MARTEN FALLS FIRST NATION
COMMUNITY ACCESS ROAD

Aboriginal and / or Treaty Rights and Interests Technical Support Document

May 2026

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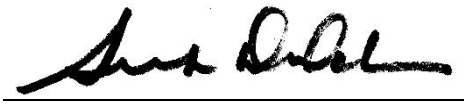
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Revision Number	Date	Revised By:	Revision Description
0	December 2025	Victoria Anderson	Revised to address technical comments from AECOM and Dillon Technical Reviews
1	May 2026	Victoria Anderson	Revised to address regulator feedback.

Executive Summary

This Technical Support Document presents the existing conditions related to Aboriginal and / or Treaty Rights and Interests, and the impact assessment on these rights and interests. This document was prepared in support of the Marten Falls First Nation Community Access Road Project Environmental Assessment / Impact Statement.

The Marten Falls First Nation Community Access Road Project proposes an approximately 184 km, two-lane gravel all-season road connecting Marten Falls First Nation to the provincial highway network near Nakina, Ontario. The road will be constructed within a 100-metre right-of-way with associated bridges, culverts, aggregate source areas, and temporary construction infrastructure.

An assessment of Aboriginal and / or Treaty Rights and Interests was undertaken with 23 Indigenous communities potentially affected by the Project. Separate, confidential, community-specific Aboriginal and / or Treaty Rights and Interests Impact Assessment Reports were prepared and shared directly with each community and the Regulator. These reports form part of the evidence base for determining the assessment outcomes.

To be consistent with the *Impact Assessment Agency's Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples*, the Proponent assessed potential ***impacts*** on Aboriginal and / or Treaty rights. When referring to potential Project effects, the term *"effects"* is used.

To collaborate directly with Indigenous communities in identifying Aboriginal and / or Treaty Rights and Interests and understanding potential impacts, the Project employed two complementary processes: the Indigenous Knowledge Program and the Consultation and Engagement Program. The Indigenous Knowledge Program provided a formal mechanism, governed by Indigenous Knowledge Sharing Agreements, for communities to share information on current land and resource use for traditional purposes and cultural continuity and well-being. Participation opportunities included direct meetings, topic-specific forums, webinars, and document reviews, with funding offered for project-specific Indigenous Knowledge studies where applicable.

Consultation and engagement for the Project were iterative. Communities were invited to review and comment on draft Aboriginal and / or Treaty Rights and Interests materials and reports, and their feedback was incorporated prior to finalization. Key documents reviewed included the Draft Terms of Reference, Tailored Impact Statement Guidelines, the *Aboriginal and / or Treaty Rights and Interests Study Plan*, the confidential community-specific *Preliminary Aboriginal and / or Treaty Rights and Interests Existing Conditions Report*, and *Draft Impact Assessment Report*. Community input also informed the delineation of the Aboriginal and / or Treaty Rights and Interests Study Areas and the Areas of Interest. This approach provided for Indigenous Knowledge and perspectives to

be integrated throughout the assessment, strengthening the understanding of rights and potential project-related impacts.

The Aboriginal and / or Treaty Rights and Interests assessment applied two valued components:

- **Indigenous Current Use of Lands and Resources for Traditional Purposes**, addressing potential changes to access, availability and quality of resources, and disturbance or loss of sites and areas.
- **Cultural Continuity and Wellbeing**, addressing changes to the experience of being on the land, connection to the land, practice and transmission of culture, and the ability to exercise governance and stewardship rights.

Indicators were refined through Indigenous inputs and a literature review, emphasizing measurable change where feasible.

Given the variations in the availability of primary data, community input was complemented by a structured literature review of publicly available sources. The literature review focussed on a variety of topics including Indigenous land and resource use, cultural values, asserted rights and interests, historical context, and relevant regulatory and policy guidance. Indigenous community-directed data sharing protocols were respected throughout, and sensitive information was managed according to OCAP® principles, where applicable.

Screening and scoping confirmed that Aboriginal and / or Treaty Rights and Interests assessment is unique and shaped by where and how rights are exercised in relation to the Project. It is also influenced by the degree of overlap between an Area of Interest (i.e., an area where an Indigenous community may exercise or hold rights) and the Aboriginal and / or Treaty Rights and Interests Study Areas.

Given the confidential and sensitive nature of community-specific information, this document focuses on the methods and approach used to identify, assess, and characterize potential direct, indirect, and cumulative Project impacts on Aboriginal and / or Treaty Rights and Interests. It presents a broad overview of existing conditions and a high-level summary of potential impacts. Detailed, Indigenous community-specific existing conditions and impact findings are not included due to the confidential and / or sensitive nature of this information.

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Attachment A. Draft Study Plan, Workplan and Regulator Comments

Attachment B. Letter from Chief Bruce Achneepineskum Regarding Marten Falls First Nation's Position on UNDRIP

1. Introduction

This Report presents the methodology for determining the existing conditions and impact assessment for the Aboriginal and / or Treaty Rights and Interests discipline. It was and is being prepared in support of the Marten Falls First Nation Community Access Road Environmental Assessment / Impact Statement Report.

This Technical Support Document does not provide specific information about existing conditions or potential impacts that may be experienced by individual Indigenous Communities. In recognition of the need to respect and safeguard confidential and / or sensitive information, including Indigenous Knowledge, community-specific Impact Assessment Reports will not be made publicly available (see Section 1.3).

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

- Approximately 184 km (see **Section 6** for further details on the selection of the Preferred Route) of two-lane gravel all-season road on a new right-of-way;
- Approximately 100 metre (m) wide right-of-way cleared to a width of 60 m; and
- Proposed designated speed limit of 80 km per hour.

Marten Falls First Nation is currently accessible year-round by air transportation out of Thunder Bay, Ontario and Nakina, Ontario, and by a winter access road constructed on an annual basis, if winter conditions permit. Since the 1990s, Marten Falls First Nation has received provincial funding to maintain the 140 km of winter road to the community.

The Community Access Road is of fundamental importance to Marten Falls First Nation. It is proposed entirely within Marten Falls First Nation's traditionally occupied territory. Marten Falls First Nation asserts the rights under Articles 26(2), 32(1), and 32(2) of the United Nations Declaration on the Rights of Indigenous Peoples to use and develop its own territory, develop priorities and strategies for development and use of its territory, and provide its free, prior and informed consent to the proposed Community Access Road affecting its territory. See Marten Falls First Nation's position in relation to the *United Nations Declaration on the Rights of Indigenous Peoples* in Attachment B.

In support of providing its free, prior and informed consent to the proposed Community Access Road, Marten Falls First Nation has carried out a detailed Environmental Assessment / Impact Statement, which included consideration of Marten Falls First Nation Indigenous Knowledge and Aboriginal and Treaty Rights and Interests potentially affected by the Community Access Road.

In the words of Chief Bruce Achneepineskum (2023), "…[our] journey is towards self-determination, prosperity and it is a fight against climate change…we are leading our own future, our own prosperity, and making decisions in our own traditional territory."

1.1 Project Overview

The Project consists of a Community Access Road from Painter Lake Road located approximately 57 km north of Nakina, Ontario to the Community of Marten Falls First Nation. The Community Access Road will serve community access and industrial supply needs for both the community (e.g., fuel, construction supplies, water treatment supplies) and industrial proponents (e.g., mining, forestry), thereby minimizing infrastructure corridors in the Far North. Therefore, the Project will be for a multi-purpose road built to meet industrial use specifications.

In April 2018, Marten Falls First Nation signed an agreement with the Ministry of the Environment, Conservation and Parks to prepare an environmental assessment under the *Ontario Environmental Assessment Act*, 1990 to support the development of the Community Access Road. A study under the *Ontario Environmental Assessment Act* was formally initiated by Marten Falls First Nation in March 2019 when the Notice of Commencement for a Terms of Reference for the Project was published.

All-season public roads that require 75 km or more of new right-of-way, as per Schedule 1 (51) of the Physical Activities Regulations under the Impact Assessment Act, may be subject to the Act (Government of Canada, 2019b). After considering the detailed Project Description, the Agency determined that a federal impact assessment is required for the Community Access Road and an Impact Statement needs to be submitted to the Agency for review and approval. The Agency prepared and released the Marten Falls Community Access Road Project: Tailored Impact Statement Guidelines in February 2020 (Impact Assessment Agency of Canada, 2020a) to outline the information and studies necessary to conduct the impact assessment.

The Federal and provincial governments are co-operating on the assessment of the Community Access Road, in accordance with the Co-operation Plan (Impact Assessment Agency of Canada, 2020b). The Co-operation Plan allows Marten Falls First Nation to prepare one single Environmental Assessment / Impact Statement submission to satisfy both the federal and provincial processes (Government of Canada).

This document provides a high-level overview of the comprehensive Indigenous community assessment conducted as part of the regulatory process for the Marten Falls First Nation Community Access Road Project. The purpose of the assessment is to understand existing conditions and potential impacts on Indigenous communities, to help guide decision-making that reflects their rights, interests, and perspectives.

1.2 Indigenous Communities

An assessment on Aboriginal and / or Treaty Rights and Interests was undertaken with the following 23 Indigenous communities potentially impacted by the Project:

- Animbiigoo Zaagi'igan Anishinaabek First Nation;
- Aroland First Nation;
- Attawapiskat First Nation;
- Constance Lake First Nation;
- Eabametoong First Nation;
- Fort Albany First Nation;
- Ginoogaming First Nation;
- Kasabonika Lake First Nation;
- Kashechewan First Nation;
- Kingfisher Lake First Nation;
- Kitchenuhmaykoosib Inninuwug First Nation;
- Long Lake #58 First Nation;
- Marten Falls First Nation;
- Métis Nation of Ontario;
- Mishkeegogamang First Nation;
- Neskantaga First Nation;
- Nibinamik First Nation;
- Red Sky Métis;
- Wapekeka First Nation;
- Wawakapewin First Nation;
- Webequie First Nation;
- Weenusk First Nation; and
- Wunnumin Lake First Nation.

"Areas of Interest" were identified for each Indigenous community to illustrate where they exercise / hold Aboriginal and / or Treaty Rights and Interests and practice culture, and therefore, where potential Project-related impacts could occur. See **Section 7.1** for additional information about Areas of Interest in relation to Project Study Areas.

1.3 Confidentiality of Reports

The Marten Falls First Nation Community Access Road Project Team prepared a community-specific *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Report* for each Indigenous community. Each community received a copy of their Draft

Impact Assessment Report to review and provide feedback prior to finalizing their *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Report*. To honour, respect, and protect confidential and / or sensitive information (i.e., Indigenous Knowledge), these community-specific Impact Assessment Reports will not be publicly distributed.

The Marten Falls First Nation Community Access Road Project Team also prepared a community-specific *Aboriginal and / or Treaty Rights and Interests Preliminary Existing Conditions Report (Preliminary Existing Conditions Report)* for each Indigenous community. Each report establishes the Proponent's understanding of that community's rights and interests in relation to the proposed Project and summarizes existing conditions including pre– and post– contact, history, species of importance, hunting, trapping, fishing, harvesting, and language, and explains how these factors relate to the Project. Communities were given the opportunity to review their report and provide feedback. To support a comprehensive regulatory review, these community-specific reports will be shared confidentially with the Regulator and form part of the evidence base for determining the assessment outcome. The *Existing Conditions Reports* are not appended to the Final Environmental Assessment / Impact Statement Report given the presence of confidential and / or sensitive information.

This *Aboriginal and / or Treaty Rights and Interests Technical Support Document [Appendix O]* provides a high-level overview of the comprehensive rights and interests assessment conducted as part of the regulatory process for the Marten Falls First Nation Community Access Road Project. It primarily describes the methodology used for the assessment without providing detailed and confidential information about existing conditions and potential Project impacts on rights.

1.4 Qualifications of Individuals

A list of names and qualifications of the authors and technical reviewers of this Report is presented in **Table 1-1**.

Table 1-1: Qualifications of Individuals

Name	Title / Role	Years of Experience	Qualifications
Elaine Lee-Ho	Associate Vice President / Lead Verifier	21	B.Sc., M.Sc., P.Biol., P.Ag.
Caroline Wrobel	Associate and Environmental Planner / Lead Author	10	B.Sc., M.A.Sc.
Andrea Nokleby	Partner and Senior Planner / Lead Author	20	B.A., M.Sc., RPP, MCIP
Sarah De Decker	Social Impact Specialist / Summary Senior Review	19	B.A, M.A
Victoria Anderson	Social Impact Specialist / Summary Author	2	B.A., B.Sc.

2. Project Description

The Project will be executed in three main phases:

- Planning and design, which includes the preparation of the Environmental Assessment / Impact Statement Report, obtaining regulatory approvals and detailed engineering design;
- Construction, which is anticipated to last between three and 10 years; and
- Operation and maintenance, for a permanent road.

2.1 Project Components

2.1.1 Roads

The Project consists of an approximately 184 km all-season road within a 100 m wide right-of-way, 60 m of which will be cleared of vegetation. Additional temporary clearing occurring in certain locations to accommodate construction activities, access, borrow areas, aggregate source areas, quarry sites, and temporary infrastructure such as staging areas, camps and debris and / or timber stockpiles will be required. It has a roadway approximately 11 m in width to accommodate a two-lane gravel road with culverts and two-lane bridges at water crossing locations. Traffic levels for the Project have been estimated at 700 vehicles per day for the north-south section and 100 vehicles a day for the east-west section of the Marten Falls First Nation Community Access Road. These volumes are reflective of the anticipated peak traffic in 2046.

The predominant building materials will be, blasted rockfill and composite excavation material capped with granular surface material. The majority of blasted rockfill will be obtained from rock outcrops within and / or adjacent to the right-of-way. Building materials will be primarily obtained through the pits and quarries developed specifically to support construction of the project.

Early investigations on permafrost have shown the Project is located within a sporadic discontinuous permafrost zone, with known locations documented and monitored. Excavation within identified permafrost areas will be avoided, whenever possible, as cutting into surface vegetation can disturb the permafrost regime resulting in thaw and unstable ground. As a precaution, the design will primarily use fill to minimize any permafrost degradation and will follow the recommendations outlined in a Permafrost Management Plan. At the time of drafting no areas of known permafrost have been found within the Construction Disturbance Area.

2.1.2 Bridges and Culverts

Bridges will be required over the various waterways to provide grade separation with sizes ranging from single span to multi-span bridges to carry two lanes of traffic with appropriate shoulder widths. The foundation support for the bridge abutments are expected to consist of driven steel piles, drilled concrete piles or concrete spread footings.

Equalization culverts will be installed at locations where it is determined that spring-melt or storm runoff needs to pass from one side of the Project to the other to prevent flooding and / or erosion. The purpose of equalization culverts is to maintain the existing surface water drainage patterns in the area. Culverts will be put in place as construction progresses along the Project.

2.1.3 Pits and Quarries

Pits and quarries, and aggregate source areas will be developed to provide crushed rock and granular materials for the construction of the Project and temporary access roads. Most of the rock required for construction is expected to come from quarry sites adjacent to the Project. Temporary access roads will be established to connect the various Project components as required and will be limited in length to the extent feasible.

All materials will be subject to a geotechnical verification process in order to verify they possess the desired physical properties for use in construction. The development and operation of all pits and quarries will be subject to the aggregate permitting process under the Aggregate Resources Act (Aggregate Resources of Ontario: Site Plan (2020) Standards and Technical Reports and Information (2023)). Permitted pits and quarries will follow the progressive and final rehabilitation requirements outlined in the approved site plans under the Act.

Only material that has been cleared through a geochemical verification process will be utilized for the road surface to avoid acid rock drainage or metal leaching. Monitoring of runoff will be conducted from an erosion and sediment control perspective; further details about this specific type of monitoring will be available in the Erosion and Sediment Control Plan.

2.1.4 Temporary Infrastructure for Construction

Temporary access roads may be required to access the right-of-way during construction. The purpose of the temporary access roads is to facilitate emergency access, equipment and personnel access, and to provide access to and from pits and quarries, and aggregate source areas. The temporary access roads will be cleared, but not grubbed, to approximately 10 m wide to accommodate equipment movement.

Upon completion of construction, sand and gravel pits, including temporary access roads leading to the pits will be rehabilitated (progressive and final rehabilitation) and surrendered in accordance with the Aggregate Resources Act.

Temporary construction camps, staging areas and stockpile areas are anticipated to be established at various locations along the right-of-way and / or near other Project components. These components are proposed to support crews, store equipment, vehicles, materials and supplies.

3. Information Shared by Indigenous Peoples & Other Interested Persons Which Informed This Report

Information shared by Indigenous communities was used to develop the Proponent's understanding of the existing conditions with respect to Aboriginal and / or Treaty Rights and Interests existing conditions, and the approach to the effects / impact assessment on these rights and interests. This information and how it informed the development of this Report are described below. Information shared by Regulators with relevant technical knowledge has also informed the assessment on Aboriginal and / or Treaty Rights and Interests, which is also described below.

This section does not detail all the information, comments or questions received related to the Project, nor does it contain all inputs that informed the community-specific Aboriginal and / or Treaty Rights and Interests Impact Assessment Reports. The Record of Consultation and Engagement [Appendix X] provides a full description of all consultation and engagement related to the Project.

3.1 Indigenous Knowledge

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

Indigenous Land and Resource Use refers to specific areas and resources used for traditional purposes when Indigenous peoples learn and practice their Indigenous Knowledge (Garvin & Northern Forestry Centre (Canada), 2001). This includes the areas and sites used for hunting, trapping, fishing, and gathering and the resources harvested, as well as cultural sites, features and practices—sometimes referred to as Traditional Land Use.

In 2019, the Marten Falls First Nation Community Access Road Project Team launched the Indigenous Knowledge Program. The intent of the Indigenous Knowledge Program to gather information on Indigenous land and resource use and Indigenous Knowledge, so that this important body of knowledge can be meaningfully woven into the assessments.

The Indigenous Knowledge Program involves several avenues for information and knowledge sharing:

1. Sharing existing Indigenous Knowledge and information on Indigenous land and resource use to help inform the early stages of the assessments; and
2. Completing project-specific Indigenous Knowledge and Lands & Resource Use studies.

The Proponent created an Indigenous Knowledge Program Guidance Document (the Guidance Document) to support Indigenous communities as part of the methodology for Aboriginal and / or Treaty Rights and Interests. Specifically, the Guidance Document provided:

- An overview of the Indigenous Knowledge Program and information on how Indigenous Knowledge, Indigenous land and resource use, and cultural values and practices can be collected and / or shared;
- Information on how Indigenous Knowledge and information on Indigenous land and resource use, and cultural values and practices may be used in the planning and design processes; and
- A suite of guidance materials that are based on the information requirements of both the provincial and federal assessment processes, including question guides to support the collection of information on:
  - Historical and current community context;
  - Indigenous Knowledge that may be relevant to the various technical disciplines;
  - Information on Indigenous land and resource use, cultural values and practices and associated spatial data; and
  - Perspective on potential Project-related impacts and associated mitigation and / or enhancement measures.

All Indigenous communities and groups identified by the Ministry of the Environment, Conservation and Parks and the Impact Assessment Agency of Canada (the Agency) through the Indigenous Engagement and Partnership Plan have had the opportunity to participate in the Indigenous Knowledge Program and were provided with the Guidance Document. The Indigenous Knowledge Program included opportunities for Indigenous communities and groups to meet with the Proponent to discuss the program, ask questions, and share concerns and interests; more information is provided in **Section 4.3.2.**

The protection and confidentiality of Indigenous Knowledge and information on Indigenous land and resource use is of the utmost importance to the Project Team. To honour and respect this important information, Indigenous Knowledge Sharing Agreements were

established with interested communities prior to the use of community information. The Sharing Agreement outlines how confidential and sensitive information will be woven into the Project's environmental / impact and design processes.

Throughout the Environmental Assessment / Impact Assessment, inputs received through the Indigenous Knowledge Program were shared with all relevant technical disciplines (e.g., wildlife, fish, vegetation, air quality, etc.) to:

- Guide and inform the identification of Valued Components;
- Support the Proponent's understanding of the existing environment, including potentially sensitive sites and areas;
- Identify the potential effects of the Project on the environment / Valued Components;
- Help identify mitigation measures and potential monitoring programs; and
- Ultimately guide Project planning.

In support of effective knowledge sharing to support meaningful integration, a confidential database was prepared with Indigenous Knowledge information and any other information solicited from Indigenous communities and groups that may be relevant to each technical discipline and how it can or should be integrated in the Environmental Assessment / Impact Assessment. A description of how Indigenous Knowledge was considered in the Environmental Assessment / Impact Assessment and in each of the technical discipline areas is provided in the Environmental Assessment / Impact Statement Report.

Information on the nature of information shared by Indigenous communities and groups relevant to Aboriginal and / or Treaty Rights and Interests, including Indigenous Knowledge, and how this been addressed in the Report is provided in each confidential community-specific *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Report* that communities and the Regulator were given the opportunity to review.

In addition to these primary sources of information and given the limited amount of primary information provided directly by Indigenous communities and groups, Indigenous Knowledge and information on Indigenous land and resource use was also sought from a variety of publicly-available sources through a comprehensive literature review – more information is provided in **Section 4.3.4**.

The information generated through the Indigenous Knowledge Program and the comprehensive literature review has been woven with scientific knowledge throughout the Environmental Assessment / Impact Assessment. Both knowledge systems formed the Proponent's understanding of existing conditions, potential Project effects on the environment and impacts on Indigenous peoples, and appropriate mitigation and monitoring methods.

