintenance schedule. Green stormwater infrastructure must be mandatory along both the roadway and at bridge waterbody crossings.

28	Draft EA/IS	9.3.2 Surface Water	The Draft EA/IS predicts residual effects from the wash off of spills and residue from blasting near waterbodies.	The Blasting Management Plan should consider additional mitigation measures to further reduce these impacts, such as erosion control measures, pre- and post-monitoring plan, and plans to contain blasting slurry/residue to prevent wash off to surface water bodies.
29	Draft EA/IS	9.3.2 Surface Water	Nibinamik is concerned that surface water will be impacted from accidental fuel leaks and spills occurring during the operation and maintenance of the road.	As the road progresses to these Project phases, Nibinamik should be further engaged to develop spill prevention and response plans for road operation. This could include signage for spill reporting, spill kit availability along the road, and/or specific transportation requirements for fuel, chemicals and other materials being transported along the road (e.g., inspections, tie-downs, check points).
30	Draft EA/IS	10. Cumulative Effects Assessment	The approach for the cumulative effects assessment is flawed. Nibinamik beliefs as cumulative effects should consider all residual effects regardless of significance. Is it the interaction of cumulative effects acting at the same time (e.g., additive or synergistic effects) that make impacts significant. Water is value component that is extremely sensitive to cumulative effects, due to the nature of watersheds and waterways reflecting the consequences of our actions on land, potentially compounding these impacts as water flows.	Nibinamik requires a more meaningful cumulative effects assessment is completed for the long-term use and operation of the road considering how land use and land cover changes will impact surface water and sediment value components. This should include capacity and support for Nibinamik to lead their own cumulative effects assessment within the Homelands, such as funding to develop a spatial database
31	Draft EA/IS	10. Cumulative Effects Assessment	These cumulative effects scoping is inappropriate to meaningfully assess the cumulative effects of the project on surface water for the long-term. Residual effects that were “possible” to occur were not carried forwards in the cumulative effects assessment, effectively excluding all	Nibinamik requires a more meaningful cumulative effects assessment is completed for the long-term use and operation of the road considering how land use and land cover changes will impact surface water and sediment value components. This should include

			potential residual effects from the operation and maintenance phase of the Project where cumulative effects are most likely to occur. This is particularly concerning as residual effects to surface water quantity, surface water quality and sediment quality from land cover changes. Additional changes to land cover and land use over the operation and maintenance of the road are an anticipate effect. It is well known that land use changes will change water quality, quantity and sediment quality cumulatively over the long-term without proper planning, monitoring and mitigation. Additionally, the executive summary of the surface water technical appendix erroneously states residual changes to surface water value components from land cover during operation and maintenance are carried forward in the cumulative effects assessment where this was not completed in the body of the report.	capacity and support for Nibinamik to lead their own cumulative effects assessment within the Homelands, such as funding to develop a spatial database. Furthermore, Nibinamik requests greater justification for the characterization of effects (such as scientific literature) to justify the magnitude and likelihood determined by the MFCAR team. The technical appendix and draft EA/IS must also be revised to accurately summarize the scope and extent of cumulative effects studied.
32	Draft EA/IS	10.2.2. Cumulative Effects Assessment – Surface Water	The Draft EA/IS states that cumulative effects related to surface water in the regional study area are not significant, however also states that "for the purposes of the cumulative effects assessment, significance of the effects for surface water was not determined" (p. 779). There is no justification that effects are not significant if they were not assessed.	Similar to the comment above, Nibinamik requires provisions for a Nibinamik lead cumulative effects assessment. Issues in the accuracy, clarity and transparency of the draft EA/IS cumulative effects assessment further underlines the need for additional studies.
33	Draft EA/IS	10.2.2. Cumulative Effects Assessment – Surface Water	The cumulative effects project inclusion list includes a number of existing and planned mines operating within the regional study area. There has been no discussion on how water quantity (water use and water management) in the regional study area will	Further justification is need as to how mining projects will not result in cumulative effects on water quality and quantity in the study area. Nibinamik requires further engagement on the permitting of water taking and

			be cumulatively impacted by these mines and road operation or construction.	discharge from development projects in the regional study area.
34	Draft EA/IS	10.2.2. Cumulative Effects Assessment – Surface Water	The cumulative effects assessment for surface water does not include the Anaconda and Painter Lake Forestry Access Road Upgrades on the basis that "the project will be completed prior to the start of construction for the community access road", however the project start date and completed date is unknown. Furthermore, temporal overland of this project with the Community Access Road is anticipated for the groundwater value components.	Nibinamik requires further justification for assumptions made in the cumulative effect assessment, as well as plan to update/validate cumulative effects assessment as develop projects progress to the permitting, design, and construction phases.
35	Draft EA/IS	14.1 Pre-Construction Monitoring Programs	Nibinamik is pleased that there will be additional monitoring completed at surface water crossings not yet evaluated. Nibinamik believes there is room to improve the study design methods used previously, based on lessons learned from the Draft EA/EIS assessment. For example, the reviewer has noted several deficiencies with the methods outlined in Section 4.3: • Use of outdated/unavailable technology to characterize hydrologic environment (e.g., discontinued functions of the Ontario Watershed Information Tool). • Incompatible equipment/methods with the hydrologic terrain leading to missed measurements of channel bathymetry, water depth and flow. • Missed measurements of basic water quality parameters from probe malfunctions.	Nibinamik would like to see improvements to the monitoring program for pre-construction conditions. Pre-construction monitoring often informs baseline conditions which are used to understand long-term changes and high-quality data is required. Nibinamik recommends a study design is shared for pre-construction monitoring, including the following considerations: • Clarity on what guidance resources were used. • Ensuring the most up to date guidance/standards are followed • Apply a more rigorous geomorphic assessment, such as the Ontario Stream Assessment Protocol and complete a full geomorphologic assessment for sinuous or major rivers. • Improved methods to determine channel bathymetry, water depth and flow, such as acoustic doppler

				current profiles and LiDAR/Sonar drone bathymetry. • Better contingency plans for in-situ quality measurements. • Improved suite of water quality parameters including contaminants of potential concern, such as roadway runoff chemicals and tire wear compounds.
36	Draft EA/IS	14.1 Pre-Construction Monitoring Programs	Nibinamik believes there is room to improve the study design methods used previously, based on lessons learned from the Draft EA/EIS assessment. Changing the monitoring approach or plan based on results of the field program is part of adaptive monitoring and adaptive management principles. Nibinamik would like to see a more active effort to include adaptive monitoring and management approaches in the assessment and design of the Community Access Road	Nibinamik would like to see a more active effort to include adaptive monitoring and management approaches in the assessment and design of the Community Access Road. The following is recommended to assist in improving adaptive monitoring and ground-survey techniques: 1) Develop an adaptive monitoring and management plan, in collaboration with Nibinamik and other First Nations groups that outlines how pre-construction, construction and post-construction monitoring will be completed. Include methods to report on results, include success of field studies to improve on monitoring technique and prevent the loss of data for future adaptive management programs. 2) Include capacity and funding support for First Nations Environmental monitors inclusion in pre-construction field surveys.
37	Draft EA/IS Appendix F	Surface Water Appendix – 9.1 Preconstruction	Vague wording causes concern on the extent of pre-construction monitoring requirements. Nibinamik would like to see additional surface water surveys at all	Clarify if ground-based surveys will be required at all waterbody crossings or

		Monitoring Program	waterbody crossings not previously assessed by ground-based surveys as well as additional investigations at crossings where work is required below the high-water mark.	only those where work is proposed below the high-water mark.
38	Draft EA/IS Appendix F	Surface Water Appendix – 9.1 Preconstruction Monitoring Program	Pre-construction monitoring should also include an extensive surface water monitoring program near aggregate pits and quarries, as well as discharge locations for dewatering activities. At least 2-years of data should be collected to support additional permitting and environmental assessments.	Nibinamik would like to see pre-construction, construction, and operational monitoring plans developed ahead of project construction to ensure these plans can deliver adequate mitigations. Baseline monitoring data collected in these plans should be based on high quality collection methods that reflect good temporal and spatial coverage. Baseline data should be used to develop adaptive management threshold and trigger response plans for the long-term use of the road.
GROUNDWATER AND GEOCHEMISY				
39	Draft EA/IS	8.1.1 Indigenous Knowledge of water	First Nations have highlighted the importance of seeps to their community. The groundwater impact assessment does not assess the baseline conditions of seeps (e.g., seep study) nor predict potential impacts to seeps from the project. The EA/IS defines the groundwater quantity VC as amount of abundance and spatial configuration of groundwater yet only uses change in groundwater level as the VC indicator (as indicated in the Groundwater Technical Appendix). This approach excludes consideration of residual effects to seeps and springs. Understanding potential effects to seeps and spring is highly important to Indigenous Nations, as well as an important indicator to assess changes in groundwater flow pathways from the project.	The Draft EA/IS must be improved to include an assessment of seeps and springs, including baseline conditions and residual effects assessment. Omission of this assessment reflects poorly on the Project's commitment to integrate Indigenous knowledge and priorities. It also appears that spring/seep sampling was previously included in the groundwater study plan (which has been omitted from the groundwater technical appendix) but not executed as part of the groundwater field investigations. Nibinamik would like justification as to why this monitoring was omitted, as well as a fulsome assessment of project effects and cumulative effects on seeps and springs.

40	Draft EA/IS	8.1.3 Spatial Boundaries of Water Disciplines	Both the LSA and RSA for groundwater are significantly smaller than those of the other water disciplines. Nibinamik knows that water is connected throughout the Homelands, and groundwater interacts with and supports surface water and peatlands. It is very concerning that the groundwater discipline was only assessed in such a small study area. Additionally, the regional assessment area is inappropriately sized for any following cumulative effects assessments as it is limited to the area immediately adjacent (2.5 km buffer) to the project.	Further justification is needed to demonstrate that all impacts to groundwater (both residual and cumulative) have been captured within the regional and local study areas, Justification should use literature and fieldwork studies to demonstrate that impacts cannot extend beyond these areas to assure Nibinamik that all impacts have been fully mitigated. If this cannot be reasonably justified, an expanded study is warranted.
41	Appendix H – Groundwater Technical Report	Section 5 Existing Conditions	The baseline studies for groundwater are spatially and temporally scarce. There are only 20 monitoring locations along both Alternatives 1 and 4. Some segments of the road have no groundwater or borehole information. This is especially concerning as peatland environments are sensitive to changes in groundwater movement and susceptible to ground subsidence. Groundwater quantity and quality were only measured three times in one monitoring year, representing only a surface level understanding of baseline conditions. There has also been no targeted groundwater assessment at locations of temporary infrastructure, aggregate pits, and water taking/discharge areas.	Nibinamik requests more rigorous baseline assessments for groundwater quality and quantity. These assessments should be conducted seasonally over at least two years. Groundwater monitoring needs to be more spatially dense, especially in areas of groundwater discharge, groundwater-surface water interaction, shallow recharge zones, and temporary infrastructure (i.e., aggregate pits, water taking/discharge areas, work camps), Groundwater assessments should identify environmentally sensitive groundwater features, such as seeps and springs, and local groundwater flow pathways. These assessments should be conducted ahead of construction and to support detailed design studies. Detailed designs studies must demonstrate that baseline conditions, including sensitive groundwater features, local groundwater flow pathways, and changes to the water balance are well understood and that impacts are appropriately mitigated.

				Further consultation and engagement with Nibinamik should be planned to demonstrate that these impacts are appropriately understood and mitigated.
42	Draft EA/IS	9.3.4 Groundwater and Geochemistry	The effects magnitude definition for groundwater quantity and quality does not include criteria for "very high" magnitude effects, as defined in the residual effects methodology.	Update and revise magnitude criteria to include a "very high" category in line with the residual effects methodology.
43	Draft EA/IS	9.3.4 Groundwater and Geochemistry	Mitigation measures to prevent changes from groundwater quality due to short-term water takings include conducting site specific hydrological studies for groundwater water supplies. While it is encouraging to see the use of site-specific studies, it is not clear how these studies will be used to inform practical mitigation and management plans.	Simply knowing hydrogeologic conditions does not provide mitigation or enhancement. The Project Team must be clearer on how results from hydrologic studies will be used to inform mitigation and enhancement measures or used to develop permit conditions that protect groundwater quantity. This is especially importance since the draft EA/IS concludes there will be no residual effects from water taking, with is unsupported without site-specific mitigation measures.
44	Draft EA/IS	9.3.4 Groundwater and Geochemistry	Mitigation measures suggest that groundwater use for construction dewatering will be minimized, and this measure will be applied to all project activities in the construction and operation and maintenance phase. There is much ambiguity on exactly how water taking will be minimized for such a large range of activities (e.g., culvert installation, concrete batch plants, quarrying, temporary construction camp construction).	Nibinamik agrees that water conservation is an effective mitigation measures, however it is not clear how water use will be minimized for all project activities discussed. A detailed Groundwater Use/Taking Management Plan must be developed that details how much groundwater is needed, from what areas/aquifers, temporal and spatial overlaps, as well as potential impacts to sensitive features, like seeps, springs and baseflows in sensitive rivers and streams. This plan must detail exactly how water use will be minimized, using practical methods such as water re-use and recycling between

				different project activities. The plan should include a water balance that reflects relevant project activities as well as a monitoring program.
45	Draft EA/IS	9.3.4 Groundwater and Geochemistry	Mitigation measures for groundwater taking (during construction and operation and maintenance) do not specify provisions for groundwater monitoring.	Groundwater monitoring, accompanied by an Adaptive Management Plan to respond to changes should be developed as part of the mitigation and enhancement measures.
46	Draft EA/IS	9.3.4 Groundwater and Geochemistry	The residual effects assessment for groundwater quantity considers impacts from aggregate pits and quarries during construction, but not during operation and maintenance of the road.	Effects from pit and quarry dewatering should be considered during the operation and maintenance phase as some aggregate pits are expected to remain in operation during these phases.
47	Draft EA/IS	9.3.4 Groundwater and Geochemistry	During project construction mitigation measures will allow the infiltration of treated wastewater from groundwater sources. During project operation and maintenance mitigation measures do not state groundwater will be treated prior to infiltration.	While Nibinamik supports the infiltration of groundwater into local areas after treatment, the draft EA/IS should clarify what treatment measures will be implemented, how waste from these treatment measures will be management, and when treatment will be required prior to infiltration.
48	Draft EA/IS	9.3.4 Groundwater and Geochemistry	Nibinamik is concerned that there are predicted residual effects to groundwater quantity from road construction in peatlands. Mitigation measures suggest that roads will be designed to allow groundwater flow, including technologies like equalization culverts and permeable base materials. It is known that floating road construction is one of the most effective technologies available to prevent changes to groundwater flow in peatland environments.	Information provided in the draft EA/IS does not provide enough confidence that groundwater flow will not be significantly impacted by road development. Road construction has been described as using excavation methods.
49	Draft EA/IS	9.3.4 Groundwater and Geochemistry	Nibinamik is concerned that groundwater will be impacted from accidental fuel leaks	As the road progresses to these Project phases, Nibinamik should be further engaged to develop spill prevention and response plans for road operation. This

			and spills occurring during the operation and maintenance of the road.	could include signage for spill reporting, spill kit availability along the road, and/or specific transportation requirements for fuel, chemicals and other materials being transported along the road (e.g., inspections, tie-downs, check points).
	Draft EA/IS	9.3.4 Groundwater and Geochemistry	Nibinamik understands wastewater will be produced from a number of project activities (e.g., concrete production, drilling, installations, decommissioning). The draft EA/IS suggest impacts to groundwater quality will be partially mitigated by Environmental Compliance Approvals and a Waste Management Plan. Without seeing the specifics of permit approvals or the Waste Management Plan, Nibinamik cannot be assured that measures will be effectively designed and implemented to prevent the pollution of groundwater.	Nibinamik requires further engagement on developing the Waste Management Plan and Environmental Compliance Permit conditions to ensure that residual effects to groundwater quality from wastewater release will not significantly impact the environment. Groundwater flows through the Homelands, supporting peatlands, wildlife habitat, surface waters and aquatic habitats. As such, Nibinamik requires that groundwater remains high quality and free of pollution to support a healthy environment now and for future generations.
50	Draft EA/IS	9.3.4 Groundwater and Geochemistry	The draft EA/IS states "regulatory monitoring of water quality in quarry sumps and downstream of blasting areas should be conducted and compared to action levels of contaminants of concern set based on regulatory guidelines" (p. 432). It is not clear 1) what contaminants of concern will be monitored, 2) what "action levels" are and 3) how adaptive management will be used to respond to changes in groundwater quality.	Nibinamik supports the use of monitoring to prevent significant impacts to groundwater quality from blasting, however much clarity is needed on how monitoring will be applied (e.g., parameters, frequency, location) and how adaptive management will be applied.
51	Draft EA/IS	9.3.4 Groundwater and Geochemistry	The draft EA/IS suggests that alternative methods of dust control will be considered to prevent impacts to groundwater quality during operation and maintenance. Nibinamik is concerns that "consideration" is not enough to protect groundwater quality from long-term impacts, and a more	Nibinamik suggests that groundwater quality protection can be enhanced through a regional assessment of groundwater sensitivity. This should include identification of sensitive groundwater recharge areas, aquifers, discharge sites and groundwater flow

			strategic approach should be implemented to prevent groundwater contamination in sensitive areas.	pathways to sensitive receptors. Much of southwestern Ontario has mapping from source water protection plans that delineate sensitive recharge areas and identify receptors (most commonly drinking water wells). Many communities have expressed how seeps and springs are important, and as such these should be considered sensitive receptors. Nibinamik recommends the Project Team fund and support a more regional assessment to map sensitive groundwater areas and receptors. Once these areas are known, there is opportunity to ensure that environmentally friendly methods of dust and ice suppression are used in these locations.
52	Draft EA/IS	9.3.4 Groundwater and Geochemistry	There are no predicted residual effects from short-term water takings (apart from quarry and pit dewatering). Expected short-term water takings are expected to be mitigation through the Ministry of the Environment, Conservation and Parks (MECP) Permit to Take Water (PTTW) for water takings exceeding 50,000 L/day. The reliance on the MECP PTTW process does not provide sufficient assurance that impacts will be implemented. Highway projects and water taking for construction site dewatering are both listed as an Environmental Activity and Sector Registry (EASR) eligible water taking activity, meaning only registration (not permit application) is required to undertake the activity. This means that no scientific studies are required, and no permit conditions with additional environmental protections and/or monitoring will be included in the authorization.	Nibinamik cannot support EASR registry as a meaningful mitigation measure in the hydrogeological complex Project area. The draft EA/EIS has not completed sufficient scientific investigations to demonstrate that impacts from water taking will be appropriately mitigated. The locations and quantities of water taking have not even been identified providing no confidence that baseline conditions nor impacts to environmentally sensitive features are well understood. There are additional safety concerns are the peatland environment is especially sensitive to subsidence from peatland dewatering. Nibinamik requires that the detail design phase of the Project undergo a robust and coordinated groundwater effects study to demonstrate that the

			Nibinamik has serious concerns on the reliance of PTTW registration/permitting as a mitigation measure. Even for activities that may require a PTTW application, there are additional concerns: • PTTW applications do not provide mitigation for water takings of less than 50,000L/day • The MECP PTTW permitting process does not consider cumulative effects from nearby water takings. • Scientific studies are only required for category 3 permits.	effects of dewatering are well understood. Nibinamik requires further consultation on this study to assure that there are no residual effects from dewatering. The study must include the locations/amounts of predicted groundwater takings, baseline characterization, geotechnical/land subsidence risk assessments, impacts to sensitive receptors (e.g., spring, waterbodies), and a cumulative effects assessment of spatially and temporally overlapping water takings. Appropriate and site-specific mitigation measures should be produced as an outcome of this study to demonstrate that there will be no residual effects. It is also the recommendation of Nibinamik that the MECP require PTTW application (and ECA application) for all water taking and discharge activities associated with the MFCAR construction to protect this pristine and complex environment.
53	Draft EA/IS	9.3.4 Groundwater and Geochemistry	Similar to the above, the draft EA/IS relies on the MECP permitting progress under the *Aggregate Resources Act* and PTTW program to mitigate the impacts of pit and quarry dewatering. These programs do not guarantee that adequate studies will be conducted to determine potential impacts and develop effective mitigations.	Nibinamik requires further engagement on the permitting of aggregate pits and quarries. In addition to permitting requirements, the MFCAR team should develop a cumulative assessment for pits and quarries within the Project area that describes water taking requirements, predicted changes to the groundwater table, impacts to groundwater surface water interaction and a comprehensive reclamation strategy.
54	Draft EA/IS	9.3.4 Groundwater and Geochemistry	The draft EA/IS does not provide adequate mitigation to assure Nibinamik that impacts	Nibinamik requires that the final EA/IS consider the impacts to groundwater

			to groundwater quantity and quality from the decommissioning of pits and quarries will be avoided. There is concern that some pits and quarries will be "abandoned" which is not in line with requirements of the *Aggregate Resources Act*. Abandoned quarries and pit infilling could cause changes for groundwater flow direction and water quality.	from aggregate pit infilling. Appropriate mitigations must also be provided to demonstrate there will be no residual impacts to groundwater, or ecosystem components supported by groundwater flow (e.g., habitat, water courses, peatlands).
55	Draft EA/IS	10.2.4 Groundwater and Geochemistry	The draft EA/IS identified that the Community Access Road will result in residual changes to groundwater quantity due to road construction in peatland areas. All three projects identified in the cumulative effects assessment are anticipated to have similar changes to groundwater quantity in peatlands. Despite this fact, the proponent has not assessed the cumulative effect of these projects on groundwater quantity and does not propose any additional mitigation measures to prevent adverse impacts. This is extremely concerning considering the kknown impacts from historic roadway projects in peatlands in the United Kingdom.	Nibinamik requests that the MFCAR Project team take a wholistic approach to the cumulative effects assessment for groundwater. The MFCAR Project should take a proactive approach and develop a collaborative program to address potential impacts to peatlands from roadway construction, in partnership with other anticipated roadway projects. This assessment should include an ecosystem-based approach and consider the development of an First Nations peatland monitoring network, partnerships with academic research programs and/or pilot projects for low-impact roadway design or peatland restoration.
56	Draft EA/IS	10.2.4 Groundwater and Geochemistry	The Draft EA/IS states that the since road projects are linear, they are not expected to cross the same groundwater catchment area in more than one location, with the exception of the junction of the two projects. Groundwater catchment areas were not assessed by the draft EA/IS. In fact, the draft EA/IS limited the groundwater Regional Study Area to only 2.5 km along the centreline of the roadway, which is an oversight of groundwater catchments and extent and distribution of groundwater flow pathways. To this point, the draft EA/EIS	Assumptions that dewatering for aggregate pits and quarries will not overlap in groundwater catchments is unjustified, as groundwater catchment areas and flow directions have not been fully assessed and are not well understood.

			recognizes the limited understand of the hydrogeologic environment and broadly describes groundwater flow movement to "follow ground surface topography" (p. 59) with no defined areas of groundwater recharge or source water protection zones. Additionally, Indigenous knowledge from Marten Falls First Nation highlights the complicated groundwater flow directions.	
57	Draft EA/IS	10.2.4 Groundwater and Geochemistry	While Nibinamik is pleased to see the inclusion of the Rapid Lynx Broadband project as part of the cumulative effects assessment, it's noted that much of the Rapid Lynx Broadband project resides outside, but adjacent to, the Peatland regional assessment study area. It is not clear how direct and indirect loss of peatlands from the linear disturbance outside the regional study area has been considered in the CE assessment. By only included the area of disturbance within the regional study area, CE to peatlands from these projects may be underestimated.	The cumulative effects assessment for peatlands should consider how linear disturbance can impact water flows along the upstream and downstream boundaries of peatland complexes. As effects may be more pronounced for these types of developments, additional mitigation measures are warranted. Nibinamik would like to see additional peatland research and monitoring as part of these measures.
58	Draft EA/IS	14.1.1.2 Groundwater Geochemistry	Monitoring programs used to characterize baseline conditions were spatially and temporally scarce. Nibinamik would like to see improved techniques applied for future phases of monitoring.	Future monitoring program should consider more advanced methods to understand the hydrogeological complex environment. This should include increased use of continuous water level sensors, multiple years of monitoring data, seasonal and multi-year groundwater quality sampling, and assessments of groundwater/surface water interaction. Future monitoring programs should be publicly documented and developed with an adaptive management framework to identify and respond to changes in groundwater throughout the lifetime of the project.