3.2 Indigenous Consultation and Engagement

The constitutional duty of the Crown (federal and provincial) to consult and accommodate Indigenous peoples arises when (a) the Crown has knowledge, actual or constructive, of a potential Indigenous claim or right, (b) there is contemplated Crown conduct, and (c) the conduct has the potential to adversely affect the Indigenous claim or right (Rio Tinto Alcan Inc. v. Carrier Sekani Tribal Council, 2010). The duty does not exist in the abstract; it is context specific. The Supreme Court of Canada held in *Haida Nation* that Indigenous claimants have an obligation to "outline their claims with clarity, focussing on the scope and nature of the Aboriginal rights they assert and on the alleged infringements" (Haida Nation v. British Columbia (Minister of Forests), 2004). More recently, courts have concluded that the Crown's duty is grounded in a particular territorial and site-specific context. Location and territory details are central to any claim because "patterns of activity and occupation matter" (Yahey v. British Columbia, 2021).

The proposed Community Access Road (the Project) on provincial lands clearly triggers the Crown's duty to consult with Marten Falls First Nation and other Indigenous communities. Yet Indigenous peoples must respond to any Crown offer to consult with reference to specific lands, rights, and interests at issue, and how they may be adversely impacted by proposed Crown action (Yahey v. British Columbia, 2021). As such, the constitutional duty to consult and accommodate involves a reciprocal obligation on the Crown and Indigenous peoples to actively engage in this process (Canada v. Long Plain First Nation, 2015).

Information on Aboriginal and / or Treaty Rights and Interests was sought from Indigenous communities and groups through the Project's Consultation and Engagement Program to inform the following:

- The selection of the Local and Regional Study Areas for Aboriginal and / or Treaty Rights and Interests;
- The Proponent's understanding of the existing conditions with respect to Aboriginal and / or Treaty Rights and Interests, including in terms of the asserted and / or potential rights and interests of each Indigenous community and group; and
- The impact assessment on Aboriginal and / or Treaty Rights and Interests, including in terms of:
  - Identifying and / or confirming Valued Components and associated indicators;
  - Identifying potential effects on the Project on the environment and associated potential impacts on Aboriginal and / or Treaty Rights and Interests;
  - Identifying potential mitigation measures; and
  - Developing potential monitoring programs.

Having regard to 22 Indigenous communities and groups who may be affected by the proposed Project, Marten Falls First Nation respectfully collaborate with these communities and groups on how Indigenous Knowledge and information on Indigenous land and resource use, cultural values, and Aboriginal and / or Treaty Rights were considered in reporting, and how potential impacts on Aboriginal and / or Treaty Rights and Interests were assessed. Marten Falls First Nation established and funded a thorough program available to all of these communities to respectfully receive and protect Indigenous Knowledge relevant to the Project, as described in **Section 3.1**. Marten Falls First Nation also commissioned Aboriginal and / or Treaty Rights and Interests Impact Assessment reports for each of these communities.

Additional measures to support meaningful consultation, engagement, and collaboration included, but were not limited to:

- Engaging Indigenous communities and groups early in the Environmental Assessment / Impact Statement to inform the understanding of existing conditions and the selection of Valued Components and associated indicators;
- Providing Indigenous communities and groups with opportunities to provide inputs on the Draft and Proposed Terms of Reference for the Project, including the proposed Valued Components and associated indicators;
- Hosting forums with Indigenous communities and groups to discuss Aboriginal and /or Treaty Rights and Interests;
- Providing Indigenous communities and groups with an Aboriginal and / or Treaty Rights and Interests: Preliminary Existing Conditions Report to confirm or build on the Proponent's understanding of community- and group-specific Aboriginal and / or Treaty Rights and Interests and associated existing conditions and considerations for the assessment; and
- Providing Indigenous communities and groups with draft sections of the Environmental Assessment / Impact Statement Report for review and comment, and to inform the Final Environmental Assessment / Impact Statement Report.

Several Indigenous communities have identified and articulated their lands, rights, and interests relative to the Project footprint and potential impacts, including through participation in the Indigenous Knowledge Program and consultation on the Aboriginal and / or Treaty Rights and Interests Impact Assessment reports. This work identified Aroland First Nation as a community whose traditional territory would be directly impacted by the location and use of the Project in relation to an existing road which must be upgraded to be compatible with the Community Access Road.

After considering these impacts and engaging extensively in further dialogue, Marten Falls First Nation and Aroland First Nation each decided to provide their informed consent to the Project as proposed within their respective territories. This process reinforced self-

determination with respect to those rights, and therefore the rights each First Nation also asserts under the United Nations Declaration on the Rights of Indigenous Peoples, including the right to develop the Project itself.

The Federal Court has considered the federal Act that seeks to ensure that the federal government takes all measures necessary make its laws consistent with the United Nations Declaration on the Rights of Indigenous Peoples (United Nations Declaration on the Rights of Indigenous Peoples Act, 2021). The Court found that the United Nations Declaration on the Rights of Indigenous Peoples may inform the constitutional duty to consult and accommodate (Kebaowek First Nation v. Canadian Nuclear Laboratories, 2025). Consistent with Canada's constitutional framework respecting the duty to consult and accommodate, Indigenous communities must reciprocally engage with the Crown and delegates to meet the basic requirements of the duty to consult and accommodate and the United Nations Declaration on the Rights of Indigenous Peoples. Reciprocal engagement is fundamental to assessing the proper scope and depth of information on rights and interests required to discharge the duty to consult and accommodate and to determining whether the requirement to seek the free, prior and informed consent of affected Indigenous communities applies.

Throughout consultation on the draft Aboriginal and / or Treaty Rights and Interests Impact Assessment reports and the Final Environmental Assessment / Impact Statement Report, some Indigenous communities have sought to challenge the Project by asserting their rights and interests within Marten Falls First Nation territory. These communities have not engaged with Marten Falls First Nation in a manner consistent with Anishinaabe law and protocol. This disrespect to Marten Falls First Nation and obligations owed to the Nation under Anishinaabe law and protocol as neighbors since time immemorial also runs contrary to the letter and spirit of the United Nations Declaration on the Rights of Indigenous Peoples. Nor do their relevant assertions meet the standard required by Haida Nation set out above; to clearly set out the nature or scope of the interests being asserted and how the proposed Project might impact them (Haida Nation v. British Columbia (Minister of Forests), 2004). Instead, these communities assert rights in the abstract rather than setting out the information necessary to meaningfully consult with them, and if necessary, seek informed consent. The Articles of the United Nations Declaration on the Rights of Indigenous Peoples are not properly invoked by these communities. A right of free, prior, and informed consent is not properly asserted where the basic reciprocal obligation to engage in good faith remains unmet.

As noted above, after engaging in a thorough process of identifying rights and interests, and potential impacts to those rights and interests arising from the proposed Project, Marten Falls First Nation and Aroland First Nation each considered whether to provide informed consent for the Project, and each decided to do so.

Additional information on Indigenous Consultation and Engagement is provided in **Section 4.3.33**. As noted in **Section 3**, the Record of Consultation and Engagement provides a full description of all consultation and engagement related to the Project.

3.3 Regulator Input

The Proponent engaged with Regulators with technical knowledge related to the Aboriginal and / or Treaty Rights and Interests Valued Components to inform aspects of the confidential community specific *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Reports*. The information and how it informed the development of this Report are described in **Table 3-1** below.

Table 3-1: Regulator Inputs

Subject	Provided By	Details	Section / Report Reference
Gender-based Analysis Plus	Impact Assessment Agency of Canada	■ Provided guidance on the importance of: – Applying Gender-based Analysis Plus to baseline conditions for diverse subgroups to support Gender-based Analysis Plus in the assessment; – Describing how Gender-based Analysis Plus requirements applied in the identification of these secondary information sources; and – Including clear descriptions of how Gender-based Analysis Plus was integrated into all aspects of the data collection methodology, including to which variables and method, and how it influenced the interpretation of results. – Gender-based Analysis Plus is a requirement of the Tailored Impact Statement Guidelines, Section 4.4.	■ Section 3.4.1 ■ Section 4.3.5 ■ Section 4.4.5 ■ Section 5.0 ■ Section 7.0
Study Areas / Spatial Boundaries	Impact Assessment Agency of Canada	■ Provided guidance on the importance of: – Appropriate Study Area boundaries that encompass the spatial boundaries of the Project, including any associated project components or activities, and the anticipated boundaries of the Project's effects; – Considering the following when defining spatial boundaries: ▪ Community and Indigenous Knowledge; ▪ Current use of lands and resources by Indigenous communities and groups; ▪ Exercise of Aboriginal and Treaty rights; ▪ Physical, ecological, technical, social, health, economic, and cultural considerations; and ▪ The size, nature, and location of past, present and foreseeable future projects and activities. ■ Requirement of Tailored Impact Statement Guidelines, Section 7.1.	■ Section 4.2.3 ■ Section 4.4.1 ■ Section 8.2.2
Timelines for Indigenous Input	Impact Assessment Agency of Canada	■ Provided guidance on the importance of: – Indigenous communities and groups being provided with enough time to provide inputs on spatial and temporal boundaries, the Aboriginal and / or Treaty Rights and Interests Study Plan, and the collection of Indigenous Knowledge; and – Considering seasonal land use when determining timeline for the submission of Project-specific studies.	■ Section 4.3.2 ■ Section 4.3.3 ■ Record of Consultation and Engagement
Participation in the Indigenous Knowledge Program	Impact Assessment Agency of Canada	■ Provided guidance on the importance of: – Including information on which Indigenous communities and groups were invited to participate in the Indigenous Knowledge Program; and – Including information on the nature of information that was solicited from Indigenous communities and groups participating in the Indigenous Knowledge Program. ■ Requirement of Tailored Impact Statement Guidelines, Section 6.2.	■ Section 3.1 ■ Section 4.3.2 ■ Record of Consultation and Engagement
Indigenous Engagement	Impact Assessment Agency of Canada	■ Provided guidance on the importance of: – Soliciting knowledge on the technical aspects of the impact assessment, including environment and health and social and economic conditions, through Project-specific studies; – The types of engagement activities and how Indigenous Knowledge informed them, as well as participant selection; – The approach to encouraging or attracting participation; – The approach to planning and advertising engagement activities; – Describing how and when Indigenous communities and groups will have opportunities to define Valued Component scoping and inform the effects analysis, including effect pathways likely to contribute to an impact on section 35 rights; and – Describing whether Indigenous communities and groups were provided with meaningful opportunity to provide input on a preliminary approach / method for baseline data collection; – Describing which Indigenous communities and groups were engaged, and which ones did not wish to participate with contextual information regarding historical and current trends; and – Providing alternative approaches to engage and gather information related to lands and resource use for Indigenous communities and groups who are unable or unwilling to participate in the Indigenous Knowledge Program. ■ Requirement of Tailored Impact Statement Guidelines, Section 6.	■ Section 3.1 ■ Section 3.2 ■ Section 4.3 ■ Section 4.3.2 ■ Section 4.3.3 ■ Section 4.3.4 ■ Record of Consultation and Engagement

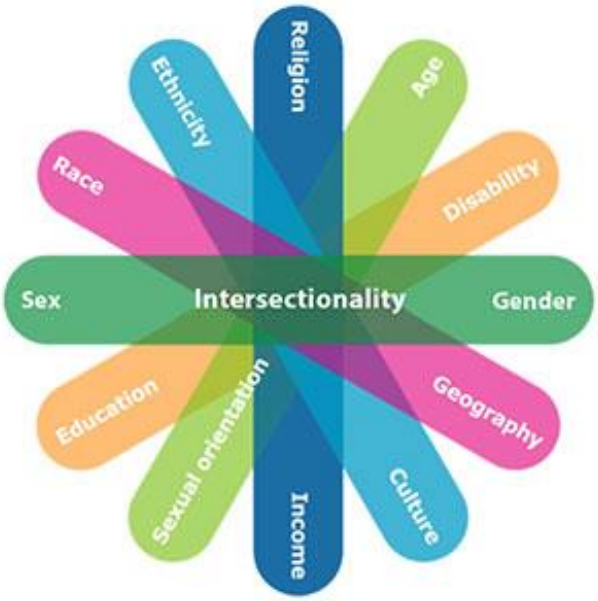
Subject	Provided By	Details	Section / Report Reference
How Indigenous Knowledge Informs the Assessment	Impact Assessment Agency of Canada	■ Provided guidance on the importance of: – Describing how the Indigenous Knowledge Program was used to identify ways in which Project components, activities, and effects could interact with the exercise of section 35 rights by Indigenous peoples; and – Documenting where and how input from Indigenous communities and groups, including Indigenous Knowledge, has been incorporated into or contributed to decisions regarding the Project. ■ Requirement of Tailored Impact Statement Guidelines, Section 6.2.	■ Section 3.1 ■ Section 4.3.2 ■ Section 4.3.3 ■ Section 5.6 of the confidential community-specific *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Reports* ■ Section 5.7 of the *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Reports*
Secondary Sources of Information	Impact Assessment Agency of Canada	■ Provided guidance on the importance of providing information on specific secondary sources used and for which indicators they apply.	■ Section 5.6 of the *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Reports* ■ Section 5.7 of the *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Reports*
Valued Components and Indicators	Impact Assessment Agency of Canada	■ Provided guidance on the importance of: – Describing how and when Indigenous communities and groups will be provided opportunities to validate the list of Valued Components and indicators; and – Demonstrating that indicators related to the timing of traditional practices have been included in the assessment. ■ Requirement of Tailored Impact Statement Guidelines, Section 6.	■ Section 3.2 ■ Section 4.2.2
Assessment Methodology	Impact Assessment Agency of Canada	■ Provided guidance on the importance of providing details on how the methodology for the assessment of impacts on cultural heritage, current use of lands and resources for traditional purposes, and the exercise of section 35 rights meets the requirements of Section 13.1 of the Tailored Impact Statement Guidelines.	■ Section 4.4 ■ Cultural Heritage Technical Support Document
Sustainability Considerations	Impact Assessment Agency of Canada	■ Provided guidance on the importance of describing how the Project contributes to sustainability, as required in Section 25 of the Tailored Impact Statement Guidelines.	■ Attachment A (Section 9.7)
Health, Social and Economic Conditions	Impact Assessment Agency of Canada	■ Provided guidance on the importance of demonstrating that impacts of the Project on health, social and economic conditions of Indigenous peoples have been assessed to meet the requirements of Section 19.1 of the Tailored Impact Statement Guidelines.	■ Community Well-Being Technical Support Document

3.4 Gender-Based Analysis Plus

The *Impact Assessment Act* of Canada (Government of Canada, 2019) requires Gender Based Analysis Plus to be applied to Impact Assessments in Canada. Gender Based Analysis Plus is not a specific set of methods for Impact Assessments, but rather an approach that is adapted to the Project and the communities potentially impacted and / or being engaged.

Gender-based Analysis Plus is an approach to assessing inequalities and impacts of policies, programs, projects on diverse groups and identities. These identities could include (but are not limited to): gender, sexual orientation, age, race, ethnicity, class, religion, and mental or physical disability (Women and Gender Equality Canada, 2022). These identities can also intersect or overlap; for example, where an individual identifies as being both Indigenous and an Elder or youth.

Figure 3-1: Gender Based Analysis Plus Intersecting Identity Factors



Source: (Canadian institutes of Health Research, 2022)

The Gender Based Analysis Plus approach involves understanding how certain vulnerable groups such as Indigenous peoples, women, Elders, youth, and could Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex, and Asexual persons experience, and could be disproportionately impacted by a project. Understanding how these groups could be affected by projects allow for more targeted, sensitive, and appropriate enhancement measures, mitigations, monitoring, and follow-up (Impact Assessment Agency of Canada, 2021b).

It is important to understand that vulnerability in impact assessment is understood primarily, but not solely, as a structural vulnerability. This means that in many cases it is the systems and power structures that make certain groups more vulnerable (Impact Assessment Agency of Canada, 2021b). For Indigenous peoples this includes historic and ongoing colonialism, loss of lands and culture, intergenerational trauma, and the residential school system that have resulted in significant social, economic, health and well-being disparities relative to the non-Indigenous Canadian population (Kim, 2019). Exceptions to this are where vulnerability may be associated with biological sex, pregnancy, or age in relation to environmental determinants of health and exposure to contaminants, for example.

For each discipline of the Environmental Assessment / Impact Assessment, a Gender-Based Analysis Plus approach was employed. This approach and extent of its application also varied, however, depending on the type of study, and the relevance of Gender-Based Analysis Plus to that study. The details of the approach for the discipline are outlined below.

3.4.1 Aboriginal and / or Treaty Rights and Interests Gender Based Analysis Plus Approach

The Gender-Based Analysis Plus approach for the Aboriginal and / or Treaty Rights and Interests study involved a more limited, but still important application of Gender-Based Analysis Plus. This approach varied from the Gender-Based Analysis Plus approach used in other social disciplines given the sensitive and limited nature of the information shared by, or available for, Indigenous communities and groups.

Information on Gender-Based Analysis Plus was shared with Indigenous communities and groups through the Indigenous Knowledge Program Guidance Document (see **Section 3.1**). Specifically, the Guidance Document included information on the importance of including information and perspectives from a range of community members that could be affected by the Project. However, demographic information for participants of Project-specific Indigenous Knowledge and Land and Resource Use studies were not provided for any of the information shared with the Proponent to date. Therefore, the Proponent relied on information that could be gleaned from secondary sources in terms of how vulnerable groups could be disproportionately impacted by the Project. More information is provided in **Section 4.3.5**.

While information on the role of members within the community (e.g., women, men, gender non-conforming, Elders, youth, people with disabilities) was sought, information of this nature was generally limited to the role of men, women, Elders, and children in daily life. More information on the Gender-Based Analysis Plus approach used for the assessment is provided in **Section 4.4.5**.

4. Study Methods and Assessment Scope

This section contains excerpts from the Draft Community Access Road: Aboriginal and / or Treaty Rights and Interests Study Plan (Study Plan) (Dillon Consulting Limited, 2021) prepared for the Impact Assessment Agency of Canada (the Agency) at the outset of this Project. The Study Plan, including comments from regulators, can be found in **Attachment A.**

In some instances, the approach to the study methods deviated from what was described in the Study Plan; these deviations are outlined in **Section 4.8** and **Table 4-14**. General changes such as changes to section headings, organization of sections and subsections and, changes to phrasing and tense have been made throughout. These administrative changes have not been documented in **Table 4-14**.

4.1 Study and Work Plan Purpose and Objectives

As required by the *Impact Assessment Act* (Government of Canada, 2019) and referenced *in the Tailored Impact Statement Guidelines* (Impact Assessment Agency of Canada, 2020), Study Plans were developed for disciplines as required. The purpose of the Study Plan is to explain:

- An Existing Conditions study methodology that will result in a comprehensive description of the existing environment potentially impacted by the Project;
- The process for facilitating efficient and transparent data management and analysis was completed; and
- Developing the discipline specific impact assessment methodology.

As noted above, the Study Plan can be found in **Attachment A**.

4.2 Study Scoping

4.2.1 Temporal Boundaries

Project phases, which are temporal boundaries, are developed to establish the timeframes within which potential effects of the Project will be considered. The Project is planned to occur in three phases, which are briefly described below.

- **Construction Phase:**
  The time from start of construction, including site preparation activities, to the start of operations and maintenance of the Community Access Road. Decommissioning of construction works is included in the construction phase. The construction phase is anticipated to take approximately three to ten years to complete.

- **Operations and Maintenance Phase:**
  The operations and maintenance phase starts once construction activities are complete and lasts for the life of the Project. The operations and maintenance phase of the Project is considered to be permanent based on the expected timeline for when major refurbishment of road components (e.g., bridges), is anticipated.
- **Decommissioning Phase:** There are currently no plans to decommission the Community Access Road as there is no expected / known end date for its need. Therefore, future suspension, decommissioning, and eventual abandonment will not be considered in this report. It will be considered if and when a decommissioning or abandonment application is made for the road.

In determining the temporal boundaries, in particular the long duration of operations and maintenance phase, consideration was given to the long-term effects on the well-being of present and future generations.

4.2.2 Valued Components and Indicators

The Agency describes **Valued Components** as the environmental, health, social, economic, or additional elements or conditions of the natural and human environment that may be impacted by a proposed project and area of concern or value to the public, Indigenous peoples, federal authorities and interested parties (Impact Assessment Agency of Canada, 2021a).

Indicators represent the resource, feature, or issue related to the Valued Component that, if changed, may lead to an effect on the environment. Indicators may be described quantitatively (e.g., how much land and vegetation will be disturbed) or qualitatively (e.g., how community members may perceive a change to the environment).

A preliminary list of Criteria (Valued Components) and associated indicators, including ones related to Aboriginal and / or Treaty Rights and Interests, was developed and presented in the Draft Terms of Reference, which was released for review and comment by Indigenous communities and groups in December 2019. This preliminary list was developed based on the Proponent's understanding of potential cultural values and land and resource use by Indigenous communities and groups for traditional purposes based on a preliminary literature review and inputs from Marten Falls First Nation. The Valued Components were also included in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities and groups in November 2020.

The preliminary list of Valued Components and associated indicators was revised for the final version of the Terms of Reference (which was approved by the province in October 2021) based on:

- Inputs received from Indigenous communities and groups on the Draft Terms of Reference;

- A comprehensive literature review (see **Section 4.3.4**);
- The extent to which the Valued Component is linked to the interests or exercise of Aboriginal and / or Treaty Rights of Indigenous peoples;
- The presence of the Valued Component in the Project Study Area (see **Section 4.2.3.1**);
- The extent to which the effects of the Project and related activities have the potential to interact with the Valued Component;
- The extent to which the Valued Component may be under cumulative stress from other past, existing or future undertakings in combination with other human activities and natural processes;
- The extent to which the Valued Component is linked to federal, provincial, territorial or municipal government priorities (e.g., legislation, programs, policies);
- The possibility that adverse or positive impacts on the Valued Component would be of particular concern to Indigenous communities and groups, the public, or federal, provincial, territorial, or municipal governments; and
- Whether the potential impacts of the Project on the Valued Component can be measured and / or monitored or would be better ascertained through the analysis of a proxy Valued Component.