59	Appendix H – Groundwater Technical Report	8.2.1 Changes to Groundwater Quantity due to Pit or Quarry Dewatering	The assessment states that there will not be any cumulative effects from groundwater pit dewater because there will not be any aggregate pits or quarries where the project overlap. Nibinamik is concerns that cumulative effects of quarries have been overlooked based on the small regional assessment area for groundwater impacts (i.e., 2.5 km buffer) and the assumption that plentiful aggregate materials are available within the vicinity of these projects.	Nibinamik would like to see a more comprehensive cumulative effects assessment for aggregate pits, focusing on how the predicted accumulation of these pits may impact groundwater, peatlands and other value components within a larger regional study area. Further, the proponent should commit to supporting research and development for aggregate pit reclamation techniques to ensure that the natural environment can be appropriately restored to pre-disturbance conditions. These assessments must use ecologically relevant boundaries to ensure impacts are adequately assessed.
60	Appendix H – Groundwater Technical Report	8.2.1 Changes to Groundwater Quantity due to Road construction in Peatland Areas	The cumulative effects assessment relies on the assumption that Anaconda and Painter Lake forestry road and the Northern Road Link project will use road construction methods that allow for groundwater flow beneath the road. While Nibinamik is supportive of this construction method, there is concern that the effects assessment relies on assumptions that are beyond the proponent's control and represent a "best case" scenario.	Nibinamik would like to see a cumulative effects assessment that considers moderate or worst-case scenarios, such as extractive methods to build roads in nearby projects for a fulsome understand of potential impacts to groundwater.
61	Appendix H – Groundwater Technical Report	4.3.2.8 Groundwater Quality Sampling	Groundwater quality sampling is stated to be completed in compliance with the MECP guidance document *Protocol for the Sampling and Analysis of Industrial/Municipal Wastewater* (Ministry of the Environment, 1999). Review finds that this protocol was replaced by a new version released by the Ministry of the Environment in 2016 (Ministry of the Environment and Climate Change, 2016). Furthermore, this protocol is intended for effluent (surface water)	Nibinamik recommends that the method used in baseline assessment are updated based on the best available guidance. The Project Team should use an adaptive approach to monitoring and update monitoring strategies seasonally or annually to apply lessons learned and ensure that high quality baseline data can be collected. These methods and lessons should be used when develop

			monitoring, whereas groundwater sampling and preservation may have specific requirements not captured by this guidance document. For example, standards set in the ASTM D6517-00(2012)Standard Guide for Field Preservation of Groundwater Samples and ASTM D6564-00(2012) Standard Guide for Field Filtration of Groundwater Samples	future monitoring programs to subsequent phases of the Project.
62	Appendix H – Groundwater Technical Report	4.3.2.8 Groundwater Quality Sampling	It's noted that groundwater samples for biological oxygen demand analysis (BOD) were frozen ahead of laboratory submission. Review of both the 2017 version of the *Protocol for the Sampling and Analysis of Industrial/Municipal Wastewater* (Ministry of the Environment, 2017) and the *British Columbia Field Sampling Manual – Sample preservation and Holding Time Requirements* (Government of British Columbia, 2022) indicate that freezing is not recommended for BOD samples.	Please indicate: What guidance was followed to suggest freezing groundwater samples and how this aligns with industry accepted methods? What impact freezing BOD samples would have on interpretation of baseline conditions and effects assessment for groundwater value components?
63	Appendix H – Groundwater Technical Report	5.5 Geochemical Characterization	Geochemical testing was completed for bedrock when encountered, however it is concerning that bedrock has only been characterized in six of the 20 boreholes assessed. Nibinamik supports further geochemical testing but is concerned that details of this program are not presented. Moreover, geochemical monitoring only specifies testing for acid rock drainage, not for metals leaching. Also, the program is only described from the pre-construction period.	Nibinamik requires that geochemical testing for acid rock drainage potential and metals leaching is conducted during the pre-construction. The monitoring program should ensure that samples are tested from each aggregate pit locations, at depths expected to be exposed to groundwater. Additional testing should be considered during the construction program, if aggregate pits are extended to depths not yet geochemically characterized.
64	Appendix H – Groundwater Technical Report	7.3.2.4 Changes to Groundwater Quality Due to Exposure of Acid Generating or Metal Leaching Materials	The proposed mitigation measures state that areas with moderate or high acid rock drainage rock potential should be avoided *if possible*. The vague language does not guarantee these excavations will be avoided, however there are no predicted residual effects for this project activity. Nibinamik	The draft EA/IS should specify what contingency measures are available if excavation cannot be avoided in area with acid rock potential.

			has no guarantee that this protection measure will be conducted, nor any assurance of a contingency plan with mitigation measures to prevent impacts if excavation cannot be avoided.	
FISHERIES AND AQUATIC ECOLOGY				
65	Draft EA/IS and Appendix G – Fish & Fish Habitat Report	Section 10 and Appendix G Section 8.0	Nibinamik community members are very concerned about cumulative effects of development in the region, beyond the obvious large road projects identified by the MFCAR Project Team. Community members have identified the almost certain increase in exploration for development and mining, and the influx of outsiders and expansion of guiding (fishing and hunting), among other social concerns. Nibinamik is concerned that the MFCAR Project Team has limited their assessment of cumulative effects to a very narrow scope that excludes concerns beyond linear infrastructure. Additionally, the MFCAR Project Team's approach to the cumulative effects assessment aligns with the standard Western Science approach, which addresses specific potential effects in a piecemeal manner. This very intentionally ignores the true interactions between the Project components themselves and with the environment around them. This interconnectedness more closely aligns with First Nations ways of knowing, and how Nibinamik views potential project impacts; not as small pieces to be explained away separately, but as parts of a whole.	Nibinamik requests a more meaningful and fulsome evaluation of cumulative effects, which is based on the potential effects and their interactions, rather than solely on the Western approach of only evaluating "residual effects."
66	Draft EA/IS Appendix G –	Sections 7.3.1.3 and 7.3.1.6	The MFCAR Project Team appears to have ignored the potential impact of pile driving for bridge construction when evaluating	Pile driving for bridge construction has very well-established deleterious

	Fish & Fish Habitat Report		injury or mortality of fish from instream construction (7.3.1.3) and changes to fish survival, reproduction, and distribution from the placement of waterbody crossing structures (7.3.1.6). Nibinamik is concerned that this gap in the assessment will result in significant risks to fish health if not appropriately mitigated. Appendix P lists pile driving during bridge construction as a source of noise but does not include the potential impact(s) on aquatic organisms.	effects on fish health across all stages of the fish life cycle. Please clearly justify that bridge construction will avoid causes injury or mortality to fish in the vicinity of the bridge construction works. Nibinamik expects this justification to include the use of acoustic measurements and modelling in the aquatic environment and data on the sound pressure sensitivity of local fish species.
67	Draft EA/IS	Section 8.1.6	This section identifies six (6) "*key fish species*": Lake Sturgeon, Lake Whitefish, Brook Trout, Walleye, Northern Pike, and Burbot. However, Appendix G Attachment A Table 1-2 identifies additional fish species as Valued Components, including Chain Pickerel, Yellow Perch, and two (2) sucker species. Nibinamik was unable to find an explanation within the documents provided for how "key species" were decided or defined.	Please clarify how the six (6) "key fish species" were selected.
68	Draft EA/IS	Section 9.3.3.1	The number of waterbody crossings is unclear. Paragraph 2 of Section 9.3.3.1 notes Northern Pike were found at 51 crossings, but paragraph 3 states "*each of the 45 waterbody crossings along the Preferred Route.*" A lack of clarity on the number of crossings of fish-bearing watercourses poses a potential risk to fish and fish habitat if it	Please clarify the number of fish-bearing waterbody crossings along the Preferred Route and the planned crossing structures.

			leads to inappropriately designed (for fish) crossing structures.	
69	Draft EA/IS	Section 9.3.3.3, subsection Magnitude.	The MFCAR Project Team asserts that the death of fish "*during normal [construction] activities or harvest (e.g. during a fish salvage)" will not result in a change in the population dynamics; therefore, a low rating is suitable."* They use this as justification for a "low" magnitude rating. Table 9-9 appears to partially contradict this statement, noting that "*incidental death of fish...that is not likely to disrupt overall populations dynamics or affect local productivity*" is a requirement for assigning a "low" rating. NIB is concerned that the MFCAR Project Team is arbitrarily assigning a low magnitude rating to "normal" construction activities by assuming their impact, rather than actually measuring it and conducting an appropriately rigorous assessment. Given the critical importance of the VC fish species, NIB is concerned that assigning a low magnitude to construction activities risks missing impacts to important local fish populations.	Nibinamik requests: • Clarity regarding the MFCAR Project Team's assessment of a "low" magnitude impact; • Justification for the assertion that death of fish during normal construction activities will not result in a change in population dynamics. • Revision of the characterization of the magnitude of effects to ensure that the death of fish, except in exceptional circumstances, would result in at minimum a 'medium magnitude effect.
70	Draft EA/IS	Table 9-10	Appendix G Attachment A Table 1-2 identifies additional fish species as Valued Components, including Chain Pickerel, Yellow Perch, and two (2) sucker species. Table 1-2 also identifies forage fish and lower trophic organisms as Valued Components. These additional Valued Components are not included in the MFCAR Project Team's evaluation of residual effects in Table 9-10.	Please clarify why no aquatic Valued Components listed in Appendix G Attachment A Table 1-2 were included in the evaluation of residual effects. Please also justify, with clear evidence of no potential effects, the exclusion of these Valued Components from the assessment of cumulative effects, despite forage fish and lower trophic

			Nibinamik was unable to find an explanation within the documents provided for why these Valued Components were excluded. Excluding Valued Components from the residual effects assessment poses substantial risk to the efficacy of the assessment. This is especially true when impacts to forage fish and lower trophic organisms (both key food sources for important larger-bodied fish species) are dismissed.	organisms representing sensitive key food sources for the "key fish species."
71	Draft EA/IS	Table 9-10	The MFCAR Project Team has asserted that the effect of construction above the high-water mark on fish habitat will be neutral. Any work above the high-water mark, especially work that involves clearing or grubbing of vegetation, movement of aggregates and other substrate, installation of crossings, etc. all has significant potential to result in sedimentation of adjacent waterbodies/watercourses during precipitation events. The potential effects of sediment release to water are negative and substantial, especially if spawning habitat is nearby. additional negative effects may result if aggregate is not appropriately tested for deleterious substances that may leach out (e.g. acids, salts, metals).	Nibinamik requests the following: 1. develop (and provide for review and comment) erosion and sediment control plans that demonstrate measures that are above and beyond the regulatory requirements use erosion-resistant fill material below the high-water mark at all locations requiring fill. (i.e. not just in floodplain). 2. Clarify what options are being considered for erosion-resistant fill material and the source(s).
72	Draft EA/IS	Table 9-10	As noted above, the MFCAR Project Team has asserted that the effect of construction above the high-water mark on fish habitat will be neutral. Nibinamik is concerned that the proposed mitigation and enhancement measures will	Nibinamik requests the following changes to the mitigation and enhancement measures for this row in Table 9-10: 1. Revise language to "Avoid constructing in sensitive habitats." Avoiding impacts to sensitive

			not be sufficient to negate potential negative effects on fish habitat due to construction above the high-water mark.	habitats must be prioritized over "feasibility" (i.e., minimizing cost). 2. Revise language to "Upon removal of temporary crossing materials...return banks to original profile at every site...stabilize disturbed areas and install erosion control measures that will remain in place until banks are sufficiently revegetated."
73	Draft EA/IS	Table 9-10	The MFCAR Project Team asserts conditions where "for permanent and temporary waterbody crossing structures, the proposed restricted timing window will not be applicable." As noted above, sedimentation concerns remain for any activity that requires grubbing or clearing of vegetation within the riparian area (i.e., all crossings), due to the fact that this region will receive rainfall and will undergo snowmelt. Sedimentation poses especially significant risk to eggs and juvenile fish.	To ensure the predicted residual effect characterization *is as described by the proponent*, the timing window MUST be applicable to all activities adjacent to waterbodies unless (1) sufficient sediment control measures are installed prior to works and (2) sediment monitoring is conducted during all rain events. If works are conducted in the spring during snowmelt, sediment control measures must be installed prior to works and continuous downstream monitoring must be conducted during works.
74	Draft EA/IS	Table 9-10	The MFCAR Project Team has asserted a low magnitude of predicted residual effect for construction activities below the high-water mark. Nibinamik is concerned that this characterization (an effect magnitude of "low") does not adequately characterize the irreversible change(s) to fish habitat that can occur when construction activities interact with an unimpacted channel.	Nibinamik requests that for work below high-water mark during construction, the magnitude of effect must be at minimum characterized as medium due to permanent irreversible alteration of fish habitat, especially for culvert installations.

75	Draft EA/IS	Table 9-10	The MFCAR Project Team has committed to completing site-specific fish and fish habitat and surface water surveys during detailed design. Nibinamik is concerned that the Proponent appears to have not completed site-specific fish and fish habitat or surface water surveys for the water crossing locations. Without site-specific information, an accurate effects assessment, especially one that claims little-to-no effects, is inaccurate.	Please clarify whether the MFCAR Project Team's effects assessment is grounded in site-specific fish and fish habitat surveys. Please also clarify that the surveys to be completed during detailed design will be conducted by an experienced fisheries biologist, as is noted elsewhere in Table 9-10 with regards to "new" waterbodies.
76	Draft EA/IS	Table 9-10	As noted above, Nibinamik is concerned that sensitive habitats will be deprioritized in favour of construction costs and efficiency., for works below the high-water mark	Nibinamik asserts that sensitive habitats should be avoided entirely. If it is completely impossible to avoid the sensitive habitat, construction works below high water must only occur in July to September, outside of the fisheries timing windows. Please revise the language of this measure to reflect.
77	Draft EA/IS	Table 9-10	As above, Nibinamik is concerned about the potential for chemicals leaching into the waters and sedimentation due to construction work below high water.	Please clarify what options are being considered for erosion-resistant fill material and the source(s). Nibinamik also requests the use of erosion-resistant fill material below high-water mark at all locations requiring fill. (i.e. not just in floodplain).
78	Draft EA/IS	Table 9-10	Nibinamik is concerned that even with removal of temporary crossing materials below the high-water mark, the potential effects of sediment release to water are negative and substantial, especially if spawning habitat is nearby.	Nibinamik requests that the MFCAR Project Team develop (and provide for review and comment) erosion and sediment control plans that demonstrate measures that are above and beyond the regulatory requirements

			Additional negative effects may result if aggregate is not appropriately tested for deleterious substances that may leach out (e.g. acids, salts, metals).	
79	Draft EA/IS	Table 9-10	Given that the temporary crossings will be interacting with fish habitat below the high-water mark, the area will be at much higher risk of erosion. Nibinamik is concerned that only returning banks to their original profile "if needed" and stabilizing disturbed areas "as necessary" unnecessarily increases the risk to fish habitat at temporary crossing locations.	Nibinamik requests language of this mitigation/enhancement be changed to: "Upon removal of temporary crossing materials, return banks to original profile, stabilize disturbed areas, and install erosion control measures that will remain in place until banks are sufficiently revegetated."
80	Draft EA/IS	Table 9-10	Based on recent actions by the provincial government, Nibinamik is extremely concerned that the Ontario Ministry of Natural Resources and Fisheries and Oceans Canada will not appropriately respect Indigenous peoples' duty to steward the lands and waters of their Homelands.	Therefore, Nibinamik requests that for the Dusey, Buffaloskin, Ogoki, Albany, and Wabassi rivers, the MFCAR Project Team send any application for working below the high-water mark within the restricted timing window to Nibinamik for review and comment prior to submission to the Ministry of Natural Resources and Fisheries and Oceans Canada for authorization.
81	Draft EA/IS	Table 9-10	As noted above, sedimentation concerns remain for any activity that requires grubbing or clearing of vegetation within the riparian area (i.e., all crossings). Sedimentation poses especially significant risks to eggs and juvenile fish.	To ensure the predicted residual effect characterization *is as described by the proponent*, Nibinamik requests: • Timing window MUST be applicable to all activities adjacent to waterbodies unless sufficient sediment control measures are installed prior to works, • Sediment monitoring is conducted during all rain events.

				• If works are conducted in the spring during snowmelt, sediment control measures must be installed prior to works. • Continuous downstream monitoring must be conducted during works.
82	Draft EA/IS	Table 9-10	Nibinamik is concerned about the potential cumulative impacts of sedimentation and other effects due to construction activities when works occur at multiple tributaries to the same waterbody or watercourse. While Nibinamik recognizes that in isolation, the impacts may be minor at each individual site, given that fine sediments or other deleterious substances will be conveyed downstream and accumulate, there remains a risk of non-negligible impacts in the ultimate receiving waterbody.	Nibinamik requests the MFCAR Project Team prepare a Sediment and Erosion Control Plan that includes monitoring in specific receiving waterbodies and watercourses that have multiple tributaries interacting with the Project route, to ensure some cumulative effects are appropriately monitored, and mitigated if required.
83	Draft EA/IS	Table 9-10	Nibinamik commends the MFCAR Project Team for the commitment to regularly inspect and maintain culverts and bridges along the road. However, Nibinamik is concerned with the potential impacts of increased human access to waterbodies (e.g., increased erosion, contamination due to waste, increased fishing pressure, which may be facilitated by cleared areas around permanent crossings.	Please provide details regarding access control measures that will be installed (e.g. fencing) or created (e.g. through barriers such as rocks, wood, trees) at crossings to impede public access to waterbodies during operation of the road. Nibinamik asserts that access control measures would also serve to protect the MFCAR Project Team from environmental liability. We recognize that access control may not be feasible at all crossings; therefore, we request that at minimum all clear-span bridges have access control measures installed or created.

84	Draft EA/IS	Table 9-10	Nibinamik is concerned that the mitigation measures proposed for addressing changes to fish habitat due to changes in riparian vegetation are not sufficient to yield a "negligible" impact magnitude.	Nibinamik requests that erosion and sediment control measures be installed in all cleared areas that may convey precipitation or snowmelt into waterbodies until those areas are sufficiently revegetated.
85	Draft EA/IS	Table 9-10	The MFCAR Project Team asserts that magnitude of "changes to fish habitat quantity and quality from the placement of waterbody crossing structures and changes in channel morphology" is negligible. However, the report also notes there are over 50 crossings that interact with fish habitat, and site-specific surveys have yet to be completed. Nibinamik is very concerned at the apparent dismissal of irreversible, permanent alterations to fish habitat that will occur due to the project. Especially when the need for site-specific surveys is recognized by the MFCAR Project Team.	Nibinamik asserts that without detailed information about the fish habitat that is being permanently and irreversibly altered due to the Project, it is unreasonable to assume that the changes would result in negligible impacts. These alterations will represent a "harmful alteration, disruption, or destruction" (HADD) and must have at minimum, appropriate offsetting plans proposed.
86	Draft EA/IS	Table 9-10	The MFCAR Project Team proposes to use outdated guidance (Ministry of Natural Resources Environmental Guidelines for Access Roads from 1990) for culvert crossings of fish-bearing watercourses. Nibinamik is concerned that such guidance does not prioritize the protection of fish or aquatic ecosystems.	Nibinamik asserts that embedded and/or open-bottom culverts, which maximize fish passage, are the only acceptable designs for culverted crossings of fish-bearing waterbodies. This is especially important given that field surveys conducted by the MFCAR Project Team (EIS Appendix G, Attachment B) found valued fish species such as juvenile Northern Pike in relatively small watercourses (< 5 m wide, < 1 m deep) where they may not have been expected.

87	Draft EA/IS	Table 9-10	The MFCAR Project Team has asserted no residual effects (mortality or injury) to fish due to blasting, yet has not demonstrated the diligence required to support this assertion. Nibinamik is concerned that the stated mitigations do not contain (1) any mention of minimum buffer limits for distance to fish bearing waters during blasting, (2) any fish exclusion plan to ensure fish are not exposed to deleterious pressures or vibrations, nor (3) any mention of confirmation of spawning to ensure the stated vibration guideline (for the protection of eggs) is maintained. The proposed approach appears to be similar to stating "*trust us*" rather than clear demonstrable actions that will prevent harm to fish. Further, the statement "complete blasting near fish-bearing waterbodies outside the proposed restricted activity timing window for all blasting operations" appears to imply that fish are only present during the restricted window, which is clearly incorrect and presents concerns regarding the MFCAR Project Team's understanding of fish movement and habitat use.	If the MFCAR Project Team wishes to maintain their prediction of "no residual effect" due to blasting, Nibinamik asserts that they must: • Demonstrate an understanding of blast pressures during construction. • Demonstrate an understanding of the minimum buffer required to mitigate against injury or death to fish due to the blast pressures. • Demonstrate an evaluation of the risk associated with each proposed crossing to ensure decisions regarding the use of explosives are prioritizing ecosystem and fish population health. • Demonstrate, through the preparation of a pre-blasting fish protection plan, that (1) spawning will be sufficiently evaluated to ensure protection of redds and/or eggs, and (2) that the blast-affected-area will be made sufficiently free of fish (through exclusion or another demonstrably successful measure) to avoid injury or death.
88	Draft EA/IS	Table 9-10	Nibinamik is concerned that very few details have been provided regarding the mitigation of air quality and fugitive dust, specifically with respect to monitoring to confirm mitigation measures were successful.	Nibinamik requests that the MFCAR Project Team provide clear details regarding their air quality / fugitive dust monitoring plan, as it relates to the risks to aquatic environments (e.g., monitoring locations, sampling frequency, parameters, etc.)

89	Draft EA/IS	Table 9-10	Nibinamik is concerned that provincial (Ontario Ministry of Natural Resources) best management practices and regulations are not sufficiently protective of this area. Most of these guidance documents were not designed to protect regions that have remained relatively pristine. Nibinamik community members are extremely concerned about the spread of invasive species, with a preference for *prevention* of spread rather than *reduction*.	Nibinamik requests that the MFCAR Project Team demonstrate how they intend to go above-and-beyond provincial best management practices and existing regulations to ensure the spread of invasive species is *prevented*. For example, establishing checkpoints for the cleaning and inspection of all watercraft during construction and once the road is open.
90	Draft EA/IS	Table 9-10	The MFCAR Project Team has provided very few details regarding the potential changes to fish survival and reproduction from improved public access to recreational angling areas. Nibinamik community members have voiced concerns regarding the influx of people from outside the communities that would follow road creation. Community members have already observed the impacts of guiding resorts for fishing and hunting.	This road will permanently facilitate access to lakes and rivers for any external party interested in fishing in this region. Nibinamik requests that this is recognized as a significant, irreversible residual effect and that the MFCAR Project Team propose effective mitigations.
91	Draft EA/IS	Table 9-10	Nibinamik community members are concerned about the contamination of fresh water in this region due to fuels and other construction-related chemicals, and the effects this contamination would have on fish populations.	Nibinamik requests that the magnitude of the potential effect due to chemical spills be increased to “medium” (at minimum), given the extremely deleterious impacts that fuel and other industrial chemicals can have in waterways. Nibinamik also requests that all construction camps and laydown areas (temporary and permanent), and any area that is to be used for the storage of fuel or other chemicals, be at least 30 m

				from water and have spill prevention measures (e.g. lined trenches, baffles, etc.) installed to fully avoid the risk of contaminants reaching the aquatic environment.
92	Draft EA/IS	Section 10.2.3.1	The MFCAR Project Team expects that fish populations will be self-sustaining, and uses this expectation to conclude that cumulative effects are not significant. Nibinamik is concerned that this approach seems worryingly backwards and does not effectively consider the potential cumulative effects of the Project on fish populations. An analogous phrase would be "we think the answer will be 6, therefore the question was 'what is 3+3'" → not only does that ignore the other potential options that give an answer of 6, but it also ignores the potential for a completely different answer based on discovering the actual question.	Nibinamik requests a more fulsome evaluation of cumulative effects, that recognizes the interconnectedness of aquatic ecosystems and all project components, and the interactions between aquatic ecosystems and other ecosystems.
PEATLANDS				
93	Appendix I – Peatlands Technical Support Document	7.3 Assessing Residual Effects	The draft EA/IS states impacts to peatlands from pits and quarries are expected to be mitigated from the backfilling of pits and the abandonment of quarries. This does not guarantee that the function, composition and availability of peatlands will be restored. Nibinamik is concerned that peatland restoration may not be effective in areas that are dewatered, and a more comprehensive approach to peatland and quarry/pit restoration is needed.	Nibinamik requires that the Project Team develop a comprehensive plan to pit and quarry restoration. Plans must demonstrate that restoration is feasible in peatlands, including the restoration of biogeochemical, hydrogeological and habitat function. A phased restoration approach may be required to ensure that planned techniques are feasible and to prevent lags in restoration time.
94	Appendix I – Peatlands Technical	7.3 Assessing Residual Effects	Nibinamik is concerned that peatland restoration will not be feasible in temporary workspaces and the construction	The impact assessment for direct peatland loss should be updated to reflect the uncertainty associated with