The revised list of Valued Components and indicators was carried forward into the Study Plan (Dillon Consulting Limited, 2021). These indicators and associated rationale for selection can be found in Section 9.3 of the Study Plan in **Attachment A**. While the Valued Components for Aboriginal and / or Treaty Rights and Interests have not been revised any further, the indicators included in the Study Plan were further refined or built on based on inputs from Indigenous communities and groups, including through Project-specific studies that were undertaken and shared with the Proponent prior to the time of writing (see **Section 3.1**). These changes are described in **Section 4.8**. The Record of Consultation and Engagement provides a full description of all consultation and engagement related to the Project.

An updated list of Valued Components and indicators for the assessment on Aboriginal and / or Treaty Rights and Interests and rationale for selection can be found in **Table 4-1** below. For the purposes of the Environmental Assessment / Impact Assessment:

- **Traditional purposes** refers to activities that are integral to a community's way of life and culture, including hunting, trapping, fishing, plant harvesting, ceremonial or spiritual practices, and other cultural practices; and
- **Cultural continuity and wellbeing** refers to the experience of culture and how traditional knowledge and culture is maintained and transmitted.

Table 4-1: Aboriginal and / or Treaty Rights and Interests Valued Components and Indicators

Valued Component	Indicators	Rationale for Selection	Measures of Change
Indigenous Current Use of Lands and Resources for Traditional Purposes	■ Loss of or change to sites and areas used for traditional purposes.	■ Project-related disturbance to or loss of sites and areas used for traditional purposes (harvesting and / or other cultural practices) can interfere with the ability to exercise harvesting and cultural practice rights. ■ Indicator of importance to Indigenous communities based on the literature review undertaken as part of the Indigenous Knowledge Program (see **Section 3.1**), and inputs to date through the Indigenous Knowledge and Consultation and Engagement programs (see **Sections 3.1** and **3.2**).	■ Overlap / intersection of Project Study Area with harvesting sites and areas reported by Indigenous communities and groups. ■ Overlap / intersection of Project Study Area with cultural, spiritual, and / or historical sites and areas (including habitation, burial, ceremonial, sacred, meeting, teaching, and place name) reported by Indigenous communities and groups. ■ Changes to known or potential archaeological sites.
	■ Changes in the availability of resources harvested for traditional purposes.	■ Indigenous land and resource use and the exercise of harvesting and cultural practice rights depend on the availability of natural resources used for traditional purposes. ■ Indicator of importance to Indigenous communities based on the literature review undertaken as part of the Indigenous Knowledge Program (see **Section 3.1**), and inputs to date through the Indigenous Knowledge and Consultation and Engagement programs (see **Sections 3.1 and 3.2**).	■ Changes to the availability of ungulates (caribou and / or moose). ■ Changes to the availability of furbearers and birds that are harvested for traditional purposes. ■ Changes to the availability of fish that are harvested for traditional purposes. ■ Changes to availability of traditional use plants.
	■ Changes in quality of resources harvested for traditional purposes.	■ Indigenous land and resource use and the exercise of harvesting and cultural practice rights depend on confidence in the quality of natural resources used for traditional purposes. ■ Indicator of importance to Indigenous communities based on the literature review undertaken as part of the Indigenous Knowledge Program (see **Section 3.1**), and inputs to date through the Indigenous Knowledge and Consultation and Engagement programs (see **Sections 3.1 and 3.2**).	■ Changes in the quality of country foods. ■ Changes in the perception of quality of country foods.
	■ Changes in access to sites and areas used for traditional purposes.	■ Indigenous land and resource use and the exercise of harvesting and cultural practice rights depend on access to sites and areas used for traditional purposes. ■ Indicator of importance to Indigenous communities based on the literature review undertaken as part of the Indigenous Knowledge Program (see Section 3.1), and inputs to date through the Indigenous Knowledge and Consultation and Engagement programs (see **Sections 3.1 and 3.2**).	■ Changes in access to sites and areas used for traditional purposes (e.g., changes in waterway navigability, impediments to access, etc.).
Cultural Continuity and Wellbeing	■ Changes in the experience of being on the land.	■ Cultural continuity and wellbeing depend on a continued sense of remoteness and experience of being on the land free from disturbance. ■ Indicator of importance to Indigenous communities based on the literature review undertaken as part of the Indigenous Knowledge Program (see **Section 3.1**), and inputs to date through the Indigenous Knowledge and Consultation and Engagement programs (see **Sections 3.1 and 3.2**).	■ Changes in the noise environment. ■ Changes in the visual environment. ■ Changes in air quality.
	■ Changes to connection to the land and ability to practice and transmit cultural traditions.	■ Cultural continuity and wellbeing depend on the ability to continue to connect to the land (which is tied to histories, stories, ancestors, and cultural traditions), and to practice and transmit cultural traditions to the next generations. ■ Indicator of importance to Indigenous communities based on the literature review undertaken as part of the Indigenous Knowledge Program (see **Section 3.1),** and inputs to date through the Indigenous Knowledge and Consultation and Engagement programs (see **Sections 3.1 and 3.2**).	■ Changes in the availability of resources harvested for traditional purposes. ■ Changes in the ability to access and use preferred harvesting areas, camps, cabins, and ancestral locations (previously documented archaeological sites, historical family or village sites, and traditional gathering areas and meeting places). ■ Changes in ability to practice cultural traditions in the preferred way (preferred resources and methods in the preferred time of year). ■ Changes in ability to access and use important teaching sites and areas, including place names and sites and areas of importance based on oral history / stories / legends.
	■ Changes in ability to exercise governance and stewardship rights.	■ Cultural continuity and wellbeing depend on the ability to exercise governance and stewardship rights. ■ Indicator of importance to Indigenous communities based on the literature review undertaken as part of the Indigenous Knowledge Program (**see Section 3.1**), and inputs to date through the Indigenous Knowledge and Consultation and Engagement programs (see **Sections 3.1 and 3.2**).	■ Consistency with community-based land use plans, where applicable. ■ Changes in decision-making authority on traditional lands.

4.2.3 Spatial Boundaries

4.2.3.1 Project Study Areas

Study areas identify the geographic extents within which potential effects of the Project are likely to occur and will be considered in the Environmental Assessment / Impact Statement Report. General project boundaries were established for the scoping of field programs, and to delineate Study Areas for discipline specific surveys. These general project boundaries are described in **Table 4-2** below:

Table 4-2: Project Study Areas Definition and Description

Study Area	Definition	Description
Construction Disturbance Area	■ Area of expected direct disturbance	■ 100 metre wide Community Access Road right-of-way, temporary construction access roads, work areas, worker camps, and pits, quarries and associated access roads.
Project Study Area	■ The area where most of the direct effects of the Project are likely to occur	■ The area within 2.5 km (total of 5 km) of the centreline of the route alternatives.

4.2.3.2 Discipline-Specific Study Areas

Discipline-specific Local Study Areas and Regional Study Areas have been defined for the Project. In defining these areas, the following was considered:

- Location and other characteristics of the discipline relative to the Project;
- The anticipated extent of the potential Project effects on the environment and impacts on Indigenous peoples;
- Federal, provincial, regional, and local government administrative boundaries;
- Input from Indigenous communities;
- Community knowledge and Indigenous Knowledge;
- Traditional land and resource use by Indigenous communities and groups;
- Exercise of Aboriginal and / or Treaty Rights of Indigenous peoples, including cultural and spiritual practices; and
- Physical, ecological, technical, social, health, economic and cultural considerations.

As described in **Section 6** and the Environmental Assessment / Impact Statement Report, the characterization of existing conditions for the Project was completed on two alternative routes (Alternative 1 and 4). The data collected through the characterization of existing conditions was used to inform the selection of the Preferred Route. The residual and cumulative impact assessments will be completed on the selected Preferred Route (i.e., not on the two route alternatives). Therefore, separate discipline-specific Study Areas were defined for existing conditions and the assessments.

The following provides a description of the Study Areas used to develop the Proponent's understanding of existing conditions with respect to Aboriginal and / or Treaty Rights and Interests. Information on the refined Study Areas used for the residual impact and cumulative impact assessments on the Preferred Route is provided in **Section 4.4.1** and **Section 8.2.2**, respectively.

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

The Local and Regional Study Areas that were used to characterize the existing conditions for Aboriginal and / or Treaty Rights and Interests were identified based on:

- The preliminary Study Areas identified for the other Valued Components that are relevant to Aboriginal and / or Treaty Rights and Interests, including natural environment Valued Components;
- The anticipated extent of potential Project effects on the environment and associated impacts on Indigenous peoples; and
- Inputs on the proposed Study Areas received from Indigenous communities and groups prior to the time of writing.

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 Indigenous communities and groups in November 2020 (see **Section 3.1**). The preliminary Local Study Area was revised and slightly increased in size when the Construction Disturbance Area (previously Project Development Area – see **Table 4-2**) 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 increased in size.

Revisions to the Study Areas were shared with Indigenous communities and groups through communications in January 2021 and August 2022. Throughout this period and up to January 2024, Indigenous communities and groups were able to provide input on the proposed Study Areas, and inputs received were incorporated, as appropriate. The Indigenous Communities Record of Consultation and Engagement provide a full description of all consultation and engagement related to the Project.

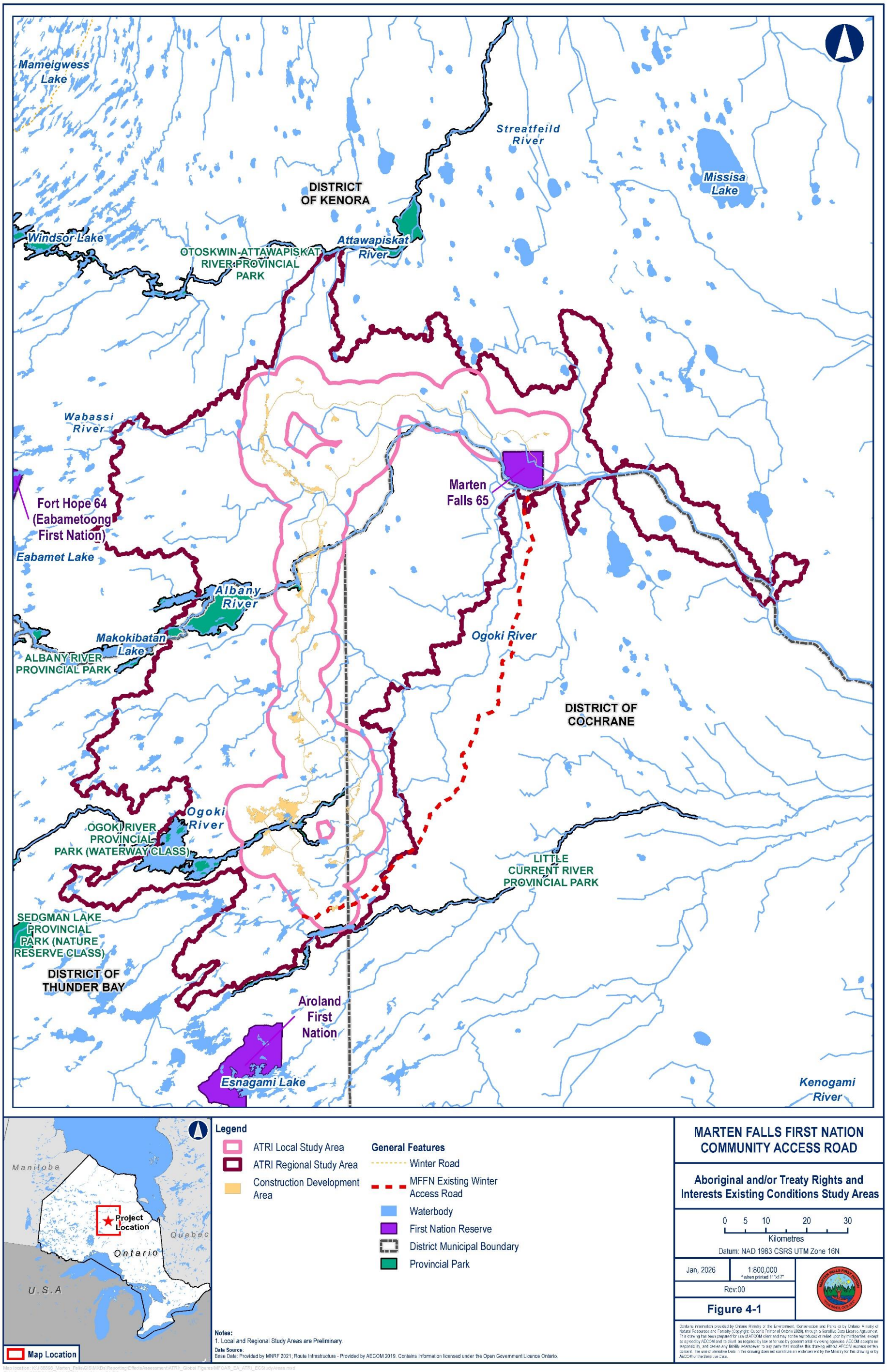
The Study Areas that were used to characterize the existing conditions for Aboriginal and / or Treaty Rights and Interests, and the rationale for their selection, are described in **Table 4-3** below and shown in **Figure 4-1**. The Study Areas cover the extent to which readily available information at the time suggested the Project may have noticeable effects on the environment and impacts on Aboriginal and / or Treaty Rights and Interests. The size,

nature, and location of past, present and reasonably foreseeable projects will be taken into consideration in the development of the cumulative impact assessment Study Area – see **Section 8.2.2**.

Table 4-3: Discipline-Specific Existing Conditions Study Areas Description and Rationale

Study Area	Geographic Extent	Rationale	Alternative 1 Area Size
Local Study Area	■ 5 km buffer from the Route Alternatives Construction Disturbance Area boundary, and 5 km buffer around the 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).	■ The Project may directly and indirectly impact Aboriginal and / or Treaty Rights that are exercised in the area of the Project. ■ Allows the Proponent to gather specific information on where Aboriginal and / or Treaty Rights may be exercised in relation to the Project to understand potential direct and indirect impacts, which can be used to inform Project design by avoiding or mitigating effects to sensitive features. ■ Defined based on the key components that may be relied on (surface water, fish, vegetation, birds, general wildlife, wolverine, and ungulates) for the exercise of harvesting and cultural practice rights in the area of the Project, or have the potential to influence it (air quality, noise, and visual environments).	■ 367,245
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).	■ 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.	■ 1,210,273

Figure 4-1: Discipline Local and Regional Study Area



4.3 Existing Conditions Study Design and Methods

In alignment with Steps 1 to 3 of the Agency's *Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples* (Impact Assessment Agency of Canada, 2025) the intent of the existing conditions study was to enable the Proponent to develop an understanding of the current context for each Indigenous community and group with respect to Aboriginal and / or Treaty Rights and Interests as they relate to the Project. This included:

- The asserted rights and interests of each Indigenous community and group;
- How these rights and interests have already been cumulatively affected to date and could be further affected by development in the region;
- Priority values related to these rights and interests, including:
  - Land, water, and resource use for traditional purposes and associated factors (e.g., quality and quantity of resources, access, etc.); and
  - Community / group cultural continuity and wellbeing and associated factors (e.g., ability to transmit cultural traditions, experience of being on the land, etc.).
- The potential for the Project to affect these values and the exercise of rights.

The approach to building an understanding of the existing conditions with respect to the Aboriginal and / or Treaty Rights and Interests included:

- Establishing temporal boundaries for information on Indigenous land and resources use to guide the assessment;
- Developing an Indigenous Knowledge Program and associated guidance materials;
- Providing meaningful opportunities for Indigenous consultation and engagement; and
- Completing a comprehensive literature review.

The Indigenous Knowledge and Consultation and Engagement programs provide two concurrent and complementary avenues for Indigenous communities and groups to be engaged with and provide input on the Project. However, the Indigenous Knowledge Program specifically aims to solicit and incorporate information that is considered sensitive, including information on Indigenous land and resource use and cultural values, and may have confidentiality requirements. As noted in **Section 3.1**, Indigenous Knowledge Sharing Agreements were established between the Proponent and participating Indigenous communities and groups prior to the sharing and use of any sensitive information.

Through the Indigenous Knowledge and Consultation and Engagement programs, all Indigenous communities and groups were provided with opportunities to provide inputs on the approach to collecting information and developing an understanding of the existing conditions with respect to Aboriginal and / or Treaty Rights and Interests. This included various in-person and virtual meetings and touchpoints, as well as opportunities to review and provide inputs on documents that describe the approach. More information on these opportunities is provided in **Sections 4.3.2** and **4.3.3**.

Inputs received by Indigenous communities and groups through these two programs, including Marten Falls First Nation, informed the development of the Study Plan for Aboriginal and / or Treaty Rights and Interests and the Preliminary Existing Conditions Report prepared for each Indigenous community and group. As noted in **Section 3.2**, the Preliminary Existing Conditions Reports provide Indigenous communities and groups with the Proponent's understanding of community- and group-specific Aboriginal and / or Treaty Rights and Interests and associated existing conditions and considerations for the assessment. These preliminary reports were shared with Indigenous communities and groups in November and December, 2023.

The Record of Consultation for the Terms of Reference and the Record of Consultation and Engagement for the Environmental Assessment / Impact Assessment provide a full description of all consultation and engagement related to the Project, including for the Indigenous Knowledge Program and with respect to the approach to planning, advertising and encouraging participation in engagement activities. Any additional inputs through these two programs continue to inform the Proponent's understanding of existing conditions.

The following sections describe in more detail the Proponent's approach to building an understanding of the existing conditions with respect to the Aboriginal and / or Treaty Rights and Interests. Descriptions of the Proponent's understanding of the existing conditions with respect to Indigenous community- and group-specific Aboriginal and / or Treaty Rights and Interests are provided in **Section 5** presents the Proponent's general, publicly available description of existing conditions related to Aboriginal and/or Treaty Rights and Interests in the Project area. Each Indigenous community received a tailored Aboriginal and/or Treaty Rights and Interests Impact Assessment Report that incorporated community-specific information on existing conditions, where available, of each confidential community-specific *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Report.*

4.3.1 Temporal Boundaries for Existing Conditions Information

There are generally at least two temporal boundaries or time periods used to collect existing conditions information on Indigenous current use of lands and resources for traditional purposes and associated cultural values: past (within living memory up to a

recent point in time when conditions may have changed), and present. The following temporal boundaries were proposed by Marten Falls First Nation for the purposes of collecting existing conditions information:

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

These temporal boundaries were communicated to Indigenous communities and groups in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities and groups (see **Section 3.1**). Marten Falls First Nation recognized that some Indigenous communities may select their own temporal boundaries based on their histories and land and resource use patterns. Where information was provided, this was factored into the assessment.

4.3.2 Indigenous Knowledge Program

As described in **Section 3.1**, the Project's Indigenous Knowledge Program started in 2019 and involved several avenues for information and knowledge sharing:

1. Collecting existing Indigenous Knowledge and relevant information previously collected by communities for other purposes that they chose to share with Marten Falls First Nation; and
2. Completing Project-specific studies to collect and report on Indigenous Knowledge and information on Indigenous land and resource use, cultural values, and Aboriginal and / or Treaty Rights and Interests (Project-specific studies).

The following channels were used to inform and invite Indigenous communities and groups to participate in the Indigenous Knowledge Program:

- In-person Project Information Centres as part of the Consultation and Engagement Program (see **Section 4.3.3**);
- Distribution of letters informing Indigenous communities and groups of the Indigenous Knowledge Program in December 2019;
- Distribution of Indigenous Knowledge Program Factsheets (translated into Ojibwe, Cree, and Oji-Cree) and the Indigenous Knowledge Program Guidance Document in November 2000;
- Community- and group-specific meetings related to the Indigenous Knowledge Program;

- The Project website; and
- Two in-person forums focused on Aboriginal and / or Treaty Rights and Interests (February 2023 and November 2023).

The Indigenous Knowledge Program Guidance Document (introduced in **Section 3.1**) was developed to support information collection and sharing activities, including Project-specific studies. The Guidance Document describes the types of information that would be valuable to the Environmental Assessment / Impact Assessment, including but not limited to:

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

The Guidance Document was also meant to serve as a 'toolbox' for communities to support information collection and sharing through the inclusion of various guidance materials that were informed by the requirements of the Tailored Impact Statement Guidelines (Impact Assessment Agency of Canada, 2020), best practices, Indigenous perspectives provided by Marten Falls First Nation members, and professional experience. These guidance materials are described in Section 7.3 of the Study Plan in **Attachment A**.

Indigenous communities were offered funding by the Proponent to support their participation in the Indigenous Knowledge Program, as applicable. There were also opportunities for Indigenous communities to receive funding through the Participant Funding Initiative administered by the Ontario Ministry of Mines that could be used to support the collection and sharing of Indigenous Knowledge. Further information on the level of engagement and interest with respect to the Indigenous Knowledge Program can be found in the Record of Consultation and Engagement [Appendix X].

The following Indigenous communities and groups expressed an interest in the program:

- Animbiigoo Zaagi'igan Anishinaabek First Nation;
- Aroland First Nation;
- Attawapiskat First Nation;
- Constance lake First Nation;

- Eabametoong First Nation;
- Fort Albany First Nation;
- Ginoogaming First Nation;
- Kasabonika Lake First Nation;
- Kashechewan First Nation;
- Long Lake #58 First Nation;
- Marten Falls First Nation;
- Métis Nation of Ontario;
- Neskantaga First Nation;
- Nibinamik First Nation;
- Webequie First Nation; and
- Weenusk First Nation.