	Support Document		disturbance area. The draft EA/IS suggests that only certain areas may require restoration efforts. The loss of peatlands is considered "low" and "not significant." The magnitude of the impact is small because the regional assessment area is so large, but this does not mean that the loss of peatlands will not have an impact on local ecosystems or environmentally sensitive locations.	restoration and the impact of local peatland loss in sensitive habitats and local ecosystems. There is concern that restoration may not be possible, meaning there should be additional mitigation measures proposed in the draft EA/IS to protect peatlands. These impacts should be considered significant.
95	Appendix I – Peatlands Technical Support Document	7.3 Assessing Residual Effects	A primary concern is the potential of road construction causing increased levels of methylmercury (by increasing peatland sulfur content) in groundwater. This potential effect is not carried forward in the assessment because no residual effects were found in the Groundwater Technical Support Document. However, review of the technical support document indicates that changes to groundwater quality from road construction in peatland areas was not assessed.	The final EA/IS must include an assess the potential effect of increased methyl mercury in groundwater from peatland construction. This must include characterization of residual and cumulative effects, as well as proposed mitigation strategies. The assessment should use an ecosystem-based approach and provide an assessment of the potential impacts to surface water and fish from potential increases in groundwater.
96	Appendix I – Peatlands Technical Support Document	8. Cumulative Effects Assessment	The peatland cumulative effects assessment states that although the MFCAR project, northern road link, Rapid Lynx Broadband Project and the Anaconda and Painter Lake Forestry Road upgrades project will result in the permanent loss of peatland functional area and ecosystem function, peatlands are expected to remain abundant and connected in the Regional Study Area. Nibinamik is concern that the cumulative effect of linear disturbance throughout the area will result in irreversible changes to peatland function, with impacts to wildlife habitat, carbon storage, hydrology and drainage, and groundwater flow pathways. Road disturbance of peatland environments is known to have significant and lasting impacts on function, availability and	Due to the uncertainty and severity of potential cumulative effects to peatlands from compounding linear development projects, Nibinamik believes these impacts should be considered "significant" and additional, coordinated mitigation measures should be developed.

			distribution, with only marginally successful restoration efforts available. By assuming there will be little effect on the net ecological function and connection of peatlands in the area without adequate analysis, modelling, monitoring and restoration plans, Nibinamik cannot be assured that effects will not have a lasting impact on ecosystem function.	
97	Appendix I – Peatlands Technical Support Document	8. Cumulative Effects Assessment	Nibinamik shares Fort Albany First Nation concerns that the drying and dewatering of peatlands (from both development and climate change) will lead to the increased risk of wildlife. Despite the Draft EA/IS recognizing the cumulative effects increasing the susceptibility of peatlands to wildfire, no additional mitigation measures have been proposed. Nibinamik First Nation holds traditional knowledge related to wildfires in the region and has continually been impacted by wildlife historically and in the present. Additional mitigations are needed to effectively manage wildfire risk created through the alternation of peatland hydrology. Relying on fragmented mitigation measures from each individual project does not adequately satisfy the level of regional coordinate response needed to prevent forest fires in this sensitive area.	Nibinamik would like to see additional measures to prevent wildlife in peatland ecosystems. Indigenous knowledge holders and First Nation Communities have an enhanced understanding of forest fire dynamics in the regional area. These communities and knowledge holders should be embraced to develop effective mitigation and management areas. Management measures, in the form of First Nations-led wildfire management plans, Indigenous Protection and Conservation Areas, and support for the development of on the land Indigenous guardians must be considered as a required mitigation measure to effectively protect the region from forest fire risk. Furthermore, these management strategies should be made in collaboration with provincial regulators and enforcement officers to help develop prevention strategies that focus on outreach, education, and awareness to reduce forest fire risk from new recreational users within the area.
98	Appendix I – Peatlands Technical	8. Cumulative Effects Assessment	There are no mitigation measures proposed to address the cumulative effect of groundwater dewatering on peatlands.	The province should commit to a cumulative effects assessment when approving any application for aggregate

	Support Document	Peatlands depend on a connected and function hydrologic and hydrogeologic environment. The removal of bedrock, dewatering and pit infilling will undoubtably have an impact on surface water and groundwater flow directions with potential impacts for quarries.	resource extraction or permits to take water in the region. Provincial permitting does not typically require a cumulative effects assessment. Nibinamik asserts that due to the complex hydrologic/hydrogeologic and pristine nature of the development area, the province should take a proactive approach in preventing cumulative effects to water resources and peatlands. Frameworks for determining cumulative effects of dewatering on peatlands should be develop with First Nations communities, include ecologically relevant spatial and temporal boundaries, and include strict requirements for ownership of the pit and responsibility for potential impacts, as well as conditions for monitoring and response programs.
TERRESTRIAL ECOLOGY AND WILDLIFE			
99	Draft EA/IS + Appendix K – Draft Wildlife Technical Support Document	New roads create major opportunities to access natural resources. The completion of the MFCAR would immediately expose timber, wildlife, plants, fungi and minerals to increased harvesting levels and greatly enhance the risk of over-exploitation (Mychasiw & Hoefs, 1988; Bekker, 2003). Fish and hunt guiding operations may also expand in the wake of the MFCAR, with a significant risk of increased pressure on local ungulate, predator and fur-bearer populations (Mychasiw & Hoefs, 1988; Watson, 2005). Legal sport and subsistence hunting as well as illegal poaching are expected to increase with a road. Many case studies bear witness to over-harvesting after the development of new roads into wilderness areas (Mychasiw & Hoefs, 1988).	Nibinamik asks to be involved in the decision-making regarding access permissions for the Project including but not limited to, forestry operations, mining and exploration development, and commercial hunting and fishing operations in the area. Further, Nibinamik asks to be involved in the development and implementation of a detailed Wildlife Monitoring and Mitigation Plan which includes record and analysis of hunting and harvesting in the region, and addressing Project specific needs such as beaver removal.

100	Draft EA/IS + Appendix K – Draft Wildlife Technical Support Document	Roads are known to create substantial fragmentation effects within wilderness areas (Ament et al., 2008). This occurs through the conversion of interior habitat to edge habitat, and results in decreased habitat function and productivity for many species, including those which are wide-ranging or large-territory dependent (Carr et al., 2011; COSSARO, 2015). This fragmentation alters microclimates along the road (i.e. changes average temperatures, solar exposure and drainage), which can result in significant changes to adjacent vegetation communities (Watson, 2005). These altered habitats often transition from mature systems towards successional, disturbance tolerant, and invasive, plants (Watson, 2005). The physical roadway, its traffic and alterations to vegetation communities as described above, all serve as barriers to wildlife movement. While a road may not entirely prevent wildlife from crossing, fragmentation increases the cost of movement and disrupts wildlife through a combination of mechanisms	Nibinamik asks to be involved in the monitoring of terrestrial ecosystems and in developing mitigations for habitat fragmentation, and offsetting habitat for the residual impacts. Nibinamik further recommends long-term research of terrestrial ecosystems during all project phases to ensure that impact predictions are accurate and implementing adaptive management to protect Aboriginal and Treaty Rights. Nibinamik requests efforts to minimize impacts include implementing a variable width ROW - rather than clearing the entire 60 m wide ROW – to reduce impacts of habitat loss.
101	Draft EA/IS + Appendix K – Draft Wildlife Technical Support Document	Nibinamik is concerned about the Project impacts on culturally valued wildlife such as [redacted] Vegetation changes may serve as an attractant for grazing and the installation of culverts may attract beavers. Opportunist and predator species (i.e. birds of prey, corvids, wolves, bears etc.) may experience increased hunting and movement efficiency	Nibinamik asks to be involved in the development and implementation of a Wildlife Monitoring and Mitigation Plan for construction and operation. This Plan must address road safety for wildlife and vehicles, minimize the risk of hunting, and validate that the predicted impacts are accurate. Nibinamik requests to be involved in long -term wildlife management efforts

		– changing predation risks and predator presence. However, traveling along the road also increases the risk of road mortality. Using the road corridor would also expose wildlife to increased levels of hunting.	and adaptive management for wildlife and traffic safety.
102	Draft EA/IS + Appendix K – Draft Wildlife Technical Support Document	The EIS describes yellow rail (Special Concern, Species-at-Risk) as follows: "Habitat degradation from human activity is expected to have a serious impact on yellow rails, but they are thought to be adaptable and resilient to human disturbances within the Project study areas".	This statement is unsubstantiated and requires additional justification. A specific monitoring program for the elusive yellow rail is recommended.
103	Draft EA/IS + Appendix K – Draft Wildlife Technical Support Document	The draft EA/IS states that the direct loss of 16,901 ha of Category 1 habitat within the Missisa caribou range would bring the total disturbed habitat area for this herd to 8%. The EIS interprets this major regional change as a "low magnitude" and "not significant" impact to the Missisa herd. The draft EA/IS also describes effective habitat loss for caribou as "500 m on either side of the road". However, numerous studies indicate that caribou often avoid anthropogenic disturbances by a much greater margin, even up to 15 km (Carr, 2011; ECCC, 2019; COSSARO, 2015) The percentage of direct habitat loss (i.e. from the road's footprint) and the use of 500 m as effective habitat loss, are both insufficient metrics for the determination of this impact as "not significant." Further, despite the Draft EA/IS interpreting the impacts to the Nipigon caribou herd as moderate in magnitude and significant the evaluation still does not fully acknowledge the habitat loss , predation and hunting impacts.	We believe that due to the: • extensive loss of effective habitat around the road (expected to far exceed 500 m on each side); • the high risk of disturbance-mediated predation effects; • improved predator hunting efficiency along the road, and; • the various fragmentation mechanisms described above (and in the preceding section); At least "moderate magnitude" and "significant" designations should be applied for the proposed negative, and irreversible impacts on the already declining Missisa herd. Nibinamik requests ongoing involvement in the development and implementation of wildlife conservation mitigations for the life of the Project.

104	Draft EA/IS + Appendix K – Draft Wildlife Technical Support Document	The draft EA/IS acknowledges that there will be residual effects on moose in the form of altered habitats (due to invasive species), changes in movement patterns, and direct as well as effective habitat loss, but maintains that all impacts to moose are "low magnitude" and "not significant." The proposed MFCAR has a high likelihood of increasing levels of legal recreational and subsistence moose hunting and a possible increase of some illegal poaching.	In light of the myriad impacts to this large, and culturally important species, the proposed impacts to moose in the LSA should be categorized as "moderate" magnitude (as opposed to "low") and "significant" as opposed to "not significant." The Draft EA/IS interpretation does not reflect Nibinamik's view of impacts on this culturally valuable resource and impact on Nibinamik rights to traditional resource use.
105	Draft EA/IS + Appendix K – Draft Wildlife Technical Support Document	The draft EA/IS statement "habitat connectivity isn't a problem for martens" is not substantiated or accurate. Linear features, depending on their size, type and density, are known to impact the movement patterns and habitat occupancy of martens (Tigner, 2015). The MFCAR would thus, very likely, impose local impacts on martens with habitat ranges overlapping the proposed project.	Potential effects on martens need to be reflected in the EA/IS assessment of impacts on wildlife and wildlife habitat.
VEGETATION			
106	Draft EA/IS & Appendix J – Draft Vegetation Technical Support Document	Many pathways of impacts to plants and medicines are possible from the proposed Project, both temporary and permanent infrastructure. This includes increased human-caused forest fires, invasive species, over-harvesting, and, vegetation community shifts towards successional and disturbance-tolerant species. Airborne dust and run-off contaminants such as silts, sands and salt, will have a negative impact on plant medicine quality near the MFCAR. Access through the region by various people (for recreation, forestry, construction & maintenance, community members, visitors, hunters & anglers etc.) will increase the harvesting – and possible over-harvesting	• Nibinamik requests to be engaged on oversight and decision-making regarding access permissions and access control along the MFCAR. • Nibinamik recommends the development and implementation of a plant and medicines mitigation and conservation plan. Nibinamik also requests to be provided this plan for review and comment. • Nibinamik recommends temporary quarry pits are not only abandoned

The wetland, lake and watercourse dominated landscape of the boreal shield and Hudson's Bay lowlands provides immense potential for aquatic invasive species. This massive wetland landscape coupled with a changing climate, could enable devastating invasives such as quagga mussel to become established in the north. Also, aquatic plants like common reed, flowering rush, and Eurasian water-milfoil are at risk of spreading.

Many of these invasives have the potential to exert major damage on valued ecosystem components: invasive diseases, pests and competitors on culturally significant plants and wildlife, and aquatic invasives on local fisheries. Nibinamik is concerned about the spread of invasive species through cars and trucks that will travel along the proposed road. Nibinamik has already started to see invasive plant species on their Homelands.

but reclaimed and that reclamation plans are developed in alignment with a plant medicines mitigation and conservation plan. Nibinamik also request to review reclamation plans.

- Nibinamik recommends the development and implementation of an invasive species mitigation and management plan specific to both the construction and operations of MFCAR and permanent quarry pits. Nibinamik also requests to be provided this plan for review and comment, and for opportunities to collaborate with Marten Falls First Nation on invasive species management measures.
- Given the pristine and sensitive nature of the boreal forest in the region, Nibinamik requests that the MFCAR Project Team pursue a zero-invasives policy to ensure no or negligible residual effects due to the Project.
- Nibinamik request that dust management products are selected for their minimal impact on road side vegetation and recommends alternatives to chloride-based products are prioritized.

				• Measures to minimize impacts must include the use a variable-width ROW – removing minimal vegetation to accommodate the needs for community travel - rather than clearing a full 60 m ROW.
ARCHAEOLOGY AND CULTURAL HERITAGE				
107	Appendix R – Archaeological Assessments – Stage 1	Executive Summary	The bottom of page i states bogs, fens, swamps aren't considered in the Archaeological Assessments as they are low potential but then next paragraph says they are high potential. The inconsistency in consideration of wetlands is concerning.	Please justify why wetlands were not considered. Wetlands are generally recognized to have archeological potential.
108	Appendix R – Archaeological Assessments – Stage 1	Executive Summary	Page ii – Section 1.3.4 does not allow for additional requests for exempt areas, which risks those areas having archaeological or cultural value that is missed.	Please engage with Nibinamik on specific areas that have been exempt based on Section 1.3.4. This includes receiving from Nibinamik a Traditional Knowledge and Land Use Report which is funded through the project at a capacity to sufficiently and meaningfully undertake the work.
109	Appendix R – Archaeological Assessments – Stage 1	Executive Summary	Second Paragraph page ii – there is no mention of relic shorelines of past waterways.	Please clarify why LiDAR data was not used in this assessment. The Ontario Ministry of Natural Resources has LiDAR for the whole of the province that is accessible and more reliable than the satellite imagery in this report.
110	Appendix R – Archaeological Assessments – Stage 1	Executive Summary	Third Paragraph page ii: The archaeologist making the decision should have experience in northern Ontario and know the terrain and the cultures (this has been used in other situations – 5 years seems to be an acceptable number of years to most communities).	Please demonstrate that the archaeologist undertaking this assessment and examining the data is familiar with northern climates and cultures.

111	Appendix R – Archaeological Assessments – Stage 1	Executive Summary	Page ii: Shovel testing only adheres to 50 m back from the modern water. This is insufficient as sites can and have been found further back. Modern water source boundaries are not sufficient and do not consider the changing environment over the last 10,000 years.	The Standards and Guidelines are a "minimum" that need to be completed. It is recommended to shovel test 150 m back from modern water source or at least require physical inspection. In absence of a larger buffer applied there must be justification for the use of the 50 m setback.
112	Appendix R – Archaeological Assessments – Stage 1	n/a	Mentions the term "Paleo-Indian": the term "Indian" is outdated and not considered to be an acceptable term.	There has been a shift over several years now, in northwestern Ontario archaeology to use the term "Paleoindigenous." Paleo to denote antiquity of time and Indigenous to recognize past peoples were the original peoples on the landscape.
113	Appendix R – Archaeological Assessments – Stage 1	n/a	Mentions the term "Archaic": this is an outdated term, it denotes past people as possibly being "simple" and that is not the case.	There has been a shift in northwestern Ontario archaeologists to use the term "Middle Period" to denote this time span.
114	Appendix R – Archaeological Assessments – Stage 1	1.3.1.1 Modern Environment	There seems to be a notion that present day environment is the same as it was 2,000 years ago, 5,000 years ago but that is not likely the case.	The Assessment must include some consideration as to how the environment would have looked like in the past – it is not realistic to use the present landscape as it has been modified by dam construction, water levels changing etcetera.
115	Appendix R – Archaeological Assessments – Stage 1	1.3.3 Known Archaeological Sites	Only a small number of sites were asserted as being present. However, this ignores the possibility that the undeveloped nature of the region also means that there have been very few formal archaeological surveys	There must be consideration that these areas have never been examined for archaeological resources because there has not been much development in the area – predicating the need for documenting archaeological resources. The perspective that there is a lack of sites, reflects a bias. The lack of identified sites does not mean there are no sites to be identified.
116	Appendix R – Archaeological	2.3 Conclusions	There is no mention of results from the helicopter fly-over.	Please elaborate on what was determined by the fly-over

	Assessments – Stage 1			investigation. It is recommended to provide a discussion on what was observed, what was ruled out, what was determined to have more investigation.
117	Appendix R – Archaeological Assessments – Stage 1	2.3 Conclusions	There is no consideration for navigable waterways, no discussion of how the lands were used in the past and what might be important to Indigenous Peoples as they travel the landscape.	More consideration of First Nations and how they utilized the landscape would be appropriate. Nibinamik recommends a physical inspection of all the areas as a means to narrow down what needs shovel testing.
118	Stage 2 Archaeological Assessment Community access road	Executive Summary	Mentions 9 areas to be inspected but only two looked at (page i).	Please provide further information about when the remaining areas will be examined.
119	Stage 2 Archaeological Assessment Community Access Road	Executive summary	Point 2 of the recommendations suggest that archaeological potential includes historic water sources – this is not identified in the repot – its mentioned but there is no discussion or mapping of this aspect.	The assessment requires a section on mapping the historic waterways and glacial shorelines which should be done using LiDAR data. The Assessments lack of consideration for of high-potential archaeological site along historic waterways renders it insufficient to address and mitigate potential archaeological impacts.
120	Stage 2 Archaeological Assessment Community access road	3.1 Location 1	The Assessment states that an artifact was found during a beach walk, and that the area was walked. There is a lack of details around how this find was addressed.	More clarification as to the context of the find is needed such as, was this a pedestrian surface find? Was it found in a shovel test pit? If it was found on a beach was there no shovel testing? Nibinamik requests that more information is provided on the nature of assessment that was performed in response to this find.
121	Stage 2 Archaeological Assessment	3.2 Location 2	Again, with Location 2 there is no context of how the artifact was uncovered or subsequent actions and investigations.	The MFCAR Project Team need to clarify the context of the find; was this find a surface find, or was it in a shovel test and if so, how was shovel testing

	Community access road			modified to address the potential for further artifacts in the area?
122	Cultural Heritage Study Plan	N/A	There does not seem to be a protocol to address how communities want artifacts or sites handled through all Project phases.	Nibinamik requests to be involved in developing a Chance Find and Ancestral Remains Handling Protocol. This must include engagement to a) understand what archaeology is and the process 2) develop an appropriate protocol for handling artifacts and sites 3) develop protocols for community Elders to visit sites and discuss and value they might have to the community as a whole 4) develop repatriation for artifacts back to the community if appropriate.
AIR ENVIRONMENT				
123	Appendix S – Draft Air Quality and Greenhouse Gas Technical Support Document: Existing Conditions and Effects Assessment Volume 1 – Air Quality	Section 5.2 Existing Air Quality and Section 7 Effects Assessment of the Project	The use of the 90th percentile in baseline air data may understate short-term air quality risks when compared to acute exposure guidelines, potentially giving a false sense of human health safety. While appropriate for long-term averages, this approach can miss peak exposures tied to activities like wood and diesel burning—both of which are Project components. Therefore, additional mitigation measures should be implemented to address the potential health impacts of these emissions throughout the Project (including camp infrastructure which is absent from the assessment).	The baseline air quality demonstrates the Project may underestimate health risks from diesel and wood burning for workers and local land users. To address this, additional mitigations should include: • Clear communication of burning activities, • Air quality monitoring (particularly at near by receptor such as camps or work in proximity to prescribed burns) • Donation of timber to First Nations communities, • Use of low-emission Tier 4 engines or retrofits, • Environmentally safe dust suppressants, • Prompt revegetation of exposed soils through progressive reclamation, and

				• Camps designed to be low-emission. This includes use of renewable power, locally-source procurement and local decommissioning options (such as donating structures or equipment and supplies to local First Nations).
124	Appendix S – Draft Air Quality and Greenhouse Gas Technical Support Document: Existing Conditions and Effects Assessment Volume 2 – Greenhouse Gas	Section 7 Characterization of Residual Effects, Section 8 Cumulative Effects and Section 9 Monitoring Programs and Future Commitments	Nibinamik members raised concerns about how climate change is already impacting their lives, including increased wildfire risk, unreliable winter roads, and reduced safe access to the land. While the Draft EA/IS acknowledges global climate trends, it fails to assess cumulative regional GHG effects from foreseeable linked developments. This gap limits understanding of how the Project may worsen climate risks and undermine First Nations land access, mobility, and cultural continuity. Furthermore, based on the inadequate cumulative effects assessment and general conclusion that GHG impacts are not significant there are no GHG or climate specific mitigations. A more thorough assessment is needed to address these rights-based impacts. GHG specific mitigations are required to meaningfully address project impacts.	The GHG cumulative effects assessment should include emissions from foreseeable regional projects like additional roads, mining, and forestry. While climate change is global, reducing GHGs also benefits local air quality. The Draft EA/IS lacks adequate cumulative assessment and project-specific GHG mitigation, which conflicts with rights-based impact considerations and IAAC guidelines. Nibinamik recommends deferring MFCAR decisions until: • A Cumulative Effects Assessment of GHG is complete, expanding the Project's GHG scope to include lifecycle emissions (account for camps operations and long-term aggregate operation), and • There are Project-specific mitigations incorporating low-carbon procurement strategies, and supporting offsets through forest/wetland preservation and

				Indigenous-led stewardship and wildfire prevention programs.
VISUAL ENVIRONMENT				
125	Appendix V – Draft Visual Environment Existing Conditions and Effects Assessment Report	Section 7.6 Decommissioning Phase and 7.7 Summary of the Assessment of Effects	It is understandable that some temporary construction impacts on visual receptors may be considered infrequent and medium-term and reversible. However, the road itself, and watercourse crossing, are permanent infrastructure. In absence of a decommissioning plan this Project is not reversible, and impacts are continuous. This is particularly important for crossings and receptors that have not been georeferenced or not captured within the IK provided. Considering there was limited geographic confirmation of receptors received through IK there is a high degree of uncertainty the results (and insignificance of residual effects) are applicable to IK receptors and the bridges. It is recommended that mitigation include components to ensure the visual mitigations are effective.	The recommendations to address this concern are as follows: • The temporary footprint must be blocked off for access by vehicles and off-road vehicles to prevent the development of trails. Reclamation takes time to establish and without access restrictions temporary footprint may enable vehicle and off-road vehicular parking and access into otherwise inaccessible areas. This can lead to the development impromptu visual impacts. Mitigation must include components to ensure the visual mitigations (like reclamation, and monitoring for trail development) are effective and incorporate operation phase considerations. • The bridges are a permanent visual impact so the commitment to monitor use levels and determine the need to address visual effects (Dillon Consulting Ltd., January 2025 (c), pp. 99, 103) is not effective. It is recommended that the design incorporates suggestions from land users as to how to address the visual impacts of bridges.