These 16 Indigenous communities and groups were offered funding by the Proponent to support their participation in the Indigenous Knowledge Program, as applicable (i.e., to support the sharing of existing information and / or the undertaking of a Project-specific study), except for Métis Nation of Ontario based on communications related to a lack of existing Indigenous Knowledge and limited potential for Indigenous Knowledge in the area of the Project. There were also opportunities for Indigenous communities and groups to receive funding through the Participant Funding Initiative administered by the Ontario Ministry of Mines that could be used to support the collection and sharing of Indigenous Knowledge. Further information on the level of engagement and interest with respect to the Indigenous Knowledge Program can be found in the Record of Consultation and Engagement.

Between 2019 and 2025, the Proponent conducted systematic outreach and engagement on the Indigenous Knowledge Program with Indigenous communities. Outreach included meetings, webinars, email, phone calls, forums, and information packages. Outreach focussed on the Indigenous Knowledge Program, including purpose, approach, schedule, knowledge sharing agreements, funding, and relevant information and / or data Indigenous communities and groups may already have and are willing to share. This outreach also provided opportunities to share perspectives on how information on Aboriginal and / or Treaty Rights and Interests relevant to the Project could be collected and / or shared with the Proponent and used woven into the Environmental Assessment / Impact Assessment.

Key Project-wide meetings and touchpoints included:

- Meetings with Indigenous communities and groups who expressed an interest in meeting;
- An Aboriginal and / or Treaty Rights Forum, held in-person in Thunder Bay on February 8-9, 2023. The Province provided funding to support participants from

each Indigenous community and group to attend. The purpose of the forum was to create a respectful, culturally sensitive, and collaborative space to develop an understanding of Aboriginal and/or Treaty Rights and Interests;

- An Aboriginal and Treaty Rights webinar hosted in April 2023, which described the approach to characterizing existing conditions with respect to Aboriginal and / or Treaty Rights and Interests; and
- An Aboriginal and Treaty Rights Forum held in-person in Thunder Bay on November 21-23, 2023. The Province provided funding to support participants from each Indigenous community and group to attend. The forum provided an opportunity to meet with representatives from Indigenous communities and groups to:
  - Introduce the Aboriginal and / or Treaty Rights and Interests Preliminary Existing Conditions Reports that were prepared for each Indigenous community and group and discuss their purpose;
  - Discuss how these reports were prepared (i.e., what information was available and used to inform the Proponent's understanding of existing conditions);
  - Introduce and discuss, where possible, the Preliminary Area of Interest identified for each Indigenous community and group (i.e., the area where the Indigenous community or group may hold / exercise Aboriginal and / or Treaty Rights and Interests relevant to the Project);
  - Request that Indigenous communities and groups share any existing or relevant information that has not yet been shared with the Proponent; and
  - Provide an update on the next steps and associated timelines.

During meetings, touchpoints, and other communications, the Proponent sought to collaborate with Indigenous communities and groups and offered support to help them share existing and project-specific information to inform the description of existing conditions. The Proponent emphasized that community-provided information is preferred and committed to working at communities' pace with flexible approaches. The Proponent was transparent that it would use available secondary sources if communities were unable to share information.

4.3.2.1 Sharing of Existing Information

Existing Indigenous Knowledge and information on Indigenous land and resource use, cultural values, asserted rights and interests, and other relevant information and / or data was requested from Indigenous communities and groups throughout the Environmental Assessment / Impact Assessment through the channels described in **Section 4.3.2.**

Information received prior to the time of writing has been incorporated into the confidential community-specific *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Reports*.

4.3.2.2 Project Specific Studies

Project-specific studies were intended to enable primary information and data collection to support the characterization of existing conditions and the impact assessment on Aboriginal and / or Treaty Rights and Interest. These studies were also intended to support the collection of Indigenous Knowledge and perspectives relevant to the technical aspects of the Environmental Assessment / Impact Assessment, including natural and physical environment, health, social and economic conditions, where possible. Note that additional information gathering activities specific to the natural and physical environment, health, social, and economic conditions of Indigenous communities and groups were undertaken as part of the Consultation and Engagement Program (see **Section 4.3.3**) and as part of studies or information collection undertaken by the other disciplines.

The opportunity to complete a Project-specific study was communicated to Indigenous communities and groups through the same channels noted in **Section 4.3.2**, starting in November 2019. The timeline provided to Indigenous communities and groups to complete these studies for inclusion in the Draft Environmental Assessment / Impacts Statement Report was June 30, 2022. Any completed studies or existing information received after this date is incorporated into the confidential community-specific *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Reports.*

Indigenous communities and groups that completed a Project-specific study undertook these studies on their own or with the support of consultants of their choosing. As noted in **Section 3.1**, at the time of writing, the following Indigenous communities have shared their Project-specific studies:

- Aroland First Nation;
- Fort Albany First Nation;
- Kashechewan First Nation;
- Marten Falls First Nation; and
- Weenusk First Nation.

Information from these studies has been incorporated into the confidential community-specific *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Reports.*

4.3.3 Consultation and Engagement Program

All Indigenous communities and groups identified in the Environmental Assessment / Impact Statement Consultation and Engagement Plan were provided with opportunities to be meaningfully engaged on the Project and specifically with respect to Aboriginal and / or

Treaty Rights and Interests and how they could be impacted by the Project. These opportunities included the following:

- Meetings with Chief and Councils;
- Indigenous community and group meetings;
- Indigenous community and group member specific sessions as part of a series of Public Information Centres;
- Topic-specific discussions and webinars, including the Aboriginal and Treaty Rights and Interests webinar in April 2023 (**see Section 4.3.2**);
- Two Aboriginal and / or Treaty Rights and Interests Forums (February 2023 and November 2023);
- Support for Community Consultation Coordinators to assist with the Indigenous Knowledge Program;
- Regular Project update E-blasts;
- The Project website; and
- Social media communications.

By the time writing, five Public Information Centres with sessions specifically for Indigenous communities and groups have been held. An overview of the purpose of each of the Public Information Centres and associated sessions for Indigenous community and group members is provided in **Table 4-4**. Each of these sessions also aimed to solicit comments, ideas, and community and group values relevant to the Project. Indigenous community and group members who were unable to attend any of the sessions were invited to submit questions or comments related to the Project to the Project Team at any time during the Environmental Assessment / Impact Assessment.

In addition, and as noted in **Section 3.3**, to date Indigenous communities and groups have been provided with opportunities to provide inputs on the following:

- The Draft Terms of Reference, released in November 2019;
- The Draft Tailored Impacts Statement Guidelines for the Project, released in December 2019;
- The Indigenous Knowledge Program Guidance Document, shared in November 2020;
- The Study Plan for Aboriginal and / or Treaty Rights and Interests, which was posted to the Canadian Impact Assessment Registry in January 2023; and
- The Aboriginal and / or Treaty Rights and Interests: Preliminary Existing Conditions Report, shared with Indigenous communities and groups in November and December 2023.

Table 4-4: Purpose of Public Information Centres and Associated Indigenous Community and Group Sessions

Session	Dates	Locations	Purpose
1	April 30, 2019 May 1, 2019	Thunder Bay Geraldton	■ Introduce the Project Team and the community-led planning process; ■ Provide information about the Environmental Assessment / Impact Assessment, including steps required by both the provincial and federal governments; ■ Introduce the proposed Study Area, the potential routes of the Community Access Road, and how a preferred route is proposed to be selected; ■ Discuss future Consultation and Engagement activities and opportunities; and ■ Provide information about next steps and how to get involved.
2	December 10, 2019 December 11, 2019	Thunder Bay Longlac	■ Provide information on the history of the proposed Project and updates since the last session; ■ Learn about the provincial Environmental Assessment process; ■ Introduce the Draft Terms of Reference and how to review and provide feedback; ■ Provide information on the nature of field studies being undertaken; ■ Provide information on how Indigenous communities and groups have been involved to date, and introduce the Indigenous Knowledge Program; ■ Provide information on the feedback received to date and how it has been considered; ■ Discuss future Consultation and Engagement activities and opportunities; and ■ Provide information about next steps and how to get involved.
3	June 27, 2022 June 29, 2022	Thunder Bay Geraldton	■ Provide information on the history of the proposed Project and updates since the Terms of Reference and the latest virtual meetings; ■ Discuss Aboriginal and / or Treaty Rights and Interests relevant to the Project; ■ Discuss the Indigenous Knowledge Program and Community Coordinator Program opportunities; ■ Discuss the approach to the Consultation and Engagement Program; ■ Provide information on how impacts will be assessed and how route alternatives will be compared; ■ Provide the preliminary results of field studies completed to date, and information on upcoming field studies; and ■ Provide information about next steps and how to get involved.
4	December 7, 2022 December 8, 2022	Thunder Bay Geraldton	■ Provide information on the history of the proposed Project and updates since the Terms of Reference and the latest virtual meetings; ■ Discuss Aboriginal and / or Treaty Rights and Interests relevant to the Project; ■ Discuss the Indigenous Knowledge Program and Community Coordinator Program opportunities;

Session	Dates	Locations	Purpose
			■ Discuss the approach to the Consultation and Engagement Program; ■ Provide information on the Environmental Assessment / Impact Assessment, including Study Areas, schedules, and milestones; ■ Provide information on how impacts will be assessed and how route alternatives will be compared; ■ Provide the preliminary results of field studies completed to date, and information on upcoming field studies; and ■ Provide information about next steps and how to get involved.
5	October 25, 2023 October 26, 2023	Thunder Bay Geraldton	■ Provide update since the previous session, including nature of feedback received to date and how it is being considered; ■ Provide information on what was heard during the Aboriginal and Treaty Rights and Interests Forum held in April 2023 and plans for the next forum; ■ Provide updates on the completed studies and characterization of existing conditions; ■ Provide information on how Indigenous Knowledge is being used to inform the Environmental Assessment / Impact Assessment; ■ Provide information on how the route alternatives will be assessed and a Preferred Route will be selected; ■ Provide information on the cumulative effects assessment that will be undertaken; and ■ Provide information about next steps and how to get involved.
6	May 26, 2025 May 29, 2025	Thunder Bay Geraldton	■ Provide an update on the Community Access Road, including: – the EA / IA process; – the Cumulative Effects Assessment and results; – final projects / activities considered as part of the Cumulative Effects Assessment; – how the road will affect community well-being for MFFN and nearby communities; – land and resource use; and, – information on the Country Foods sampling program.
7	February 4, 2026	Virtual	■ Provide an update on the Community Access Road, including: – what the Community Access Road means for Marten Falls First Nation; – an overview of the Environmental Assessment Process; – what we heard on the Draft EA / IS; and – the Final Environmental Assessment / Impact Statement and what's next.

Inputs received prior to the time of writing have informed this Report. The Record of Consultation and Engagement [Appendix X] provides a full description of all consultation and engagement activities and undertakings related to the Project.

4.3.4 Comprehensive Literature Review

A comprehensive literature review of existing and publicly available information on Indigenous land and resource use and cultural values, Indigenous Knowledge, and information on the asserted rights and interests of Indigenous communities and groups was undertaken. As noted in **Section 3.1**, the literature review served as an important source of information to develop the Proponent's understanding of the existing conditions with respect to Aboriginal and / or Treaty Rights and Interests given the limited amount of primary information provided directly by Indigenous communities and groups.

Information was sought from a variety of publicly available sources, including but not limited to:

- Websites of Indigenous communities and groups;
- Treaties and adhesions;
- Existing Community-based Land Use Plan initiatives;
- Journal articles and academic reports, including theses and dissertations;
- Available ethnographic, archaeological, and historical reports;
- Previous research projects or studies, including traditional land use studies, undertaken by or for Indigenous communities and groups;
- Regulatory documents prepared for other projects in proximity to the Project; and
- Reference materials related to Indigenous culture and rights assessments.

Direction was also sought from Indigenous communities and groups with respect to available reference materials they were willing to share and that should be included in the document review, both through the Indigenous Knowledge and the Indigenous Consultation and Engagement programs.

Information on the specific secondary sources of information that were used to develop the Proponent's understanding of existing conditions with respect to Aboriginal and / or Treaty Rights and Interests for each Indigenous community and group is provided in Section 5 of the confidential community-specific *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Reports.*

4.3.5 Gender-based Analysis Plus Considerations

The Proponent strived to integrate Gender-based Analysis Plus into the existing conditions methodology, where possible and relevant. To support this for the Aboriginal and / or

Treaty Rights and Interests discipline, a Gender-based Analysis Plus lens was applied to the Indigenous Knowledge and Consultation and Engagement programs, the comprehensive literature review, and the Preliminary Existing Conditions Reports.

The Indigenous Knowledge Program is a community-led process in that it is ultimately up to each participating Indigenous community and group to identify specific participants for meetings and any Project-specific studies, and to determine the information provided for any existing or newly collected Indigenous Knowledge and land and resource use information shared with the Proponent. To support a Gender-based Analysis Plus approach, information on the importance of diversity and the potential for disproportionate impacts when selecting participants for the Indigenous Knowledge Program, including Project-specific studies, was included in the Indigenous Knowledge Program Guidance Document that was shared with all Indigenous communities and groups (see **Sections 3.1** and **4.3.2**). Information on how a Gender-based Analysis Plus lens was applied to the Consultation and Engagement Program is provided in the Record of Consultation and Engagement.

As noted in **Section 3.4.1**, demographic information for participants of Project-specific Indigenous Knowledge and Land and Resource Use studies was not provided. Instead, the Proponent relied on information that could be gleaned from secondary sources in terms of how vulnerable groups could be disproportionately impacted by the Project.

During the comprehensive literature review (see **Section 4.3.4**), sources that provided information on gender and identity factors and intersectionality, including information on the different roles and experiences of members within the community (e.g., women, men, Elders, youth, people with disabilities, two-spirit, gay, lesbian, etc.), was sought. However, information related to Indigenous Knowledge, land and resource use, and culture was generally limited to the traditional gender roles of men, women, Elders, and children in daily life historically. For example, for many Indigenous communities and groups, the following traditional gender roles have been identified in the literature:

- Men have often been the hunters and trappers out on the land and traplines, although trapping in the vicinity of habitation sites (e.g., camps, cabins) has also been undertaken by women;
- Fishing has often been undertaken by families, including men, women and children;
- Women have often played a large role in the harvesting of berries and plants;
- While men have often played a large role in harvesting resources, women and children have often played a large role in their preparation (e.g., skinning, tanning hides, making pemmican, etc.);
- Women have often been responsible for maintaining the household (e.g., cooking, cleaning) and caring for day-to-day needs of children;

- Elders have generally played an important role in teaching the language and culture to the younger generations, and being the keepers of oral history and traditional laws and protocols; and
- Children have supported general household maintenance and chores, as well as the harvesting and preparation of resources.

The absence of information on the roles and experiences of two-spirit people suggests an omission or erasure of their experiences in the larger body of literature, and there is increasing recognition of their role, importance, and acceptance in the pre-colonial period (e.g., Robinson, 2019). It is also important to note the role that colonialism and associated Euro-Christian patriarchal viewpoints and systems that came with it have had on the role of women in many Indigenous communities and groups.

Information of this nature described above, both more generally and community- and group-specific information, where available, has been incorporated into the *Aboriginal and / or Treaty Rights and Interests Preliminary Existing Conditions Reports* that were prepared and shared with all Indigenous communities and groups for review and input, as well as the confidential and community-specific *Draft Aboriginal and / or Treaty Rights and Interests: Impact Assessment Reports.*

4.3.6 Limitations

There are a number of limitations with respect to the information available to develop the Proponent's understanding of existing conditions for Aboriginal and / or Treaty Rights and Interests:

- **Varying levels of information available:** The amount of information available on Aboriginal and / or Treaty Rights and Interests for each of the Indigenous communities and groups differed in terms of availability, depth of information, and ability or willingness to share this information with the Proponent. As noted previously, not all Indigenous communities provided Project-specific studies prior to the time of writing. As a result, the characterization of existing conditions and the assessments largely relied on secondary sources of information. All Indigenous communities and groups were provided with a community-specific *Aboriginal and / or Treaty Rights and Interests: Preliminary Existing Conditions Report* to confirm or build on the Proponent's understanding of community- and group-specific Aboriginal and / or Treaty Rights and Interests and associated existing conditions and considerations for the assessment.
- **Nature of primary data:** As noted in the Project-specific studies provided to the Proponent prior to the time of writing, Indigenous Knowledge and information on Indigenous land and resource use and cultural tradition and values provided should not be considered or interpreted as a complete depiction representative

of the entire community population. Given time and budgetary constraints, Project-specific studies reflect the knowledge, experiences, and perspectives of a subset of the population, and for some communities this subset may be confined to Elders based on cultural protocols and may not include active land users of different age categories. In addition, the spatial boundaries used in the Project-specific studies provided to date do not align with the Local and Regional Study Areas, and information collected and shared should be understood as a portion of the area used for the exercise of rights and interests by each of the communities.

- **Nature of secondary data:** It is recognized that that the meaning and value of the information obtained through secondary sources may be altered when used for other purposes, including the Project's Environmental Assessment / Impact Assessment.
- **Distinguishing between past and present use:** While temporal boundaries were identified to guide the collection and / or interpretation of information on Indigenous current use of lands and resources for traditional purposes and associated cultural values (see **Section 4.3.1**), it is generally difficult, or not possible, to distinguish between past / historic and present-day Indigenous land and resource use for traditional purposes in the primary information shared and the available secondary sources of information.

Community-specific limitations in terms of the information available and used to develop the Proponent's understanding of existing conditions with respect to Aboriginal and / or Treaty Rights and Interests are described in confidential community-specific *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Reports.*

4.4 Impact Assessment Methodology

To be consistent with the Impact Assessment Agency's *Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples*, the Proponent assessed potential ***impacts*** on Aboriginal and / or Treaty rights. When referring to potential Project effects, the term "***effects"*** is used.

In alignment with Steps 4 to 7 of the Agency's *Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples* (Impact Assessment Agency of Canada, 2025), the intent of the impact assessment is to:

- Identify potential pathways of Project impacts on Aboriginal and / or Treaty Rights and Interests based on Project-environment interactions, including:
  - Effects on the biophysical environment that support the exercise of rights;
  - Other impact pathways (e.g., access to lands and resources, quality and quantity of resources, sensory impacts);

- Assess the level of impact using appropriate criteria, informed by the perspectives and inputs of Indigenous communities and groups;
- Identify appropriate measures to address impacts;
- Identify mutually agreeable solutions to concerns raised about the Project;
- To be consistent with the Impact Assessment Agency's Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples, the Proponent assess potential impacts on Aboriginal and / or Treaty rights instead of using the term "effects"; and
- Validate the findings of the assessment, or revise the preliminary assessment, based on inputs and perspectives of Indigenous communities and groups.

The following is a high-level overview of the approach for the identification, assessment and evaluation of the potential effects on the environment and impacts on Aboriginal and / or Treaty Rights and Interests:

- Review construction and operations activities to identify potential interaction(s) that could result in environmental effects and impacts on Aboriginal and / or Treaty Rights and Interests;
- Characterize the existing environment for both route alternatives, including in terms of where Aboriginal and / or Treaty Rights are or may be exercised in relation to the Project;
- Select a Preferred Route;
- Identify potential environmental effects and associated impacts of the Preferred Route and recommend mitigation measures to avoid or minimize identified environmental effects and impacts on Aboriginal and / or Treaty Rights and Interests, as well as identify opportunities to enhance benefits;
- Predict and assess potential environmental effects and impacts on Aboriginal and / or Treaty Rights and interests that remain after taking into consideration the recommended mitigation measures (i.e., residual effects) using direction, magnitude, geographic extent, duration, frequency, reversibility and likelihood;
- Predict cumulative environmental effects and impacts on Aboriginal and / or Treaty Rights and Interests that may result from a combination of the residual effects and impacts of the Preferred Route with the effects and impacts of other past, present and reasonably foreseeable projects; and
- Identify a follow-up program for the Preferred Route that includes monitoring to verify the prediction of the assessment and effectiveness of the mitigation measures, and a requirement for monitoring of the commitments made in the Terms of Reference and Environmental Assessment / Impact Statement Report.

The following sections describe the Aboriginal and / or Treaty Rights and Interests considerations as they related to the impact assessment methodology. For detailed descriptions of the methodology used to inform this study refer to the Environmental Assessment / Impact Statement Report. Refer to **Section 6** for details related to the Preferred Route and its selection.

4.4.1 Refined Assessment Study Areas / Presumed Impact Areas

The selection of a Preferred Route resulted in refined Study Areas (presumed impact areas) for the impact assessment, which represent only one route corridor instead of two. In addition, changes to the Study Areas identified for other Valued Components (e.g., wildlife, surface water, fish) led to the following changes to the Study Areas for Aboriginal and / or Treaty Rights and Interests:

- 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.

As a result, both the Local and Regional Study Areas increased in size from the original geographic extents identified (i.e., the Existing Conditions Study Areas – see **Section 4.2.3.2**). 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 and Interests outside of the Regional Study Area given the ranges and movements of caribou, a Caribou Regional Study Area has also been identified. The inclusion of the Caribou Regional Study Area enables the Proponent to assess the potential indirect impacts on Aboriginal and / or Treaty Rights and Interests resulting from potential Project effects on caribou specifically.