126	Appendix V – Draft Visual Environment Existing Conditions and Effects Assessment Report	Section 9.4 Future Commitments: Table 9-1 Commitment	It is recognized that the Project has committed to reclamation for the temporary construction footprint, however these efforts take time to established and are not sufficient on their own to prevent the Project from enabling the development of side trails. Furthermore, the Project caveat to restore disturbed areas from construction activities *where possible* (Dillon Consulting Ltd., 2025c, p. 110) does not provide assurance that appropriate reclamation will take place to address the ecological needs, let alone visual impacts. Measures to improve the effectiveness of visual mitigation would improve the potential for the desired results (no residual effects) to be achieved.	It is recommended that the visual environment mitigations include firm commitments to reclaim and restore temporary footprint. This should be paired with measures and objectives to reduce the visibility of permanent footprint (i.e., shrubs and trees to block line of sight).
127	Appendix V – Draft Visual Environment Existing Conditions and Effects Assessment Report	Section 4.4.4 Discipline Specific Characteristics - Uncertainty	Considering there was limited geographic confirmation of receptors received through IK there is a high degree of uncertainty the results, and insignificance of residual effects, are applicable to IK receptors. Furthermore, it is noted that IK data is largely provided by Marten Falls First Nation and may not be comprehensive enough to address First Nations current land use.	There are other project commitments to have a communication mechanism in place for land users to voice their concerns, and for those concerns to be addressed. It is recommended that this mechanism is inclusive of visual effects and that concerns or impacts are mitigated appropriately and meaningfully through the operational phase. This is especially important for addressing potential impacts to receptors that require georeferencing or to address gaps in the IK available at the time of undertaking the assessment. Meaningful and ongoing communication could be supported through the development of a Visual Monitoring and Adaptive Management Plan with clear triggers for action. This could include addressing impromptu development of parking for land access and creation of trails, unsuccessful reclamation, and impacts to First Nations land use

				receptor sites that were not included or georeferenced during the assessment.
128	Appendix V – Draft Visual Environment Existing Conditions and Effects Assessment Report	Section 8.2.2	The visual assessment states “it is possible that effects from nearby projects may result in similar effects to those described in this report, however they would be occurring in different spatial and temporal location and would thus not overlap with the effects from this Project and no cumulative effects would occur” (Dillon Consulting Ltd., 2025c, p. 108) This is a significant limitation, especially given the context of the MFCAR as part of the broader Ring of Fire development. Visual impacts from multiple, interconnected linear and resource extraction projects are inherently cumulative, and dismissing them as "minor and contained" without a comprehensive cumulative visual assessment could be a serious oversight.	It is recommended that the MFCAR Project Team revisit the decision to exclude reasonably foreseeable projects from the cumulative effects assessment for the visual environment. Especially given the uncertainty around IK georeferencing and potential overlap with other developments. Acknowledge and explicitly assess how the MFCAR, combined with other planned and foreseeable projects, in the region (e.g., other access roads, mining or forestry operations), will cumulatively impact the visual landscape, wilderness character, and viewscapes from all sensitive receptors over the long term. This should include strategic visual simulations of the aggregated projects that encompasses the full extent of the Ring of Fire development and its associated infrastructure.
NOISE AND VIBRATION				
129	Appendix P – Draft Acoustic and Vibration Environment Technical Support Document	Sections 7.3.1.1.1.2 and 7.3.1.2.1.3 Mitigation and Enhancement Measures Table 7-11 Summary of Potential Effects, Mitigation and Enhancement Measures and Predicted Residual Effects on Acoustic	Operational mitigations lack ongoing involvement with First Nations communities to mitigate the potential ongoing noise impacts and as such do not sufficiently mitigate Project effects.	Nibinamik agree with the mitigations in place for construction and recommend that these are extended to operation/maintenance. This specifically includes. • The same activity coordination to avoid, overlap with the timing of traditional land use activities, is applied to road maintenance. This entails ongoing consultation and coordination with all local communities throughout the life of the Project.

		and Vibration Environment		• The same complaint resolution mechanism where the operation contractors can be contacted to address perceived issues and investigate concerns when they are reported. Accountability mechanisms must be in place to ensure rights impacts are addressed throughout Project operation.
130	Appendix P – Draft Acoustic and Vibration Environment Technical Support Document	Sections 7.3.1.1.1.2 and 7.3.1.2.1.3 Mitigation and Enhancement Measures Table 7-11 Summary of Potential Effects, Mitigation and Enhancement Measures and Predicted Residual Effects on Acoustic and Vibration Environment	Nibinamik recognizes that the detailed designed are not complete for the project, however, the current list of mitigations do not include the potential design components that can address noise impacts. The ability for long term noise impacts to be addressed through the Project design must be added to the Noise Impact Assessment list of mitigations and incorporate natural solutions such as using trees and terrain to mitigate noise impacts.	It is recommended that noise mitigations encompassed in the Draft EA/IS include design considerations, and that a component of the design consideration includes: • Trees to provide added noise buffering capacity. Where there are no trees along the edge of the ROW, appropriate species must be selected and planted in sufficient density to support the establishment of long-term sound barriers. • Where fill placement will support buffering points of reception from noise impacts the use of engineered terrain must be considered as part of the design. It is acknowledged that the cut fill balance has not been determined and the movement of material has additional environmental impacts, this solution must be weighed against other potential impacts and should form a component of consultation

				through the design phase for joint decision-making.
131	Appendix P – Draft Acoustic and Vibration Environment Technical Support Document	Section 4.4 and 8.1.3 Tables 7-4, 7-5, and 7-6	The scope of the noise and vibration assessment does not capture the necessary conditions to mitigate rights impacts. Mitigations and accommodations are developed based on the effects exceeding the guidelines and criteria, which determine impact. For the noise assessment these metrics and triggers are largely from Health Canada (the applicable noise limit applied is 55 decibels as indicated in Tables 7-4, 7-5, and 7-6) which has not been confirmed to accommodate the Indigenous needs to practice rights and use the land. Further, the cumulative effects and impacts are established through the inclusion of other physical activities. In this case the physical activities included are the Webequie and Northern Link road construction and operations, and forestry road maintenance. This project list does not encompass the other development that is planned and reasonably foreseeable in the region.	Thresholds for annoyance should be developed in collaboration with First Nations land users. The Health Canada thresholds of 55 decibels may not necessarily represent the threshold of impact or annoyance imposed by noise during the exercise of rights, such as hunting, which requires quitter conditions. The cumulative effects assessment should consider the operational noise of potential mining activities, and their exploration to effectively and accurately predict the cumulative noise. In absence of this assessment being completed as part of the MFCAR Project, the regional assessment must present a more accurate reflection of cumulative noise and the development of meaningful mitigations or accommodations. Nibinamik proposes that this project proved accommodation to the noise impacts through the collaborative regional establishment of an area(s) set aside for quiet conditions. This includes any spiritual areas and a minimum 5km buffer from ground-based noise. Noise restrictions must apply not only to ground equipment and blasting, but to aircraft as well.
CLIMATE CHANGE				
132	Appendix Y – Climate Adaptation and		Nibinamik members also highlighted impacts of climate change including the change of fish species present or absent and	Appropriately sized culverts must be positioned to ensure flow across the ROW to maintain hydrological

	Resiliency Technical Support Document : Existing Conditions & Effects Assessment		wildfire risk. It is important that adaptation measures include design components that will improve risk mitigation. The road may inherently serve a firebreak; however, modelling demonstrated increase of heat, thunderstorms, as well as human access (precursors of wildfire) it is important that MFCAR does not impose change (mainly to the hydrological condition of the surrounding areas) and potentially exacerbating the wildfire conditions.	connectivity and prevent drying effects which exacerbate wildfire potential. The road itself will have the potential to act as a firebreak and emergency access for firefighters; strategic location for turnouts and rest stops can improve potential connectivity to water sources for firefighters or act as safe haven for firefighting personnel. Importantly, the ROW may serve as a future corridors for communication infrastructure which can support emergency management and human safety, all of which can be considered with the design.
133	Appendix Y - Climate Adaptation and Resiliency Technical Support Document: Existing Conditions & Effects Assessment	Section 4.4.2 Existing Climate Data Analysis Methodology Section 4.5 Data Management and Analysis Methodology And Section 5.1 Existing Climate Descriptions	The Assessment mentions local meteorological stations with data from 1981 - 2024 and Natural Resource Canada data from 1950-2012. It is unclear why the baseline data is from a 30year period of the available data (1981-2012) and if the baseline dataset represents the most significant weather events, and in particular rainfall or snowfall intensity and duration. This may result in the modelling output not predicting the potential severity of weather MFCAR may experience. The operational lifespan of the road is unknown, but it is reasonable to rely on a more substantive weather dataset to capture extreme events between 2010 and 2025, as well as pre-1981. This would support engineering and design consideration to ensure the road is equipped to manage the potential snow and rain volumes.	The climate risk evaluation indicates that rain (extreme daily, short-duration high-intensity, and thunderstorm) represent the majority of high and moderate risk. The modelling details should be updated to encompass the full depth of data available (1950 -2024) to ensure the design and engineering of water management systems and bridges are capable of maintaining integrity through maximum intensity future scenarios.
134	Appendix Y – Climate Adaptation and Resiliency Technical Support	Section 7.2 Summary of Effects and Adaptation Recommendations	Snow and melting are addressed in the Summary of Effects and Adaptations Recommendation – Operation Phase with inspections, maintenance, public communication, emergency preparedness. There are components of design that can	While snowfall does not represent a high risk, there must be measures in place to prevent ice buildup (crowned road and bridge slope), facilitate plowing such as wide lanes and shoulders with shoulder marking,

	Document : Existing Conditions & Effects Assessment	– Operational Phase	support managing snow and melt which are not clearly included.	consideration for blowing snow, and warning signage.
ABORIGINAL AND TREATY RIGHTS AND INTERESTS				
135	Draft EA/IS Appendix O – Aboriginal and Treaty Rights and Interests Study Plan	Section 9.1 General Methodology	The ATRIS program is geared toward the EA/IS process, however given the Project recognition that rights impacts extend into the operations phase of this project it is unclear why the ATRIS is limited to the assessment scope of the Project.	The ATRIS process must continue through construction and operations, with meaningful participation from affected First Nations communities to evaluate the effectiveness of mitigation measures (and adaptive management as necessary) to protect rights throughout the Project life.
136	Draft EA/IS	Section 8.3.4	The purpose of the Draft EA/IS review is to verify how IK has been integrated into the Project assessment, in absence of the Rights Assessment available in the Draft EA/IS Nibinamik is unable to provide any insight as to whether the inclusion of IK accurately represents or encompasses the community's rights and interests. This is further contradictory to the Project guiding principle of inclusion and transparency.	It is recommended that the updated EA/IS and completed Rights Assessment be shared with First Nations communities prior to finalization and posting for public comment. Further, Nibinamik should receive the capacity to provide their own Rights Assessment to inform the Final EA/IS.
137	Draft EA/IS	Tables 8-2, 8-13 and 8-52	Limited IK is available for VCs (Table 8-2, Table 8-13, and Table 8-52). While some of the IK provided is noted to be confidential and for this reason not listed in the Draft EA/IS, The IK Tables highlight that IK stems largely from Marten Fall and Aroland First Nations, with minimal contributions from 8 of the 23 Indigenous communities identified for consultation. The limited IK contributions suggest the effectiveness of consultation is questionable. The absence of the Right Assessment eliminates the opportunity for Nibinamik to verify that the rights and interest of the Nation are	Nibinamik insists that all development, and especially the MFCAR as the precursor to further development, must be governed by a process grounded in Aboriginal and Treaty rights, full transparency, and environmental stewardship. The risks of committing to a development path for MFCAR without fully understanding long-term, synergistic consequences to Aboriginal and Treaty Rights and Interests, limit the ability to truly mitigate regional impacts effectively. This aspect becomes increasingly important with

	addressed in the Project. The deficit in achieving equitable and meaningful participation for all Rights-holders can be counterbalanced by withholding all Project decisions, including application approval, until after the Regional Assessment has taken place.	the Draft EA/IS indicating there is limited IK provided by other rights-holders. Nibinamik recommends that approval decisions for the MFCAR Project are withheld until after the Regional assessment is complete. This would improve mitigating impacts to Aboriginal and Treaty Rights and Interests in several ways: • Improved understanding of the full regional context, potential stresses, sensitive areas and rights impacts. This regional understanding should then inform the assessment and decision-making for individual projects like the MFCAR and their actual risk to rights. • Improved identification of regional thresholds, critical habitats, cumulative tipping points, and areas of high cultural significance, and rights impacts that might not be apparent when looking at one road in isolation. • Mitigations can be designed at a regional level to address systemic issues and rights impacts, not just project-specific ones. For example, if the Regional Assessment reveals a cumulative impact on a VC, individual project can be better coordinated and perhaps more stringent, or even lead to re-thinking the overall regional development plan.