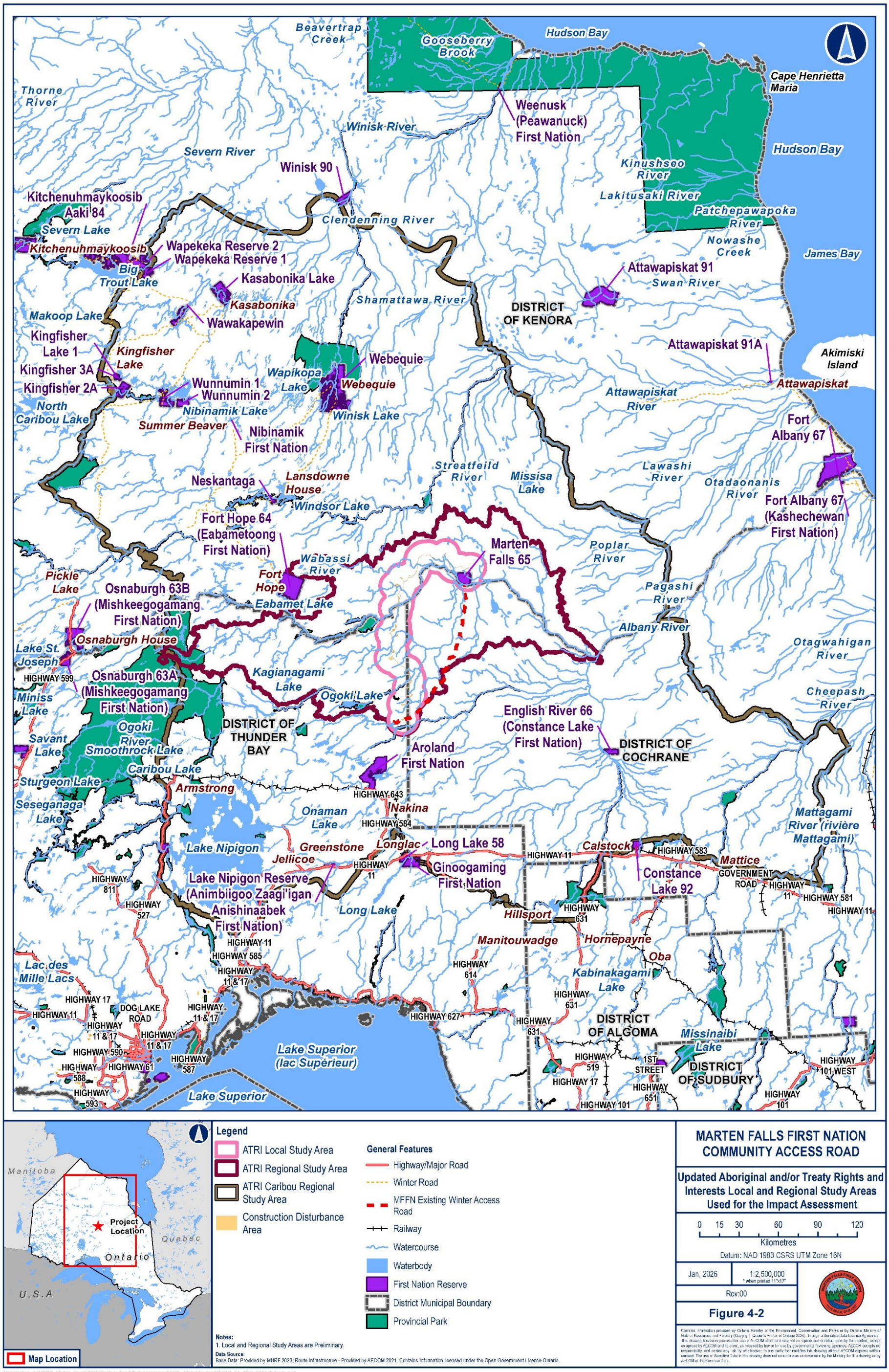
Interests in including the upgrades to the Anaconda / Painter Lake Forestry Road in the Local Study Area were shared by several Indigenous communities and the Agency. However, at the time of writing, it is understood that Anaconda / Painter Lake Forestry Road upgrades would be addressed in a separate environmental assessment process. The Local Study Area does include the northern portion of Anaconda / Painter Lake Road, and upgrades to the road are factored into the cumulative impact assessment (see **Section 8.0).**

The revised Study Areas are described in **Table 4-5** and shown in **Figure 4-2** below. The Study Areas include ancillary features such as pits and quarries, temporary access roads and worker camps.

Table 4-5: Discipline-Specific Impact Assessment Study Areas Description and Rationale

Study Area	Geographic Extent	Rationale	Area Size (hectares)
Construction Disturbance Area	Includes the Project footprint including the 100 m wide right-of-way of the Preferred Route, pits and quarries, and the temporary infrastructure for construction including access roads, staging areas, camps, and debris and / or timber stockpiles.	■ Area of direct disturbance where Aboriginal and / or Treaty Rights and Interests is most likely to be directly affected by Project infrastructure and activities. ■ A buffer is applied to the Project footprint to allow for uncertainty in the Project footprint including road alignment shifts to avoid sensitive features.	4,698
Local Study Area	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.	■ 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 and allows for route refinement during Project design (e.g., avoiding sensitive features). ■ Defined based on the key Valued Components that may be relied on for Indigenous culture and / or land and resource use, or have the potential to influence it in the Local Study Area.	461,856
Regional Study Area	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.	■ 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. ■ Defined based on key Valued Components that may be relied on for Indigenous culture and / or land and resource use.	2,590,869
Caribou Regional Study Area	Coincides with Regional Study Area used for the assessment on caribou, which consists of four caribou ranges: Missisa, Nipigon, Ozhiski, and Pagwachuan.	■ 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.	19,250,753

Figure 4-2: Updated Aboriginal and / or Treaty Rights and Interests Local and Regional Study Areas Used for the Impact Assessment



4.4.2 Identifying Project-Environment Interactions and Pathways of Potential Impacts

The potential for interactions between the Project components and activities (as described in **Section 2**) and Aboriginal and / or Treaty Rights and Interests were identified. The potential interactions were identified based on professional judgment, activities planned to occur, and as described in the *Marten Falls Community Access Road Project Tailored Impact Statement Guidelines* (Impact Assessment Agency of Canada, 2020), as well as projects of similar magnitude and / or location. They were also identified with consideration for the potential for indirect impacts resulting from Project effects on other Valued Components (see **Section 4.4.2.1**).

An overview of the general Project-environment interactions for Aboriginal and / or Treaty Rights and Interests that are likely to have potential impacts is provided in **Table 4-6**. These interactions support the identification of potential environmental effects, both direct and indirect, which may result in impacts to Aboriginal and / or Treaty Rights and Interests.

Table 4-6: General Project – Environment Interactions

Project Phases	Project Activities	Aboriginal and / or Treaty Rights and Interests
Construction Phase	*Mobilization of Equipment and Supplies*	X
	Temporary Construction Staging Areas	X
	Temporary Access Roads and Trails	X
	Temporary Construction Camps	X
	ROW Clearing and Grubbing	X
	Brush and Timber Disposal	X
	Pits and Quarries	X
	Temporary Concrete Batch Plants	X
	Drilling / Blasting / Aggregate Production	X
	Road Construction (stripping, subgrade excavation, embankment fill placement, grading, ditching)	X
	Bridge and Culvert Installation (approach embankments, foundations, substructures, superstructures, traffic protection, erosion controls)	X
	Construction Site Restoration	X
Construction Phase: Decommissioning	*Pits and Quarries*	X
	Temporary Camps, Roads / Trails and Staging Areas	X
Operations and Maintenance Phase	*Road Usage*	X
	Maintenance	X

4.4.2.1 Potential Impacts on Aboriginal and / or Treaty Rights and Interests

A **direct impact** is an immediate change to an environmental component caused by a project activity at the same time and place as the activity.

An **indirect impact** occurs when a change resulting from a project activity leads to subsequent changes in other environmental component, which may occur later in time or at a different location but are reasonably foreseeable.

The primary potential direct impact pathway to Aboriginal and / or Treaty Rights and Interests is physical disturbance to or loss of sites and areas (including access) that are important for the exercise of rights, including harvesting and culturally important sites and areas. Most of the potential impact pathways are indirect and resulting from effects of the Project on the environment, and include the following:

- Land clearing could result in loss of vegetation and habitat for species that are harvested for traditional purposes and / or are culturally significant species, with associated impacts on the availability of these resources;
- Changes in the atmospheric and / or noise environments related to construction and operation could affect the availability and / or quality (or perceived quality) of resources that are traditionally harvested;
- Changes in the atmospheric, noise, and / or visual environments related to construction and operation could affect the Indigenous experience of being on the land;
- Changes in surface and / or groundwater quality and / or quantity could affect the availability and / or quality (or perceived quality) of resources that are harvested for traditional purposes and / or affect culturally significant species;
- Changes in community wellbeing could affect the pursuit and teaching of cultural traditions, including harvesting for traditional purposes;
- An increase in hunting or fishing pressure by non-Indigenous people accessing the area could affect the availability of wildlife and fish that are traditionally harvested;
- Changes in human health could affect the pursuit and teaching of cultural traditions, including harvesting for traditional purposes;
- Disturbance or changes to archaeological sites and resources, built heritage resources, and / or culturally significant landscapes could affect Indigenous connections to the land and / or the pursuit and teaching of cultural traditions; and
- Changes in climate could affect the availability of resources that are harvested for traditional purposes and the pursuit and teaching of cultural traditions.

As shown in **Table 4-7**, Project environmental effects and impacts on Aboriginal and / or Treaty Rights and Interests may indirectly affect other Valued Components, including Socio-community, Economics, Land and Resource Use, and Human Health and Community Safety:

- Changes in the diet of Indigenous people and associated potential effects on human health related to a decrease in country food consumption / increase in store bought food consumption;
- Changes in the traditional economy related to changes in the pursuit of traditional activities that are monetized (e.g., trapping);
- Increased economic burden on Indigenous peoples related to changes in the pursuit and consumption of country foods and associated increased reliance on market foods; and
- Changes in community wellbeing (e.g., social issues, family relationships, community cohesion) related to changes in cultural continuity and wellbeing.

The above-noted potential direct and indirect impact pathways on Aboriginal and / or Treaty Rights and Interests may not be relevant to all Indigenous communities and groups given differences in terms of geographic extents of rights-based practices and experiences in relation to the proposed Project. Therefore, a Project interaction and impact screening exercise was undertaken for each Indigenous community and group to identify the relevant pathways of potential Project impacts on their Aboriginal and / or Treaty Rights and Interests, and to scope the associated assessment of impacts. The approach to screening and scoping is described in the following sections.

4.4.2.2 Specific Indigenous Community and Group Interactions and Potential Impacts

Potential Project interactions with and impacts on the Aboriginal and / or Treaty Rights and Interests of each Indigenous community and group were identified using a screening process. The approach to the interaction screening process included:

- Identifying an Area of Interest for each Indigenous community and group; and
- Identifying potential interactions between the Project components and activities and the Aboriginal and / or Treaty Rights and Interests of each Indigenous community and group; and
- Where interactions were identified, further identifying the potential pathways of Project impacts on the Aboriginal and / or Treaty Rights and Interests of each Indigenous community and group to scope the assessment.

Table 4-7: Potential Indirect Effects to Other Disciplines

Discipline and Associated Valued Components	Aboriginal and Treaty Rights and Interests	Atmospheric Environment	Climate Change	Acoustic and Vibration Environment	Physiography, Geology, Terrain and Soils	Surface Water	Groundwater and Geochemistry	Vegetation	Wildlife	Fish and Fish Habitat	Socio-community	Economics	Land and Resource Use	Human Health and Community Safety	Visual Aesthetics	Archaeological and Cultural Heritage
Aboriginal and Treaty Rights and Interests ■ Indigenous Current Use of Lands and Resources for Traditional Purposes ■ Cultural Continuity and Wellbeing		–	–	–	–	–	–	–	–	–	X	X	X	X	–	–

Notes: X = Potential pathway for indirect effect as a result of the Project.
– = No pathway for indirect effect is anticipated as a result of the Project.

4.4.2.2.1 Identifying Area of Interest

An Area of Interest was identified for each Indigenous community and group to be able to visualize their known ancestral and contemporary connections to a geographical area(s) and to identify where the community or group may exercise / hold Aboriginal and / or Treaty Rights and Interests. Understanding the geographic extent of rights-based practices and experiences for each of the Indigenous communities and groups was an important factor in the screening and scoping process to enable a meaningful assessment. This understanding was affected by the level of information shared through the Indigenous Knowledge and Consultation and Engagement programs. Where no information was shared directly by Indigenous communities and groups, the Proponent had to rely on available secondary sources of information (e.g., websites, articles, studies completed for other projects, etc.).

Preliminary Areas of Interests were identified during the existing conditions study (see **Section 4.3**) and the development of the Preliminary Existing Conditions Reports, which were shared with all Indigenous communities and groups. These Preliminary Areas of Interests were developed based on information available to the Proponent through Indigenous Knowledge Program (see **Section 4.3.2**), the Consultation and Engagement Program (see **Section 4.3.3**), and the comprehensive literature review (see **Section 4.3.4**). Information on the specific sources used to develop the Area of Interest is provided in **Section 5** confidential community-specific *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Report*.

These Preliminary Areas of Interest were presented to participating Indigenous communities and groups at the Aboriginal and / or Treaty Rights and Interests Forum held in November 2023 for discussion and in advance of the sharing of the Preliminary Existing Conditions Reports. Any inputs received from Indigenous communities and groups with respect to the Preliminary Area of Interest were applied to the Area of Interest used for the screening process, as described and shown in **Section 5.5** of the *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Report* and **Section 7.1**.

4.4.2.2.2 Identifying Potential Interactions

The potential Project interactions with the Aboriginal and / or Treaty Rights and Interests of each Indigenous community and group were identified based on:

- A comparison of the refined and larger assessment Study Areas for Aboriginal and / or Treaty Rights and Interests (see **Section 4.4.1**) and each Area of Interest to identify geographic overlaps;
- Inputs received from Indigenous communities and groups through the Consultation and Engagement and Indigenous Knowledge programs; and

- The nature of information available to develop the Proponent's understanding of the existing conditions with respect to Aboriginal and / or Treaty Rights and Interests, including:
  - Locations of sites and areas used for traditional purposes, including cultural, spiritual and / or scared sites and areas;
  - The experience of exercising rights in a family area;
  - Preferred means or locations for exercising rights;
  - Preferred ways of continuing customs, traditions, and practices;
  - Connections to and relationships with the lands and resources;
  - Ways of knowing and teaching; and
  - Stories and where they occur on the landscape.

The process of identifying potential Project – Aboriginal and / or Treaty Rights and Interests interactions for each Indigenous community and group was guided by the following questions:

- Does the area of potential Project environmental effects overlap with the Area of Interest for the community or group?
- Could the meaningful exercise of rights be impacted?
- Could the ability of a community or group to practice culture in a way that reflects who they are as a people could be impacted?

It is noted by the Proponent that the proposed Project has the potential to influence the exercise of rights outside of the Aboriginal and / or Treaty Rights and Interests Regional Study Area in the case of caribou and associated harvesting for traditional purposes given their extensive range. Caribou is also considered a culturally significant species to many Indigenous communities in the region. Given this, as noted in **Section 4.4.1**, a Caribou Regional Study Area that coincides with the Regional Study Area used for the effects assessment on caribou was used for the screening and assessment. This allows the Proponent to screen and 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.

The potential Project-Aboriginal and / or Treaty Rights and Interests Valued Components interactions identified were then categorized as follows:

- No interaction anticipated – no further assessment;
- Interaction could occur or is anticipated – further assessment required; and
- Potential for caribou interaction – further assessment required.

Where potential for interactions were identified, the relevant Valued Component(s) and indicator(s) and indicators were also identified and carried forward for further assessment.

4.4.2.2.3 Identifying Potential Impact Pathways

Potential impacts and impact pathways were identified for each Indigenous community and group based on:

- The specific Project-Aboriginal and / or Treaty Rights and Interests interactions identified;
- The Proponent's understanding of the existing conditions with respect to their Aboriginal and / or Treaty Rights and Interests; and
- The effects assessments completed for other Valued Components given that Aboriginal and / or Treaty Rights and Interests Valued Components are directly related to other Valued Components (e.g., wildlife, fish, etc.), and therefore Project effects to the other Valued Components are the major pathway of indirect impacts to Aboriginal and / or Treaty Rights and Interests.

As shown in **Table 4-1** in **Section 4.2.2**, many of the measurable parameters identified for the Aboriginal and / or Treaty Rights and Interests Valued Components and associated indicators are directly linked to Valued Components that have the potential to influence rights and interests.

Based on the interactions identified for each Indigenous community and group, Existing Conditions and Effects Assessment Technical Reports completed for other related Valued Components were reviewed through the lens of potential for impacts on Aboriginal and / or Treaty Rights. This involved looking at where significant residual effects were predicted. It also involved discussions with technical leads to interpret the findings and understand effects and associated impacts on Aboriginal and / or Treaty Rights and Interests. In the case of wildlife and vegetation Valued Components, significance determinations were made based on impacts at the regional population level (i.e., there could be changes at the Local Study Area level that are not considered significant because the effects are not expected to be significant at the population level). Therefore, further discussions were held to understand potential local level effects and associated impacts.

For a conservative approach to this assessment, where the confidence level of a predicted residual effect that was determined to be not significant was identified as "low", the residual effect was also carried forward as a potential impact pathway. The remaining residual effects were predicted to be negligible in magnitude, assuming effective implementation of all presented mitigation measures, and therefore not anticipated to result in an impact on rights and interests.

Potential impacts were then described for each Indigenous community and group based on the identified impact pathways and the Proponent's understanding of existing conditions with respect to Aboriginal and / or Treaty Rights and Interests.

4.4.3 Identifying Mitigation and Enhancement Measures

Following the identification and description of potential Project impacts on the Aboriginal and / or Treaty Rights and Interests of each Indigenous community and group, technically and economically feasible mitigation measures to avoid or minimize the identified negative impacts and enhancement measures to increase positive impacts (beyond those that are already factored into Project design) were explored. These measures were identified based on:

- Recommendations provided by Indigenous communities and groups through the Indigenous Knowledge and Consultation and Engagement programs;
- Regulator-mandated measures;
- Industry-standard practices;
- Federal and provincial standard specifications;
- Best practices available in the literature including mitigation measures applied to projects of similar nature and / or location; and
- Recommendations from technical professionals based on expertise, experience, and judgement.

It is important that mitigation and enhancement measures are achievable, measurable and verifiable and monitored for compliance and effectiveness during all temporal phases, as part of the Project follow-up monitoring plan. Recommended environmental monitoring will:

- Verify the potential environmental effects and impacts predicted;
- Evaluate the effectiveness of mitigation and enhancement measures; and
- Identify the process the Proponent will follow if mitigation and enhancement measures are not effective.

4.4.3.1 Tailored Impact Statement Guidelines Requirements for Mitigation and Enhancement Measures and Terms of Reference Requirements

The Tailored Impact Statement Guidelines (Impact Assessment Agency of Canada, 2020) Section 20 requirements and Terms of Reference Requirements (AECOM, 2020) for Aboriginal and / or Treaty Rights and Interests are provided in **Table 4-8** below. The applicability of these requirements has been evaluated and will be adapted to the needs of the site, environment, and Project activities.

Table 4-8: Tailored Impact Statement Guidelines (Section 20) Requirements and Terms of Reference Requirements

TISG Requirement Section 20 Requirement	Section Addressed In
Describe mitigation measures that are specific to identified effects to Indigenous peoples.	■ **Section 7.4** of the confidential community-specific Aboriginal and / or Treaty Rights and Interests: Impact Assessment Report
Describe mitigation measures proposed by Indigenous peoples and the consideration of those in the Project.	■ **Section 7.4** of the confidential community-specific Aboriginal and / or Treaty Rights and Interests: Impact Assessment Report
Document specific suggestions raised by each Indigenous group for avoiding, mitigating or otherwise accommodating the Project's environmental, health, social and economic effects, including potential effects and impacts on the exercise of rights of Indigenous peoples.	■ **Section 7.4** of the confidential community-specific Aboriginal and / or Treaty Rights and Interests: Impact Assessment Report ■ Record of Consultation and Engagement
For mitigation measures [raised by each Indigenous community or group] intended to address effects of changes to the environmental, health, social and economic conditions of Indigenous peoples or impacts on the exercise of rights of Indigenous peoples, provide a description of the consultation with Indigenous groups regarding the residual effects.	■ Record of Consultation and Engagement
Terms of Reference Requirement	**Section Addressed In**
The Project may raise concerns of interested persons for potential effects to the natural environment including wildlife, vegetation and water resources. Potential effects to the environment may affect Indigenous Peoples through subsequent effects on Indigenous use of lands and resources for traditional purposes. The Project also has the potential to affect Indigenous cultural sites and traditions.	■ **Section 7.3** of the confidential community-specific Aboriginal and / or Treaty Rights and Interests: Impact Assessment Report
The potential effects to Indigenous Peoples and the exercise of Aboriginal and Treaty Rights include, but are not limited to the following: ■ Change to the amount of available reserve lands for MFFN; ■ Compatibility of the Project with CBLUP undertaken by Indigenous communities with traditional territory in the area of the Project; ■ Changes in the availability and / or quality of resources, including potential changes associated with increased access by non-Indigenous land users as a result of the Project, that may influence Indigenous land and resource use activities (e.g., hunting, harvesting, gathering) within the area of the Project;	■ **Section 7.4** of the confidential community-specific Aboriginal and / or Treaty Rights and Interests: Impact Assessment Report

TISG Requirement Section 20 Requirement	Section Addressed In
■ Changes in access to lands and resources used for traditional activities (hunting, trapping, fishing, gathering) and cultural sites within and beyond the area of the Project through effects on linear features such as trails and waterways, and camps / cabins; ■ Changes to subsistence hunting, trapping, fishing and gathering as protected under Aboriginal and Treaty Rights; ■ Changes to Indigenous landscape features such as Place Names, Boundary Markers and Orientation Points through disturbances to the land within the area of the Project; ■ Change to cultural sites such as ceremonial, grave, sacred, gathering and worship areas that may occur in the area of the Project; ■ Changes to the experience of being on the land; and ■ Changes to cultural traditions and / or the ability to pursue and transmit cultural traditions (i.e., knowledge transmission).	

The Proponent strove to provide opportunities for Indigenous communities and groups to inform and directly contribute to the identification of mitigation measures to eliminate, reduce, control, or offset negative impacts, including through the opportunities described in **Sections 4.3.2** and **4.3.3**.

4.4.4 Predicting Residual Impacts

Following the identification of direct and indirect impacts and potential mitigation and enhancement measures, residual impacts were predicted. Where a potential impact was identified but implementation of mitigation measures is likely to avoid or sufficiently minimize the potential for an impact, the result was no residual impact, and no further analysis was required.

Residual impacts are the impacts that remain after mitigation and enhancement measures have been applied.

If residual impacts were predicted, the nature of these impacts were described using a set of characteristics, which are identified and described below. Any predicted residual impacts (i.e., all residual impacts greater than “negligible”) were also carried forward into the Cumulative Impacts Assessment, which is described in **Section 8**.

4.4.4.1 Residual Impacts Characteristics

Predicted residual impacts, if identified, were described in terms of the residual impact characteristics presented in **Table 4-9**. These characteristics are described in detail in the Environmental Assessment / Impact Statement Report.

4.4.4.2 Characteristics Specific to the Assessment on Aboriginal and / or Treaty Rights and Interests

In addition to the residual effects characteristics described in **Table 4-9**, additional characteristics specific to Aboriginal and / or Treaty Rights and Interests have been identified to support the determination of the severity of potential impacts of the Project on rights and interests. Information on these additional characteristics, and how all residual impacts characteristics were applied to the assessment on Aboriginal and / or Treaty Rights and Interests, is provided in the following sections.

4.4.4.2.1 Social and Ecological Context

The social context within which the Project’s potential impacts may occur was taken into account when applying the residual impact characteristics. Context is considered one of the most critical factors when evaluating impacts for Aboriginal and / or Treaty Rights and Interests. Therefore, the assessment considered potential or existing impacts or pressures on social, economic, and health conditions affecting the sensitivity or resilience of a Valued Component. For the Aboriginal and / or Treaty Rights and Interests assessment, existing impacts on rights and interests have been described (see **Sections 5.2**, **5.6.1**, and **5.7.1**) and are considered in the assessment.

Table 4-9: Residual Effects Characteristics

Impact Characteristic	Definition	Description
Context	■ Social context ■ Ecological context ■ Timing of effect in relation to sensitive activities	■ Qualitative discussion ■ Description provided in **Section 4.4.4.2 0**
Direction	■ Direction of change from existing conditions	■ Positive: net gain or positive impact ■ Neutral: no change to existing condition ■ Negative: net loss or adverse impact
Magnitude	■ The expected change from existing conditions	■ Negligible, low, medium, high, very high ■ Descriptions provided in **Section 4.4.4.2**
Geographic Extent	■ The spatial area that the effect is expected to occur	■ Construction Disturbance Area: impact is confined within the direct physical disturbance of the Project ■ Local: impact extends into the Local Study Area ■ Regional: impact extends into the Regional Study Area ■ Beyond Regional: impact extends beyond the Regional Study Area
Duration	■ The period of time that the effect is expected to occur	■ Short-term: impact ends before the end of construction ■ Medium-term: the impact occurs during construction and ends soon after operation begins and / or maintenance ends, soon after the activity causing the impact ends ■ Long-term: the impact occurs during construction and persists into operation and / or the impact is considered permanent or the likelihood of reversibility is low or uncertain
Frequency	■ How often the effect is expected to occur	■ Infrequent: The impact is expected to occur rarely ■ Frequent: The impact is expected to occur intermittently ■ Continuous: The impact is expected to occur continuously
Reversibility	■ The ability to return to existing conditions	■ Reversible: the impact is not permanent ■ Irreversible: the impact is permanent
Likelihood	■ Probability that the effect will occur	■ Unlikely: the impact is not likely to occur ■ Possible: the impact may occur but is not likely ■ Probable: the impact is likely to occur ■ Certain: the impact will occur
Direct / Indirect	■ Nature of the pathway through which the effect occurs.	■ Direct impacts are typically immediate and spatially aligned with the activity. Indirect impacts may be delayed or spatially removed but are causally linked and predictable.

The social context of the impacts that were identified was provided, including a discussion of the social and cultural consequences of the predicted impact. The current and future sensitivity and / or resilience of the Aboriginal and / or Treaty Rights Valued Components to change because of the Project has also been considered in the assessment. For example, the reversibility of an impact may be influenced by the resilience of an Indigenous community's or group's exercise of a right to external stress caused by the Project, as well as the degree to which existing stresses have impacted the ability to exercise the right.

It is also recognized that groups in a population (e.g., Elders, women, youth, a particular family group, two-spirit) could be disproportionately affected by the Project, or benefits may only go to a few individuals or segments of an Indigenous community or group. For example, changes to the quality and quantity of resources harvested for traditional purposes as a result of the Project may result in impacts to traditional resource user, but these impacts may be especially felt by vulnerable populations within the Indigenous community or group (e.g., Elders). The impacts may also be felt by future generations more than the current generation. These important considerations are factored into the assessment on Aboriginal and / or Treaty Rights and Interests through the application of a Gender-Based Analysis Plus approach (see **Sections 3.4**, **4.3.5**, and **4.4.5**).

The ecological context within which potential impacts on Aboriginal and / or Treaty Rights and Interests may occur has been taken into account when considering the impact characteristics, such as species sensitivity and resilience, and includes Indigenous Knowledge where it was available.

Consideration of context also includes consideration of timing, such as when the impact could occur (e.g., during a culturally significant period of time).

4.4.4.2.2 Magnitude

Magnitude refers to the amount of change in a measurable parameter relative to the existing conditions of the Valued Component, with and without the Project in place, or to other standards or guidelines. When evaluating the magnitude of effects / impacts, the assessment considers both the proportion of the Valued Component affected within identified spatial boundaries and the relative effect / impact.

Given the differences in social and ecological context among the Valued Components, definitions specific to Valued Components were required. Definitions used for the Aboriginal and / or Treaty Rights and Interests assessment are provided in **Table 4-10**.

Table 4-10: Magnitude Definitions for Aboriginal and / or Treaty Rights and Interests

Magnitude Level	Definition	Rationale
Negligible	No or very little discernable change from existing conditions and effect will not interfere with the ability to exercise or practice Aboriginal Treaty and / or Rights and Interests.	Negligible effects are small and may not be noticeable. These effects do not represent a change in the day-to-day exercise or practice of Aboriginal Treaty and / or Rights and Interests.
Low	A small, discernable change from existing conditions but effect not expected to materially impede the ability to exercise or practice Aboriginal Treaty and / or Rights and Interests (e.g., impacts not expected within areas of preferred or exclusive use, no or little indication there would be an impact on areas of cultural importance, the Indigenous community or group has expressed only minor concerns and has indicated that the Project risks are acceptable or have been sufficiently mitigated or accommodated).	Low effects may be noticeable to some Indigenous community members. These effects do not represent a change in day-to-day exercise or practice of Aboriginal Treaty and / or Rights and Interests.
Moderate	A discernable change from existing conditions that is expected to impede the ability to exercise or practice of Aboriginal Treaty and / or Rights and Interests (e.g., impacts may occur within areas of preferred use, may be an impact on areas or traditions of cultural importance that may impede ability to access and practice, potential physical or sensory disturbance, the Indigenous community or group has expressed concerns that some impacts remain after mitigation and / or accommodation and the Project may not be compatible with certain aspects of their land use plans or the application of traditional governance and stewardship).	Moderate effects are noticeable to some Indigenous community members. These effects may or may not represent a change in the exercise or practice of Aboriginal Treaty and / or Rights and Interests.
High	A discernable change from existing conditions that is expected to severely or totally impede the ability to exercise or practice of Aboriginal Treaty and / or Rights and Interests (e.g., impacts expected within areas of preferred use or that are considered high value, likely impact on areas and / or traditions of cultural importance, access to areas used to exercise rights will be disrupted or impeded, the Project may affect traditional laws, knowledge, and / or spiritual and cultural traditions).	High effects are noticeable to Indigenous community members. These effects represent a notable change in the exercise or practice of Aboriginal Treaty and / or Rights and Interests.

4.4.4.2.3 Duration, Frequency, Reversibility and Likelihood

Definitions used for duration, frequency, reversibility, and likelihood for the Aboriginal and / or Treaty Rights and Interests assessment are provided in **Table 4-11**. These definitions were developed to provide additional contextual nuance relevant to Indigenous communities and groups and Aboriginal and / or Treaty Rights and Interests.

Table 4-11: Duration, Frequency, Reversibility and Likelihood Definitions used for Aboriginal and / or Treaty Rights and Interests Assessment

Impact Characteristic	Definition
Duration	■ **Short-term:** impact ends before the end of construction (i.e., within the duration of the construction phase). ■ **Medium-term:** the impact occurs during construction and ends soon after operation begins and / or maintenance ends, soon after the activity causing the impact ends (i.e., may last up to one generation). ■ **Long-term:** the impact occurs during construction and persists into operation and / or the impact is considered permanent or the likelihood of reversibility is low or uncertain (i.e., the impact is likely to persist over multiple generations).
Frequency	■ **Infrequent:** The impact is expected to occur rarely (i.e., confined to one discrete period). ■ **Frequent:** The impact is expected to occur intermittently (i.e., daily, weekly, monthly). ■ **Continuous:** The impact is expected to occur continuously (i.e., the impact would occur constantly).
Reversibility	■ **Reversible:** the impact is not permanent (i.e., may be reversed in the short term or within one generation). ■ **Irreversible:** the impact is permanent (i.e., cannot be reversed in whole or in part).
Likelihood	■ **Unlikely:** the impact is not likely to occur. ■ **Possible:** the impact may occur. ■ **Probable:** the impact is likely to occur. ■ **Certain:** the impact will occur.

4.4.4.3 Determining Severity

Based on the *Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples* (Impact Assessment Agency of Canada, 2025), the Agency uses a model of severity to indicate the degree to which Aboriginal and / or Treaty Rights and Interests may be affected by a project. This model is comparable to the determination of significance approach used by other technical disciplines for the other Valued Components. Severity is a more appropriate measures than significance for Aboriginal and / or Treaty Rights and Interests as it allows for the evaluation of the degree to which rights of Indigenous people may be adversely impacted by a project. The assessment of Project environmental effects

and impacts on Aboriginal and / or Treaty Rights and Interests incorporates this model of severity, as described in Section 9.6.2 of the Study Plan in **Attachment A**.

A conclusion of severity of the predicted residual impact will be made using the characteristics described in **Section 4.4.4.1**, as well as taking into consideration professional judgement. The degree of severity of impacts on Aboriginal and / or Treaty Rights and Interests will be described based on, but not necessarily limited to, the characteristics shown in **Table 4-12.**

Table 4-12: Severity Levels for Adverse Impacts on Aboriginal and / or Treaty Rights and Interests

Severity Level	Characteristics
Low severity	■ Impacts are likely to be low in magnitude, short duration, infrequent, small in spatial extent, reversible or readily avoided or reduced. ■ Cultural well-being is minimally disrupted. ■ No or few effects to health and / or country foods. ■ Few (or no) existing or proposed developments or historic impacts in the asserted territory of the Indigenous community or group. ■ Project and activities in alignment with group's development, land or water use plans. ■ Sub-groups of the population are resilient enough to sustain impacts and maintain exercise of rights. ■ Mitigation should allow for the practice of the right to continue in the same of similar manner as before the impact.
Moderate severity	■ Impacts are likely to be moderate in magnitude, moderate duration, occasionally frequent, possibly / partially reversible, spatial extent affects preferred use areas or disrupts interconnectedness and / or knowledge transfer. ■ Cultural well-being is impeded or altered. ■ Impacts to individual and / or community holistic health, including perceptions of impacts. ■ Project interacts with a few preferred areas where rights can be practiced, and some historic, existing or proposed development and / or disturbance. ■ Project may not be compatible with aspects of land use plans or application of traditional laws and governance. ■ Vulnerable sub-groups are likely to experience higher impact on ability to exercise rights. ■ Mitigation may not fully address the impact but should enable the Indigenous group to continue exercising its rights as before, or in a modified way.
High severity	■ Impacts are likely to be high in magnitude, permanent / long-term, frequent, possibly irreversible, and over a large spatial extent or within an area of exclusive/preferred use. ■ Cultural well-being is disrupted, impeded, or removed. ■ Project interacts with only area where a right may be exercised and many historic, existing or proposed developments and / or disturbance. ■ Decision-making associated with governance adversely affected. ■ Sub-groups will be disproportionately impacted by the Project and experience no to little benefit. ■ Mitigation is unable to fully address impacts such that the practice of the right is substantively diminished or lost.

4.4.4.4 Uncertainty and Prediction Confidence

Prediction confidence refers to the degrees of certainty in the predicted residual impact and associated determination of severity. All impact assessments involve some level of uncertainty, often over many geographic, biophysical and social dimensions, and observed results may deviate, to some degree, from predictions made in the assessment. Given this, the residual impact predictions vary in their level of certainty, which could be related to a number of factors, including:

- Project design and components;
- Existing conditions and associated level of information and data available;
- Spatial and temporal scope;
- Valued Component response (i.e., an understanding of Project-related effects);
- Effectiveness of mitigation measures;
- Overall scope of factors considered;
- Cumulative impacts; and
- Natural and human causes of accidental events.

Transparency in describing sources of uncertainty is critical to understanding the confidence that can be attributed to the analysis of impacts and is important to decision-making. Efforts to address uncertainties have been focused on those uncertainties that are most meaningful to decision-making, such as how the biophysical and human environment will respond to changes and the efficacy of mitigation measures. All uncertainties related to the effectiveness of mitigation measures must be considered when determining residual impacts.

Each potential residual impact on Aboriginal and / or Treaty Rights and Interests was assigned a prediction confidence level. Prediction confidence levels were identified based on the characteristics shown in **Table 4-13**.

Table 4-13: Prediction Confidence Levels for Residual Impacts on Aboriginal and / or Treaty Rights and Interests

Prediction Confidence Level	Definition
Low	The degree of certainty is hampered by a lack of available data and information, the Project-related environmental effects are poorly understood, and / or the level of certainty associated with the effectiveness of proposed mitigation measures is low or unknown.
Moderate	There is an adequate level of data and / or information available, the Project-related environmental effects are mostly understood, and / or the level of certainty associated with the effectiveness of proposed mitigation measures is moderate to high.
High	There is ample data and / or information available, the Project-related environmental effects are clearly understood, and / or the level of certainty associated with the effectiveness of proposed mitigation measures is high.

4.4.5 Gender-based Analysis Plus Considerations

As noted in **Section 4.3.5**, demographic information for participants of Project-specific Indigenous Knowledge and Land and Resource Use studies that were completed was not provided. Information related to Indigenous Knowledge, land and resource use, and culture in available secondary sources of information was generally limited to the traditional gender roles and experiences of men, women, Elders, and children in daily life historically. Information on the present-day roles and experiences of different demographic groups in Indigenous communities and groups was generally not available.

Given these constraints, the ability to apply a Gender-based Analysis Plus approach in the residual impact assessment was very limited. The assessment of impacts on Aboriginal and / or Treaty Rights and Interests inherently addresses aspects of Gender-based Analysis Plus, including ethnicity, geography, race, and religion given that it assesses impacts on Indigenous peoples.

4.5 Assessing Cumulative Impacts

As noted in **Section 4.4.4**, any predicted residual impacts (i.e., all residual impacts greater than “negligible”) were carried forward into the Cumulative Impacts Assessment, which is described in **Section 8**. Detailed cumulative impacts were described in the confidential community-specific *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Reports.*

4.6 Identifying Monitoring Programs and Future Commitments

Following the residual and cumulative impacts assessments, impacts monitoring programs were recommended to verify the prediction of the impacts assessment and the effectiveness of the mitigation measures presented in this report. Commitments made in this report are also presented to support compliance monitoring to evaluate whether the Project has been constructed, implemented, and operated in accordance with the commitments made. Recommended monitoring programs and future commitments are provided in **Section 9**. Detailed information is provided in the confidential and community-specific *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Reports.*

4.7 Data Management and Analysis Methodology

Data management including quality assurance / quality control has been employed to minimize potential for data entry and analysis errors, prepare data sets for analysis and limit sensitive data distribution in accordance to established agreements.

4.7.1 Ownership, Control, Access, and Possession (OCAP®)

Ownership, Control, Access, and Possession ® principles were adhered to wherever possible when working with Indigenous communities and groups. Ownership, Control, Access, and Possession® means (First Nations Information Governance Centre, 2019):

- **Ownership:** Ownership of information is held individually and collectively as a community;
- **Control:** Consideration for how this information is used, by whom, and under what conditions;
- **Access:** Access is the community's right to define and determine how their information is accessed, regardless of where it is held; and
- **Possession:** Possession is where having this information is for the benefit of the community.

The First Nations Information Governance Centre created Ownership, Control, Access, and Possession® as a set of principles designed to protect First Nations' ownership, stewardship, and jurisdiction over their own information (First Nations Information Governance Centre, 2019).

The primary goal of Ownership, Control, Access, and Possession® is to have First Nations involved in every aspect of their data and information collection, interpretation, analysis, possession, translation, and dispersion as a means of self-determination and preservation of culture (First Nations Information Governance Centre, 2019). Ownership, Control, Access, and Possession ® is data management that gives First Nations the opportunity to recognize and exercise their sovereignty, using their own information in order to make sound, evidence-based decisions, and giving First Nations the final say on all aspects of this data management (First Nations Information Governance Centre, 2019). Ownership, Control, Access, and Possession® also aims to set a standard for relationships with researchers to support culturally appropriate and safe work with and for the community, and to create an ethical space for conversations around research (First Nations Information Governance Centre, 2019).

4.7.2 Indigenous Knowledge Program

Sensitive or confidential information and data collected through the Indigenous Knowledge Program will be governed by Indigenous Knowledge Sharing Agreements (Sharing Agreements). The Sharing Agreements indicate how confidential information will be used to inform the existing conditions and the assessment and will be protected from public or third-party disclosure. All sensitive or confidential information and data will be kept confidential, as per the Sharing Agreements, and any mapping or reporting that displays sensitive or confidential information may only be distributed to those on an approved

Access List for the purposes of the Project. No information, data, or maps that contain specific sensitive or confidential information will be produced for public use without the consent of the respective Indigenous community or group.

Instances where Indigenous Knowledge sharing has taken place during consultation activities (e.g., meetings) are recorded in the Record of Consultation and Engagement, including where Indigenous Knowledge was incorporated into Project decisions and into the Environmental Assessment / Impact Statement Report (i.e., specifics are not included in the Record of Consultation and Engagement given the potential sensitivity and / or confidentiality of the information shared).

The Indigenous Knowledge Program Guidance Document (refer to **Section 3.1** and **4.3.2**) was designed to enable the collection and reporting of information and data to support analysis. It includes:

- Information on the type of information that would be valuable to the Project assessment and planning;
- Guidance on how to collect and record data using a standardized process based on best practices; and
- A template that could be used to organize and report on the information and data collected.

The Guidance Document also serves an important role in supporting the collection of Indigenous Knowledge to inform other technical aspects of the Environmental Assessment / Impact Statement Report, where possible.

4.7.3 Geographic Information Systems

Where existing conditions data is available in Geographic Information Systems format, this information will be provided to the Agency as electronic geospatial data file(s) compliant with the International Organization for Standardization 19115 standard. This will support the Government of Canada's commitment to Open Science and Data and will facilitate the sharing of information with the public through the Canadian Impact Assessment Registry Internet Site and the Government's Open Science and Data Platform. The Agency intends to make the geospatial data files available to the public under the terms of the Open Government License – Canada as applicable with exclusion of sensitive species at risk and Indigenous Knowledge.

Complete data sets from all survey sites will be provided upon finalization of this report. They will be in the form of complete and quality assured relational databases, with precisely georeferenced site information, precise observation / visit information and with observations and measurements in un-summarized form. Databases and Geographic Information Systems files will be accompanied by detailed metadata that meets

International Organization for Standardization 19115 standards. Documentation and digital files will be provided for all results of analyses that allow for a clear understanding of the methods and a replication of the results. All geographic data, along with accompanying metadata, pertaining to species at risk will be provided to Natural Heritage Information Centre and the Ministry of Environment, Conservation and Parks - Species at Risk Branch.

4.8 Deviations

Deviations from the Study Plan in **Attachment A** were anticipated to be required as the Project evolved due to challenges with receiving Indigenous Knowledge and information on Indigenous land and resource use, alternative methodologies being developed, comments from regulators, and as updated guidance became available. **Table 4-14** below outlines these deviations. **Attachment A** contains deviations from the Terms of Reference and Tailored Impact Statement Guidelines.