				• Improved identification of areas where development should be avoided entirely, or where specific types of development are more appropriate. It could also lead to regional monitoring programs and adaptive management strategies. This could improve the ability for rights impacts to be addressed and mitigated in advance of individual project advances that may incrementally erode rights, or the conditions necessary for meaningful exercise of rights. • By having the regional picture, decision-makers are less likely to approve individual projects that, when combined, lead to unforeseen or unmanageable rights impacts. The benefit of improved access and sustainable development are desirable but must not be pursued at costs to rights. Not only do the order of assessment need to be reversed for an improved approach to impact mitigation, but the nature of consultation must be adjusted to be more equitable in recognition of First Nations governance and knowledge systems in the MFCAR project decision making.
138	Draft EA/IS	n/a	It is imperative that development does not detract from the ability of all First Nations to continue their traditional Ways-of Life and maintain cultural continuity. Rights impacts from road uses, such as dust,	Nibinamik recommends a gated security/identification system is in place. Security measures will address not community safety but environmental risks and conditions that impact Aboriginal and Treaty Rights.

			invasive species, recreational land users, and human predators who might contribute to the tragedy of missing and murdered Indigenous women, can all be restricted and/or monitored through controlled access.	Access must only be permitted for the intended use of the Project.
139	Draft EA/IS	n/a	Protection of Aboriginal and Treaty Rights involves the maintenance of cultural place names and language.	Nibinamik requests that all road signage includes First Nations' languages and that any place names be marked within their First Nations nomenclature.
140	Draft EA/IS	n/a	Addressing rights is not restricted to limiting impacts, it includes distributing benefits. All regional communities are subject to the regional and cumulative impacts of development. Development must provide the opportunities that improve the conditions of communities and entice the membership to stay and exercise rights. This applies not only to those Nations that are directly connected to the road. Nibinamik understands that employment, contracting and procurement opportunities will conform to the specific capacity of this Project construction and operation needs.	Nibinamik recommends that there is early, and community-specific (community-driven), job and readiness training for the coming construction and operation of the Project and well as an ancillary infrastructure or development opportunities that may ensue. This includes, for example, hydro transmission or generation projects, quarry operations, security, mineral exploration, environmental services. Nibinamik recommends that this project is accompanied by commitments from the provincial and federal government, as well as the MFCAR Project for equitable economic benefit sharing and the funding for Nation-tailored training opportunities. Given the limitation of Project opportunities, Nibinamik recommends that where the Project is unable to fulfil equitable benefit sharing specific to the Project, those Nations are provided with other funding opportunities. This funding must support the realization of

				Aboriginal and Treaty Rights and long-term community development goals.
LAND AND RESOURCE USE				
141	Draft EA/IS – Appendix U: Land and Resource Use Technical Support Document	4.2.3 Spatial Boundaries – Table 4-3	The existing conditions and effects assessment focuses on the Local Study Area (which includes a 5km buffer around the Construction Disturbance Area). Therefore, effects on land and resource use are considered individually for both Marten Falls First Nation and Aroland First Nation. Effects on Nibinamik land and resource use are grouped into the Regional Study Area, which includes more than 20 other local communities. This leads to a generalization of effects on the region, without allowing for a specific analysis of effects on Nibinamik.	Effects of MFCAR on Nibinamik's land and resource use must be assessed separately to understand the impacts and implement appropriate mitigation measures
142	Draft EA/IS – Appendix U: Land and Resource Use Technical Support Document	4.2.3 Spatial Boundaries – Figure 4-1	This map is difficult to read as there are too many components – making it hard to understand what it is trying to show.	Please provide a more legible map which clearly shows the study areas for land and resource use.
143	Draft EA/IS – Appendix U: Land and Resource Use Technical Support Document	5.1.6 Existing Environmental Conditions - Trapping	Trapping in the regional study area is described as a historically important activity and as being "less common" today and "largely recognized as a pastime." This however is an over-generalization and does not acknowledge that Nibinamik community members still actively trap for subsistence and cultural purposes.	Existing conditions for trapping on Nibinamik's Homelands must be evaluated in the context of this project. This information will be part of the TKLU study that Nibinamik is currently conducting, and must be taking into account in the impact assessment.
144	Draft EA/IS – Appendix U: Land and Resource Use Technical Support Document	7.2.7 Description of Potential Effects – Valued Component #7 Trapping	Only one factor was considered for this VC, which is potential effects to trapping in the vicinity of the Marten Falls Community Access Road. Once again, potential regional effects of the project on trapping, specifically on Nibinamik, have not been assessed.	Potential effects of the project on Nibinamik trapping practices and land and resource use must be assessed as part of this VC.

	Draft EA/IS – Appendix U: Land and Resource Use Technical Support Document	7.2.8 Description of Potential Effects – Valued Component #8 Energy and Linear Infrastructure	The report indicates that since there are currently no existing energy or linear infrastructure projects in the Construction Disturbance Area, this project will have no potential effects on energy and linear infrastructure projects. This conclusion does not consider potential for future linear development that this road will lead to – once there is a road, it will be much easier for proponents to develop energy and linear infrastructure projects. Therefore, the project will have an impact on this VC.	This assessment must account for the potential future development of energy and linear infrastructure resulting from the MFCAR project, and include appropriate mitigation measures to address associated impacts.
COMMUNITY WELL-BEING				
145	Draft EA/IS – Appendix T: Community Well-Being Technical Support Document	4.2.3.2 Community Well-Being Study Areas Table 4-3	Existing conditions and community well-being is assessed at two spatial levels: the Local Study Area (LSA), which includes MFFN and Aroland First Nation, and the Regional Study Area, which includes Nibinamik and more than 20 other First Nations and local communities. Grouping Nibinamik with that many communities does not allow for an adequate assessment of the impacts of the MFCAR on their community well-being, and does not adequately reflect their unique reality.	Effects of MFCAR on Nibinamik's community well-being must be assessed on its own, so that appropriate mitigation measures can be implemented to offset these effects. This process must be done in collaboration with Nibinamik.
146	Draft EA/IS – Appendix T: Community Well-Being Technical Support Document	8.2 Cumulative Effects Scoping – Spatial Boundary	The Draft EA/IS considers that only the LSA (MFFN and Aroland FN) will be impacted by cumulative effects, which fails to recognize that Nibinamik community well-being will also be directly impacted by the cumulative effects associated to MFCAR.	The cumulative effects of MFCAR and other development in the region on Nibinamik community well-being must be assessed as part of this EA/IS.
147	Draft EA/IS – Appendix T: Community Well-Being Technical Support Document	8.2 Cumulative Effects Scoping – Temporal Boundary	The cumulative effects assessment only considers announced future projects and fails to account for the potential development this road may trigger, including increased mining exploration and activity, as well as potential forestry, hydro, and additional road development.	This EA/IS must use the precaution principle by assessing the impacts on community well-being of not only this project and future proposed projects, but also the potential for further development in the region that this road will bring.

B16.3 Community Specific Meeting Materials

Project Name:	Marten Falls First Nation (MFFN) All Season Community Access Road (CAR)	**Date of Meeting:**	February 19, 2025
		Time:	3:00-4:00 pm EST
		Project #:	[redacted]
Attendees:	Dan Brenzavich, Nibinamik First Nation representative Qasim Saddique, MFFN CAR Project Team Jennifer Bruin, MFFN CAR Project Team Bob Baxter, MFFN CAR Senior Community Member Advisor Ingrid Trimble, MFFN CAR Project Consultant Gabbie Ratajczak, MFFN CAR Project Consultant	**Location:**	Thunder Bay, Three Road Projects Gathering and Expo
		Prepared By:	Gabbie Ratajczak (MFFN CAR Project Consultant)

Absent:
N/A

Regarding: **MFFN CAR Breakout Session at Three Road Projects Gathering and Expo**

Notes of Meeting

Meeting Summary

The MFFN CAR Project Team (the Project Team) and a representative of Nibinamik First Nation privately met to discuss the CAR and the Draft Environmental Assessment / Impact Statement (EA/IS) during the Three Road Projects Gathering and Expo.

Summary of Meeting Action Items

- The Project Team to notify Nibinamik First Nation once Oji-Cree translations are available (completed April 28, 2025).
- The Project Team to email Plain Language Summaries to Nibinamik key contacts (completed April 28, 2025).

Item #	Topic / Theme	Comments / Questions	Response / Action Items
1	Consultation	• Nibinamik First Nation has not been and might not be able to be fully present for consultation on the CAR due to the ongoing health and mental health crisis. Multiple suicide attempts have occurred within the community.	• Comment noted and to be taken into consideration.
2	Cumulative Effects	• Nibinamik First Nation indicated that the cumulative effects of a regional project and the corresponding mitigation activities are a high priority to them. • They acknowledged that cumulative effects can be positive or negative.	• The Project Team agreed that there are cumulative effects, and the CAR will have positive impacts.
3	Review of the Draft EA/IS	• Nibinamik First Nation indicated the need to have an Environmental Technician to explain the technical reports of the Draft EA/IS. • Once the translations for Oji-Cree are available, the Draft EA / IS can be presented to Elders within the community.	• The Project Team explained that plain language summaries were prepared for all the technical reports, and that they were being translated. • All of the documents have been released in English and the Project Team will notify Indigenous communities once translations are ready. • **Action Item:** The Project Team to notify Nibinamik First Nation once Oji-Cree translations are available.
4	Consultation Methods	• Nibinamik First Nation requested copies of the plain language summaries.	• The Project Team provided a hard copy of the plain language summaries. • **Action Item:** The Project Team to email plain language summaries to Nibinamik First Nation key contacts.

Item #	Topic / Theme	Comments / Questions	Response / Action Items
5	Fish and Fish Habitat	• Nibinamik First Nation no longer has sturgeon and rely on Neskantaga First Nation for it.	• Comment noted.
6	Consultation Methods	• Nibinamik First Nation lacks capacity in the community in relation to human resources. • The community has never been offered capacity building through their Tribal Council (Matawa First Nations Management).	• Comment noted.
7	Consultation Methods	• Nibinamik First Nation suggested that the map on display at the meeting room be expanded. They suggested it should show where the CAR supporting infrastructure, location of the Indigenous communities and Northern Road Link.	• The Project Team indicated that maps including the requested information are included in the Draft EA / IS.
8	Consultation Methods	• Nibinamik First Nation is supportive of engagement with the MFFN CAR and other projects. • Nibinamik Fist Nation hosts a mining week in May each year, where regional projects can come into the community and give a presentation. It will take place after Prospectors & Developers Association of Canada (PDAC). Dan will provide MFFN CAR with dates for mining week and invite MFFN CAR to visit during those dates.	• Thank you for the opportunity.

Item #	Topic / Theme	Comments / Questions	Response / Action Items
9	Socio-Community	• Nibinamik First Nation is interested in capacity building within regional projects. Capacity needs to be a step built into all regional projects. • Nibinamik First Nation asked how capacity building, long-term growth and development was being considered as part of the CAR.	• The Project Team is looking at ways to build capacity, provide training for members of MFFN. • Capacity building and financing are also a struggle for MFFN CAR.

Any errors or omissions please contact Gabbie Ratajczak within 2 weeks of distribution. Finalized meeting minutes will be included in the public Record of Consultation.