General changes such as changes to section headings, organization of sections and subsections and changes to phrasing and tense have been made throughout. These administrative changes have not been documented in **Table 4-14.**

Table 4-14: Deviations from Draft Study Plan

Section Reference	Description of Change	Rationale
4.2.2 Valued Components and Indicators	The first indicator for the Cultural Continuity and Wellbeing Valued Component, which was 'Alteration / change in or loss of culturally important sites and areas', was merged with the first indicator for the Indigenous Current Use of Lands and Resources for Traditional Purposes Valued Component.	The definition of traditional purposes encompasses ceremonial or spiritual practices, and other cultural practices. Therefore, the first indicator for the Continuity and Wellbeing Valued Component was technically already covered by the first indicator for the Indigenous Current Use of Lands and Resources for Traditional Purposes Valued Component. Change made to eliminate redundancy.
4.2.2 Valued Components and Indicators	The second indicator for the Cultural Continuity and Wellbeing Valued Component, which was 'Changes in the sufficiency or perceived sufficiency of culturally significant sites, areas and / or resources', was removed as an indicator.	Information on thresholds identified by Indigenous communities or groups that, if exceeded, may impair the ability to meaningfully exercise rights was not available or provided to the Proponent.
4.2.2 Valued Components and Indicators	The fourth indicator for the Cultural Continuity and Wellbeing Valued Component, which was 'Changes in cultural traditions and way of life', was revised to 'Changes to connection to the land and ability to practice and transmit cultural traditions'.	The revision provides added clarity for the assessment and associated measures of change, and expands the scope of the assessment to include the transmission of knowledge and culture.
4.2.2 Valued Components and Indicators	The 'Changes in ability to exercise governance and stewardship rights' indicator was added to the Cultural Continuity and Wellbeing Valued Component.	Added based on inputs from Indigenous communities and groups to date through the Indigenous Knowledge and Consultation and Engagement programs.
4.3.1 Temporal Boundaries for Baseline Data Collection	The Study Plan indicated that the following temporal boundaries were proposed for the purposes of baseline information collection: ■ Past Use: Land and resource use after 1947 (when the registered trapline system in Ontario was implemented) up to 2008 (when the landscape and local economy really started to change as a result of mineral discoveries); and ■ Present Use: Land and resource use from 2008 up to present day and into the reasonably foreseeable future. However, the information on existing conditions was unable to be categorized according to these temporal boundaries.	It is generally difficult, or not possible, to distinguish between past / historic and present-day Indigenous land and resource use for traditional purposes in the primary information shared and the available secondary sources of information.
4.4.1 Refined Assessment Study Areas / Presumed Impact Areas	The spatial boundaries identified in the Study Plan were revised, resulting in an increase in the Local and Regional Study Areas.	The selection of a Preferred Route resulted in refined Study Areas (presumed impact areas) for the impact assessment. In addition, changes to the Study Areas identified for other Valued Components (e.g., wildlife, surface water, fish), upon which the Aboriginal and/ or Treaty Rights and Interests Study Areas were based, led to additional changes.
4.4.1 Refined Assessment Study Areas / Presumed Impact Areas	The Regional Study Area used for the effects assessment on caribou was added as a Study Area for the Aboriginal and / or Treaty Rights and Interests impact assessment.	Based on inputs from Indigenous communities and groups about the potential for the Project to influence Aboriginal and / or Treaty Rights and Interests outside of the Regional Study Area given the ranges and movements of caribou. Enables the Proponent to assess the potential indirect impacts on Aboriginal and / or Treaty Rights and Interests resulting from potential Project effects on caribou specifically.

5. Existing Environment Description

The characterization of existing conditions for each community's Aboriginal and / or Treaty Rights and Interests were completed on two alternative routes (Alternative 1 and 4) as described in **Section 4**.

The selection of a Preferred Route (as described in **Section 6**) resulted in refined Study Areas which represent only one route corridor instead of two. Each confidential community-specific *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Report* identifies potential impacts of the Preferred Route as described in **Section 7**.

Each Indigenous community's confidential *Aboriginal and / or Treaty Rights and Interests Impact Assessment Report* includes a summary of existing conditions for the Valued Components: Indigenous Current Use of Land and Resources for Traditional Purposes and Cultural Continuity and Wellbeing. Existing conditions were based on information, inputs, and materials provided directly by individual communities through the Project's Indigenous Knowledge and Consultation and Engagement programs, and supplemented by publicly available sources where appropriate.

Each community received a tailored, context-specific report addressing key areas including pre- and post-contact history, language, governance, hunting and trapping, fishing, berry and plant harvesting, cultural, spiritual and historical sites and areas, travel, habitation, experience being on the land, and rights and interests related to the project. A description of an "Area of Interest" was also included in each report. An Area of Interest identifies where each Indigenous community may exercise / hold rights and interests. Areas of interest were identified through several means, including community input, prior environmental assessments, land-use planning, and engagement discussions. Areas of interest were shared with each community for review and feedback, and where feedback was provided, they were revised accordingly.

To support a comprehensive regulatory review, these community-specific reports will be shared with the Regulator and form part of the evidence base for determining the assessment outcome.

Due to the confidentiality and sensitive nature of the information provided, detailed community reports are not being shared publicly. Instead, this section provides a high-level summary of existing conditions to maintain transparency while safeguarding community-specific information.

5.1 Historical and Regional Context

The culture, knowledge, and history of Indigenous peoples is passed down through oral stories and accounts from generation to generation. The following section presents an

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

Note: the term "Indian", which is the historical term used by the Crown for First Nations peoples in Canada, is only used throughout when referencing historical documents and associated content.

5.1.1 Pre-Contact Context

Sections 5.1.1.1 to **5.1.1.6** describe aspects of the societies of Indigenous peoples of the region prior to more consistent contact with Europeans (pre-contact), which occurred in the mid- to late-17th century.

The Indigenous peoples of what is now known as northern Ontario primarily consisted of the *Anishinaabeg* (which translates to 'Original People') and the Cree peoples (Hele, 2020a). The Anishinaabeg in this region of Ontario have been referred to as the Northern Ojibwa. The Cree people of this region are known as the *Omushkegowuk* ('People of the Muskeg').

Throughout **Sections 5.1.1.1** to **5.1.1.6**, 'Indigenous peoples' refers to the *Anishinaabeg* and the *Omushkegowuk* peoples of the region specifically, unless otherwise stated.

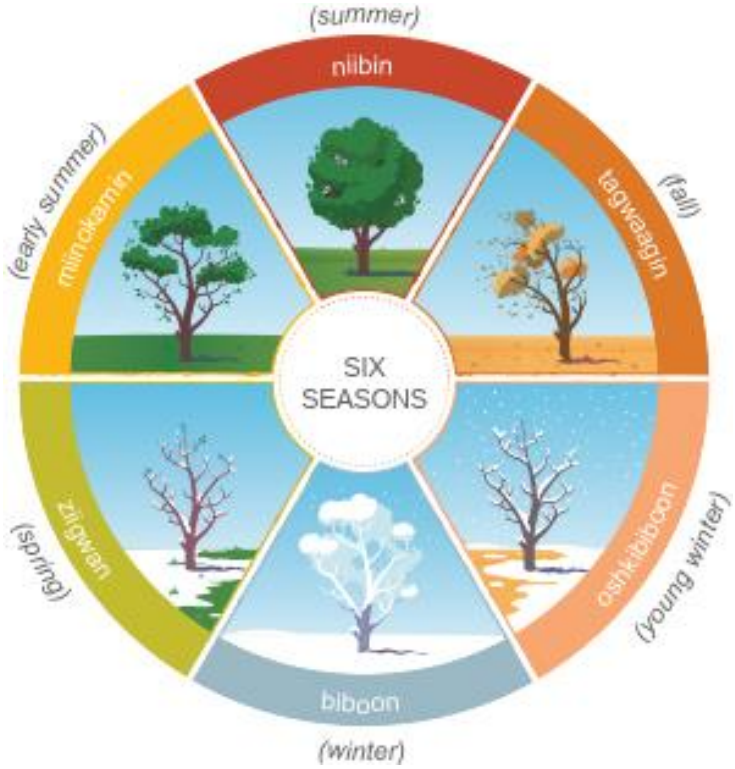
Please note that while the information in the following sections is described in past tense, and many circumstances have changed due to cumulative effects on Indigenous peoples including colonization, it is recognized that the cultural traditions, worldview, teachings, knowledge, and laws described are still valued by, practiced, and deeply important to many community members today. Additional information on communities as they exist today was provided in the confidential community-specific *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Reports.*

5.1.1.1 Seasonal Lifeways

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

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

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



The *Omushkegowuk* have described six seasons with several seasons reflecting the yearly melting and freezing of the waterways given their reliance on lakes and rivers for their livelihoods (Honigmann, 1961; Six Seasons of the Asiniskaw Ithiniwak, n.d.):

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



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



Indigenous peoples of the region were hunters and gatherers who travelled seasonally, following the important resources that sustained them in each season. They used birch bark canoes, rafts, snowshoes, and toboggans for easier travel depending on the season (Long J. , 2010).

A rich variety of foods were available, including birds (e.g., duck, goose, and partridge), big game (e.g., bear, deer, moose, and caribou), furbearers (e.g., beaver, muskrat, marten, and wolverine), and fish (e.g., whitefish, pickerel, pike, trout and sturgeon) (Dawson, 1987; Long J. , 2011; Long, Preston, Srigley, & Sutherland, 2017). Early accounts indicate that the Omushkegowuk spent much of the year pursuing game over large areas in the north, while areas to the south provided food the Anishinaabeg were able to harvest in large quantities including fish, deer, moose, and caribou, requiring less travel (Bishop & Smith, 1975).

Indigenous peoples also gathered berries, plants, medicines, and fuels (Long J. , 2011). Manoomin (wild rice) was an important staple food among the Anishinaabeg in the Great Lakes region (Desmarais, 2019). Kuhnlein and Turner (1991) noted that plants used in the Hudson Bay Lowlands, further north, included: the roots and sweet sap of large tamarack trees; rock tripe lichen; angelica (wild celery); wapato (arrowhead); the shoots, roots, and stems of fireweed; cattails; wild onions; and the buds of juniper and spruce trees.

The division of labour was generally based on gender. The men were hunters and trappers (and butchers prior to returning to the group), and makers of toboggans, sleds and snowshoe and wigwam frames. The women fished and hunted and trapped small game, gathered plant foods and medicines, collected firewood, prepared meals, and created material goods for family and trade, in addition to their child caregiver duties (McMillan and Yellowhorn, 2004, as cited in Soloway, 2016). The role of women in preparing geese for future use by drying and smoking, and in preparing feathers and quills for sale, was especially important among the Omushkegowuk (Lytwyn, 2002).

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

When studying traditional Omushkegowuk (Attawapiskat) land tenure, Cummins (1992) reported that 2 to 5 Omushkegowuk families lived and travelled together as a ‘microband’, and up to 15 families connected as a ‘macroband’. The macrobands in the region were aware of each other as they completed their seasonal rounds (Cummins, 1992).

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

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

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

Fall was spent preparing for the winter hunting camps and season. This involved preserving food and preparing hides, making any utility items needed (e.g., moccasins and snowshoes), and making sure the dogs were fattened up for the coming winter sledding when it was time to move to the winter areas (Marten Falls First Nation & Ontario Ministry of Natural Resources and Forestry, 2020; Omushkego Education, & Ojibway and Cree Cultural Centre, 2006). Fish were an important source of food during this time (Omushkego Education, & Ojibway and Cree Cultural Centre, 2006), as were a variety of birds including waterfowl, grouse, and ptarmigan (Long, Preston, Srigley, & Sutherland, 2017; Omushkego Education, & Ojibway and Cree Cultural Centre, 2006). Caribou and moose provided additional sources of food during this time (Omushkego Education, & Ojibway and Cree Cultural Centre, 2006).

During the early winter or freeze up, travel was limited until the rivers and streams were frozen and fishing and trapping were important for sustenance (Omushkego Education, & Ojibway and Cree Cultural Centre, 2006). Winter was a prime time for hunting caribou and trapping furbearers (Long, Preston, Srigley, & Sutherland, 2017). Winter gave people

freedom as they could travel all over the land, and not worry about food spoiling (Marten Falls First Nation & Ontario Ministry of Natural Resources and Forestry, 2020).

Breakup and spring (early summer) brought warmth. Areas for new shelters away from winter homes were scouted to prepare for the spring hunt (Marten Falls First Nation & Ontario Ministry of Natural Resources and Forestry, 2020). Among the lowland Omushkegowuk, the spring harvesting of goose and duck was significant and was seen as a celebration for the survival of the family through the harsh winter conditions (Cummins, 1992). Canoes were used as a mode of travel as the waters of the rivers and streams started to flow again (Omushkego Education, & Ojibway and Cree Cultural Centre, 2006). After the ice breakup was a time for fish harvesting and drying, and muskrat hunting and trapping (Marten Falls First Nation & Ontario Ministry of Natural Resources and Forestry, 2020).

5.1.1.2 Culture and Worldview

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

The perspectives of many Indigenous peoples were, and continue to be, rooted in a recognition of the inter-relation of all of creation – everything is considered to be connected, like the strands of a spider's web (Bell, 2013). Moreover, many Indigenous peoples' beliefs on the origin of humankind framed their perspectives on relationships between humans and other beings: plants and animals inhabited the land before humankind and assisted humans when they arrived on earth (Johnston D. , 2006; Luby, et al., 2021); and, all things in the natural world are valuable and equal (Simpson, 2000a).

According to the *Anishinaabe* origin story, the Creator envisioned humankind in response to feelings of loneliness. However, the Creator did not provide humankind dominion over Creation, and instructed that humankind was to take care of Mother Earth (Luby, et al., 2021). The order of creation in the *Anishinaabe* creation story places humans last, as well as least in the order of dependence, and weakest in terms of bodily powers (Johnston B. , 1976). In addition, for the *Anishinaabeg*, all living beings were understood to have souls

(and not just humans), and therefore personhood. Understanding the natural world and its inhabitants as kin, as brothers and sisters, was a critical piece of *Anishinaabe* culture and law; this is reflected in their presence in almost all *Anishinaabe* stories (Fontaine, 2020).

The important relationships and kinship between humans and the natural world are also reflected in oral history. The oral histories of Indigenous peoples of the region speak to the importance of respect, reciprocity, and responsibility.

- Among the *Anishinaabeg*, respect entails "a reverence for the diversity of life and peoples, for different ways of knowing, and for different ways of being" (Simpson in Bell, et al., 2010, p. 14). A deep respect for the natural world and the balance of all components of it underpins the worldview of Cree peoples (Preston, 2002), including the *Omushkegowuk*. The land and its resources had to be respected and sustainably utilized for the benefit of all, including ancestors and future generations (Honor the Earth, 2017).
- Indigenous peoples' relations with the land were primarily reciprocal in nature as this was considered critical to establishing and maintaining healthy relationships with the natural environment (Bell, 2013; Honor the Earth, 2017; Preston, 2002; Tsuji & Tsuji, 2021). If something was taken or received, something had to be given back to give thanks. Gifts were offered for successful hunts and harvests; these included specific offerings that were often very private to the individual or group but they also entailed actions to sustain the life of a moose or caribou population from which they hunted (Tapestry Institute, n.d.).
- Indigenous stories also indicate important responsibilities to support healthy and balanced relationships with Creation. *Anishinaabe* teachings describe the gifts that each person is born with and responsibility of each person to "use their gifts to the best of their ability for the good of the community, and for the good of creation" (Bell, 2013, p. 103).

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

In addition to providing sustenance, the lands, waters, and their resources provided, and continue to provide, spiritual connection and well-being. Everything could be considered alive – both animate and inanimate objects were believed to have a spirit life (Simpson, Anishinaabe ways of knowing, 2000a). Many *Anishinaabeg* understood the world to be inhabited by spiritual beings known as *manidoos*, and these were known to be associated with places and seasons (Johnston D. , 2006). Moreover, the spiritual world was believed to exist as parallel world or plane of existence that could be accessed through prayer or ceremony or that could manifest when it decided to do so (Honor the Earth, 2017). These beliefs remain an important part of *Anishinaabe* culture today.

In *Anishinaabe* culture, Johnston (2006, p. 17) describes that “there is an ongoing relationship between the Dead and the Living; between Ancestors and Descendent.” It was considered the obligation of the living to bury their relatives in a proper manner (in marked graves with commemorative and symbolic items placed on them) and in a proper place (in their place of origin and / or near their ancestors), and to protect them from disturbance or desecration; failure to do so was thought to harm both the dead and the living (Johnston D. , 2006). Many *Anishinaabe* believed that bodies have several souls: one of them remains in the bones after death and only leaves when it is “recycled” into a descendant; the other leaves the body after death and travels to rejoin other relatives who have died (Johnston, 2003, as cited in (Bohaker, 2020). Feasting to celebrate the dead (Feast of the Dead) was important for the care and protection of deceased souls (Johnston D. , 2006). The feasts also had a function of perpetuating alliances among kin and initiating alliances with outsiders (Bishop, 1976). Based on available records, the Jesuit missionaries were “mystified by the care and attention that Aboriginal people showed toward their dead” (Johnston D. , 2006, p. 8)

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

5.1.1.3 Language

Indigenous culture is rooted in language (Wastesicoot, 2015). Both the *Anishinaabeg* and *Omushkegowuk* are Algonquian in terms of their language group, one of the most populous and widespread Indigenous linguistic and cultural groups in North America. *Anishinaabemowin* (Ojibwe) was the language of the *Anishinaabeg*, while the *Omushkegowuk* spoke *Inilîmowin* (Swampy Cree).

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

- *Boozhoo* ("hello") in *Anishinaabemowin* acknowledges the original spirit of *Nanaboozhoo*, and also conveys the process of using the breath of life ("boo") to express the feeling of life ("zhoo") (Horton, 2017); and
- The *Inilîmowin* word *niwanahikân* means "I am setting my traps" (Omushkego Education, 2016).

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

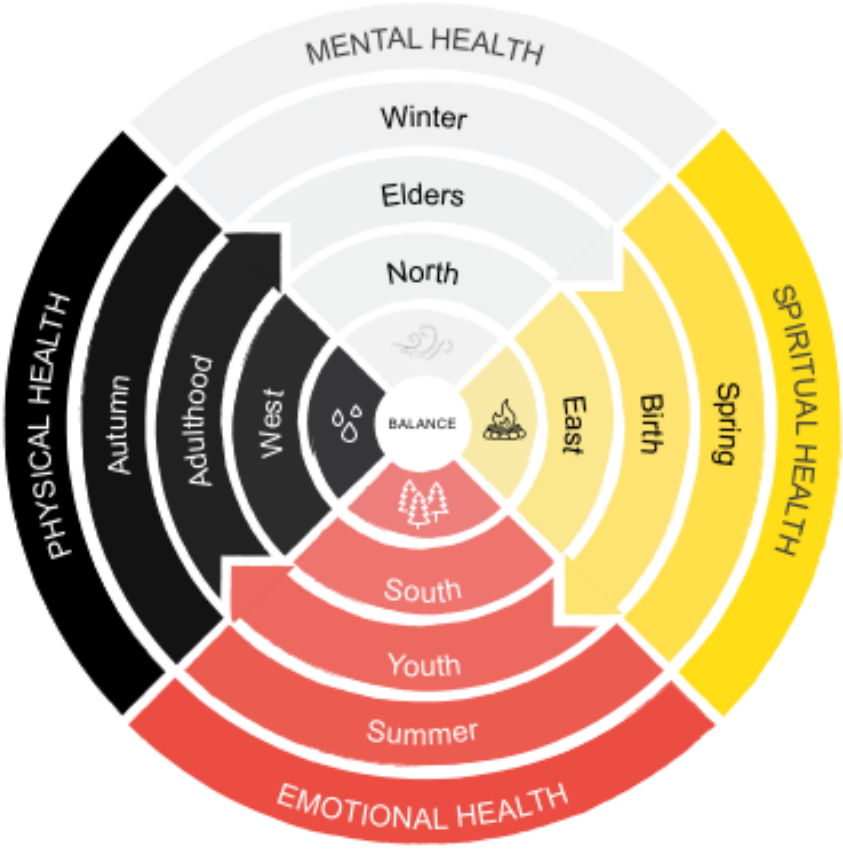
There was no written form for the Ojibway and Cree languages prior to contact, though European missionaries later created a system of writing (Ojibway-Cree Cultural Centre, 1986). By the early 1800s, European traders noted that a mixed Cree-Ojibway dialect was spoken by Indigenous people who lived in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

5.1.1.4 Learning and Knowledge Building

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

Rituals, storytelling, and harvesting and gathering practices out on the land were foundational for conveying worldviews and handing down instructions for maintaining balance in the natural and spiritual worlds through the generations (Honor the Earth, 2017). As described by Johnston et al. (2018), Indigenous knowledge "originates in oral sources (conversations, stories, traditional teachings) in the day-to-day practices of Indigenous peoples according to Indigenous worldviews and including insights from the spirit world" (p. 4). The knowledge-transfer activities of rituals, ceremonies, storytelling and

practices on the land were often directly tied to the place the knowledge relates to (Honor the Earth, 2017); that is, Indigenous knowledge sharing was not only relational in nature but also place-based.



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

Storytelling was an important way to teach principles and values. There were various forms of stories including stories of origin, sacred stories, stories of personal experience, and stories that convey laws, responsibilities, morals, values, and life lessons, all of which

were grounded in one's intimate relationship with the land (Fontaine, 2020). In oral tradition, storytellers may impart their own life and experience when telling stories, and the listeners filtered stories through their own experiences and reflective thinking to make them relevant to their own lives (Peltier, 2021). The meaning that was drawn from a story may depend on who was telling it, and the circumstances in which it was told in terms of time, place, and situation of the telling. Storytelling tradition is non-linear and cyclical in perspective. Time can be represented in different ways; while stories find their origins in the past, they can also speak to the present (Royal Commission on Aboriginal Peoples, 1996a). As described by *Anishinaabe* educator David Anderson (2002), traditionally children were often raised by their immediate and extended families and taught the "big story" and the abstract messages of *Anishinaabe* being from infancy. Generally, children learned to listen and observe, and they watched as the community worked together to support the survival of all; role modelling was an important aspect of teaching (Bell, 2013). Children were expected to take the abstract concepts, morals, and values they were exposed to through storytelling, and develop them into their own meaningful relationships with all elements of the natural and spiritual world (Anderson, 2002; Bell, 2013).

5.1.1.5 Governance and Legal Principles

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

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

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

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

Historically, common councils met regularly and were responsible for local affairs, including where and what to hunt, where family groups reside through the seasons, settling conflicts and disputes in the community, and family alliances (Bohaker, 2020). Both women's and warrior councils provided common councils with advice on these matters (Bohaker, 2020). General councils between common councils occurred at least annually if not semi-annually, as part of the seasonal round. General councils were places at which alliances between common councils were established and renewed (Bohaker, 2020). As noted by (Bohaker, 2020); leaders were expected to be generous with their wealth and "good leaders accumulated wealth in order to give it away" (p. 139). Their intended role was as "stewards" who took care of the people and the land. Leadership was not absolutely hierarchical and individuals could hold several leadership roles, with their status depending on their own personal gifts, expertise, and their *doodem* (Bohaker, 2020). Governance practices were primarily consensus-based through councils and alliances (Bohaker, 2020); this is reflected in *Anishinaabe* oral histories that demonstrate consultative and consensus-based leadership models through story (Borrows, 2010). Common practice was for leaders to exercise their authority with their community, not over them (Mills, 2019). *Doodem* kin ties could create and sustain lateral connections between

different councils, and reinforce the political principle of interdependence through alliance (Bohaker, 2020).

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

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

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

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

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

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

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

According to oral history, it is said that sacred or natural law was given to the *Anishinaabeg* by the Creator through their *Mino-Bimaadiziwin* (way of living the good life), language, philosophies, and ceremonies (Watts, 2006). *Mino-Bimaadiziwin* is representative of the relationship that the *Anishinaabeg* have with everything around them,

and the understanding that everything is alive, and everything is related (Bell, 2013). It is a traditional legal principle rooted in all *Anishinaabeg* (Anishinabek Nation Legal Department, 2018). *Mino-Bimaadiziwin* was expected to be lived according to the seven original (ancestral) teachings that provide guiding principles for the way in which individuals are to treat each other and the natural environment (Bell, 2013; Seven Generations Education Institute, 2021):

- *Debwewin* (truth) – To speak only to the extent we have lived or experienced. Represented by the turtle as the turtle was here during the creation of Earth and carries the teachings of life on his back.
- *Dabasendiziwin* (humility) – To think lower of oneself in relation to all that sustains us. Represented by the wolf, who lives for his pack and the ultimate shame is to be an outcast.
- *Manaaji'idiwin* (respect) – To go easy on one another and all of Creation. Represented by the buffalo as the buffalo gives every part of his being to sustain the human way of living, and respects the balance and needs of others.
- *Zaagi'idiwin* (love) – Unconditional love between one another including all of Creation, humans and non-humans. The eagle represents love because he has the strength to carry all of the teachings.
- *Gwayakwaadiziwin* (honesty) – To live correctly and with virtue. Represented by either the raven or the sabe (sasquatch) as they both understand who they are and how to walk in their life.
- *Zoongide'ewin* (courage) – To live with a solid, strong heart. Represented by the bear. The mother bear has the courage and strength to face her fears and challenges while protecting her young. To face life with courage is bravery.
- *Nibwaakaawin* (wisdom) – To live with vision. The beaver represents wisdom because he uses his natural gift by altering the environment for his family's survival.

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



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

5.1.1.6 Resource Management & Stewardship

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

Feit (2004) suggests that some form of hunting territories likely existed among Algonquian hunters in the northern Boreal areas. This would have enabled them to respond to disruptions caused by larger-scale forest fires, and / or resource depletions where groups displaced by these disturbances would have sought to resettle on lands used by adjacent groups of hunters and their families. In his study of hunting territories among the Northern Ojibwa, Bishop (1970) suggests that prior to settlement of interior northern Ontario by traders in the 1770s, hunting groups remained large throughout the year and moved *en masse* within a roughly defined region. Available records indicate a gradual stabilization of hunting groups in certain regions around major lakes and waterways following settlement

in the region. By the late 1850s, there were fully developed hunting territories in the upper Albany River drainage area (Bishop, 1970). Leacock (1954, as cited in Bishop, 1970) suggests that the emergence of defined hunting areas held by family units after contact was driven by:

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

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

Lytwyn (2002) studied archived fur trade records of the Hudson Bay Company and reported that prior to contact, specific groups of the Lowland Cree (*Omushkegowuk*) were usually named after prominent physiographic features, especially river basins. These basins were often used by winter hunting groups comprised of several related families (as described in **Section 5.1.1.1**), and led by a hunter or elder who was respected for their ability to make good decisions regarding hunting practices and rules (Preston, 1990, as cited in Berkes et al., 1991). Within the hunting ranges, a smaller (core) area could be used more intensively as a base camp from which hunters ventured over larger areas in search of big game (Preston, n.d., as cited in Tsuji, McCarthy, Whitelaw et al., 2011). The transmission of family-based hunting ranges was typically from father to son, but exceptions were documented (Cummins, 1992).

Based on the research of Lytwyn (2002), hunting groups did not have exclusive rights to their basins (hunting ranges), and there was considerable movement between the river-basin hunting groups. Early traders reported many examples of people moving back and forth between river basins, and commented on the freedom of Lowland Cree people (*Omushkegowuk*) to hunt and travel without restriction; this pattern of land use was also

observed inland among the Upland Cree and Northern Ojibway (Lytwyn, 2002). As recorded by a trader named George Holdsworth in 1815:

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

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

The recognition of the inter-relation of all of creation, the dependence of humankind on other beings for survival, and the principles of respect, reciprocity, and responsibility (as described in **Section 5.1.2.1**) serve as underpinnings of Indigenous land stewardship – something that was considered a sacred responsibility bestowed upon them by the Creator (Davidson-Hunt & Berkes, 2003; Davidson-Hunt, Jack, Mandamin, & Wapioke, 2005; Tsuji & Tsuji, 2021). There was an understanding that without balanced relationships with the environment, their own generation as well as those in the future were at risk. As noted by Luby et al. (2021), "Anishinaabe Elders teach youth to live with humility and recognize that nonhuman lifeforms can survive without human intervention, but humankind depends on plants and animals for subsistence" (p. 5). According to the *Anishinaabeg* worldview, in return for the gifts provided to humankind, the Creator placed a moral, custodial responsibility on them referred to as the principle of *gimiinigoowizimin gaaganawendang*, which means 'keeper of the gifts' (Davidson-Hunt, Jack, Mandamin, & Wapioke, 2005). Among the *Anishinaabeg*, feasts were held to respect the beings who made life possible during the past season, and for the beings that were to sustain people in the coming season (Davidson-Hunt & Berkes, 2003).

The responsibility to be stewards of the lands was also prominent among the *Omushkegowuk*. Berkes et al. (1991) contend that "the core of Cree culture is traditionally based on land stewardship activities, skills, and ethics" (p. 15).

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

5.1.2 Post-Contact Context

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

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

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

For the next 120 years, the relationship between First Nations and the British Crown transformed from one of allyship to wardship, driven by the influx of newcomers following the American war of Independence (1775 to 1783) and the War of 1812 (1812 to 1815), greater demand for land by settlers as a result, increasing costs of supplying gifts to First Nations groups to retain their loyalty, and declines in the fur trade (Crown-Indigenous

Relations and Northern Affairs Canada, 2017; Pettit, 2016). With a need for more land and military threats fading, the relationship between Indigenous peoples and settlers shifted from one where Indigenous peoples could be considered necessary allies, to one where they could be considered obstacles to growth. What followed was a series of treaties and legislative developments that increased Crown authority over First Nations and lands reserved for them (Crown-Indigenous Relations and Northern Affairs Canada, 2017).

Sections 5.1.2.1 to **5.1.2.11** describe the post-contact context, including: the fur trade; early legislation and policy and associated impacts on Indigenous peoples; the numbered treaties established in the region; perspectives on Aboriginal and Métis Rights; and legislative developments that have governed natural resource and land use.

5.1.2.1 Fur Trade and the Hudson's Bay Company

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

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

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

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

As the fur trade became more profitable, some free traders organized themselves to form the Northwest Company, which grew rapidly and became the Hudson's Bay Company's major rival, with open conflicts arising. The fur trade war intensified until 1821, when the Hudson's Bay Company merged with the Northwest Company (Ojibway-Cree Cultural Centre, 1986), extending the Hudson's Bay Company's fur trade monopoly to the Pacific Ocean (Archives of Ontario, n.d.). Without the competition that made them necessary, some trading posts were closed, and trading options for Indigenous peoples became fewer (Finch D. , 2013). The Hudson's Bay Company monopoly lasted until 1869, when the company transferred its deed for the area to the English Crown (Canada) for $1.5 million to enable westward expansion and settlement. In the transfer, Canada had agreed to a "Protection Pledge" that committed to protecting the interests of Indigenous peoples living in the territory. The transfer took place without consultation with the *Anishinaabeg* or *Omushkegowuk*, who didn't believe that the Hudson's Bay Company or the Crown had sovereignty over the land in the first place (Archives of Ontario, n.d.).

The presence of the Hudson's Bay Company had profound effects on Indigenous peoples across Canada, including the *Anishinaabeg* and *Omushkegowuk*. In addition to the lifestyle

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

The influx of traders and settlers also brought new diseases such as measles, smallpox, whooping cough, influenza, and tuberculosis, all previously unknown to Indigenous peoples. This led to many deaths, especially among elders (Ojibway-Cree Cultural Centre, 1986). Alcohol was also introduced, with devastating effects on Indigenous populations (Crown-Indigenous Relations and Northern Affairs Canada, 2017).

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

5.1.2.2 Métis Peoples

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

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

The origins of Métis peoples and communities are closely tied to the emergence of the fur trade in North America. The arrival of European explorers in eastern Canada in the 1600s led to unions with Indigenous communities through marriage (Carrière & Dumont, 2017). As the fur trade and competition among the French, English, and Indigenous groups intensified through the 17th century, French traders were encouraged to seek marriage alliances with Indigenous peoples to establish the kinship basis for trade and military activities (Foster, The Métis: The People and the Term, 1978). These strategic alliances continued until French colonial efforts officially ended in 1763 with the ceding of New France to Britain (see **Section 5.1.2**), upon which time Indigenous peoples in the Great Lakes region rebelled against British rule. With increased hostility between Indigenous peoples and the British in the last few decades of the 18th century, the French practice of establishing alliances with Indigenous peoples through marriage and peace and friendship treaties was adopted (Surtees, 1975, as cited in Foster, 1978).

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

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

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

Peterson (1985) described the Great Lakes Métis during the 18th century as "people in the process of becoming" given that although they may not have been self-consciously Métis before 1815, "their distinctiveness was fully apparent to outsiders, if not to themselves" (p.

39). By the early 19th century, there was a historically significant population of Métis descendants in the Great Lakes region of Ontario who had developed a network of trading villages and towns along the shorelines of rivers and lakes (Peterson, 1978; 1985). The Métis settlement at Fort Williams (in present-day Thunder Bay, historically known as Port Arthur) is recognized as one of the two first Métis settlements in Canada (Tronrud & Epps, 1995, as cited in Gale, 1998). According to Peterson (1978), this network of marital and fur-trade alliances among the Great Lakes Métis communities suggested that a larger regional Métis identity had developed.

The Red River Métis Settlement has been regarded as the site of the culmination of Métis political consciousness. Canada's purchase of Rupert's Land from the Hudson's Bay Company in 1869 was undertaken without consultation of the Métis residing there. In response, and given concerns about Métis rights, a National Committee of Métis (effectively a provisional government) was established, with Louis Riel as the leader, to stop the land transfer until Métis rights and title were recognized. This action and events that followed became known as the Red River Rebellion and led to the establishment of the Province of Manitoba (Ouellet & Hanson, 2009). Further discussion of Métis rights is provided in **Section 5.1.2.10**.

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

The early ethnic identity among Métis was based on a strong association with and reliance on the fur trade, an independent lifestyle, a lack of agricultural development, subsistence practices to provide clothing and tools, and a lack of established land rights (Peterson, 1978). Both Indigenous and European cultural traditions were adapted and merged into the clothing, food, medical practices, languages, beliefs, and customs of Métis communities (Peterson, 1978). Many First Nations women who were part of Métis families maintained close ties with their ancestral communities, and many of their traditional lifeways and cultural practices were preserved in Métis communities. For example, Ojibway and / or Cree languages were spoken in many Métis communities in the Great Lakes (Foster, 1985). In addition, many Indigenous groups (including the *Anishinaabe* and Cree) had close relations with the Métis and shared the land and ways of life on it, as well

as aspects of culture and language. Prior to the establishment of First Nation reserves (see **Section 5.1.2.7**), First Nations and Métis shared territory, usually peacefully (Teillet, 2013). It was also common for First Nations and Métis families to travel on hunting expeditions together (Chartrand, 2007).

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

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

Prior to the 1800s, the British government was largely unaware of the existence of the Métis (Hayter, 2017). In 1810, the Royal Society reported the successes of the Métis to the British Crown, which set the stage for the primary policy of the British to remove the Métis as a threat to settlement (Carrière & Dumont, 2017). By the mid-19th century, British authorities had developed a policy of Métis collective non-recognition. In addition to the perceived threat that the Métis posed to colonial expansion, the Métis also posed a potential threat to colonial aspirations for civilization. To acknowledge the Métis as a distinct group could have been likened to acknowledging the failures of colonial policy to assimilate and “civilize” First Nation peoples, which would be inconsistent with colonial objectives of progress (Proceedings of the Standing Senate Committee on Aboriginal Peoples, 2017).

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

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

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

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

5.1.2.3 Early Legislation and Policy

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

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

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

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

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

5.1.2.4 The Indian Act

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

- Intervene in a wide variety of band issues including governance structure;
- Make sweeping policy decisions, including who was considered to be a "Status Indian";
- Manage Indian lands (see **Section 5.1.2.7**), resources, and moneys;
- Control access to intoxicants, including alcohol; and
- Take measures to promote "civilization", including mandating Indigenous children into government-sanctioned schools (see **Section 5.1.2.8**).

The *Indian Act* was based on the premise that it was the Crown's responsibility to protect Indian interests and thus the Crown would act as a "guardian" until such time that Indians could fully integrate into society (Crown-Indigenous Relations and Northern Affairs Canada, 2017).

The Act has largely excluded Métis individuals since its enactment. The 1876 *Indian Act* simplified and further restricted the definition of "Indian" compared to definitions in earlier legislation (see **Section 5.1.2.3**). It excluded Métis who had received "half breed scrip" (individual land grants to Métis on the prairies beginning in the 1870s). It also excluded the children of Indian women who married non-Indian men (including Métis men). These exclusions effectively served to reduce the size of the category of Indian while increasing the size of the non-Indian category, which, in turn, reduced the amount of land necessary for Indians and enabled increasing settlement by Euro-Canadians (Hayter, 2017). Amendments to the Act beginning in 1879 increasingly excluded Métis people, with far reaching exclusions added through amendments up to and including 1951 (Teillet, 2013). While the result has been that Métis people have been largely excluded from the Act, many individuals who self-identify as Métis are today registered as Indians under the *Indian Act*.

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

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

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

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

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

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

5.1.2.5 Treaties

Swaths of Indigenous land to enable settlement and resource development in western and northern Canada (Archives of Ontario, n.d.), and to reduce possible conflicts between First Nations and settlers (Crown-Indigenous Relations and Northern Affairs Canada, 2017). When the Dominion of Canada was created in 1867, the Province of Ontario was a fraction of the size of the present-day province, and both legislation and the signing of treaties with Indigenous groups served to incrementally increase the landmass of Ontario (CIRNAC, 2021, as cited in S. R. J. Tsuji & Tsuji, 2021). The *Anishinaabeg* and *Omushkegowuk* of the region are signatories to the Robinson-Superior Treaty (1850) and James Bay Treaty Number 9 (1905).

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

5.1.2.5.1 Robinson-Superior Treaty

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

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

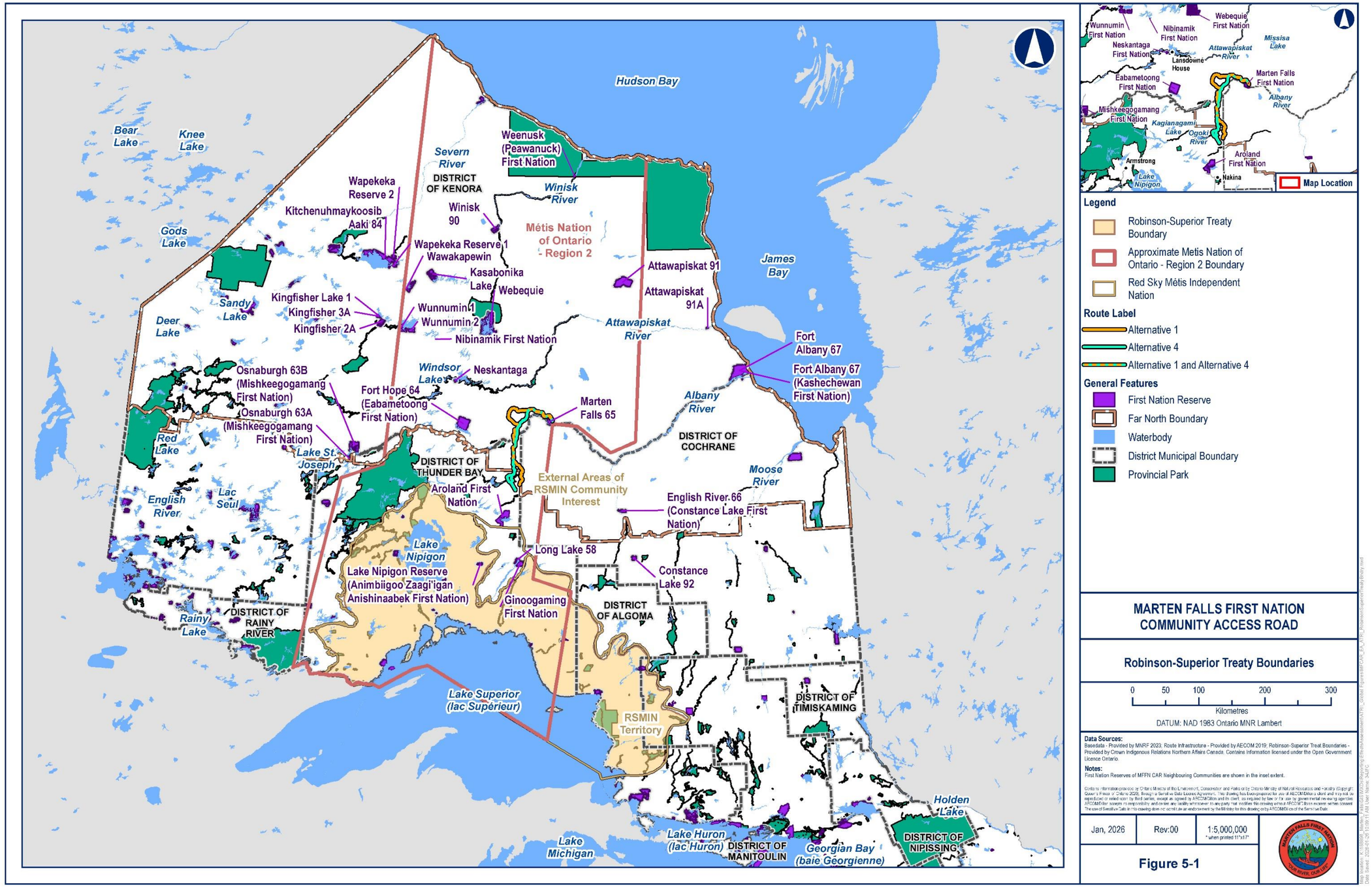
In September 1850, the *Anishinaabeg* of the Upper Great Lakes signed two separate but interconnected treaties: the Robinson-Superior Treaty, and the Robinson-Huron Treaty. These treaties provided Canada East and Canada West (the future Quebec and Ontario, respectively) with access to the north shores of Lake Huron and Lake Superior for settlement and mineral extraction. In exchange, the *Anishinaabeg* gained recognition of hunting and fishing rights, a one-time payment of £2,000, an annual payment or annuity of £500 and £600 (respectively), and large reserves set aside specifically for First Nations from the surrender of specific lands for each signatory community. The treaties also contained an "escalator clause" for the annuity, which meant that the Crown would increase the annuity as revenues from lands increased (Hele, 2020).

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

The Robinson-Superior Treaty covers the north shore of Lake Superior from Batchewana Bay to Pigeon River at the western end of the lake, and the lands to the north up to the Hudson Bay watershed (**Figure 5-1**) Indigenous peoples residing in the area covered by the treaty at the time of signing include ancestors of the Animibiigoo Zaagi Igan Anishinaabek First Nation, Long Lake #58 First Nation, and the Red Sky Métis Independent Nation.

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

Figure 5-1: Robinson-Superior Treaty Boundaries



5.1.2.5.2 James Bay Treaty Number 9

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

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

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

Similar to the Robinson-Superior Treaty, Treaty 9 set aside reserve lands for First Nations and granted them annuities and the continued right to hunt and fish on unoccupied Crown lands in exchange for Aboriginal title (Crown-Indigenous Relations and Northern Affairs Canada, 2017), and the surrender of over 230,000 km^2 of territory (Ojibway-Cree Cultural Centre, 1986). In addition, the treaty included: schools and teachers to educate First Nations children on reserve; and ceremonial and symbolic items such as medals, flags, and clothing. During negotiations, First Nations were encouraged to settle on reserve lands, take up agriculture, and receive an education (Crown-Indigenous Relations and Northern Affairs Canada, 2017).

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

Treaty 9 was the first major treaty in Ontario in which treaty signing took place in many locations rather than one (Archives of Ontario, n.d.). During the treaty expedition in 1905 and

1906, treaty commissioners travelled to trading posts along the rivers in what is now northern Ontario and met with Cree and Ojibway peoples. While the Indigenous people encountered at the trading posts at the time of the expedition were not necessarily part of a "band", they were designated as such for administrative convenience. Each trading post was to give advance warning as to when the treaty party would arrive, but as it turned out, many Indigenous people were not present upon their arrival (Ojibway-Cree Cultural Centre, 1986).

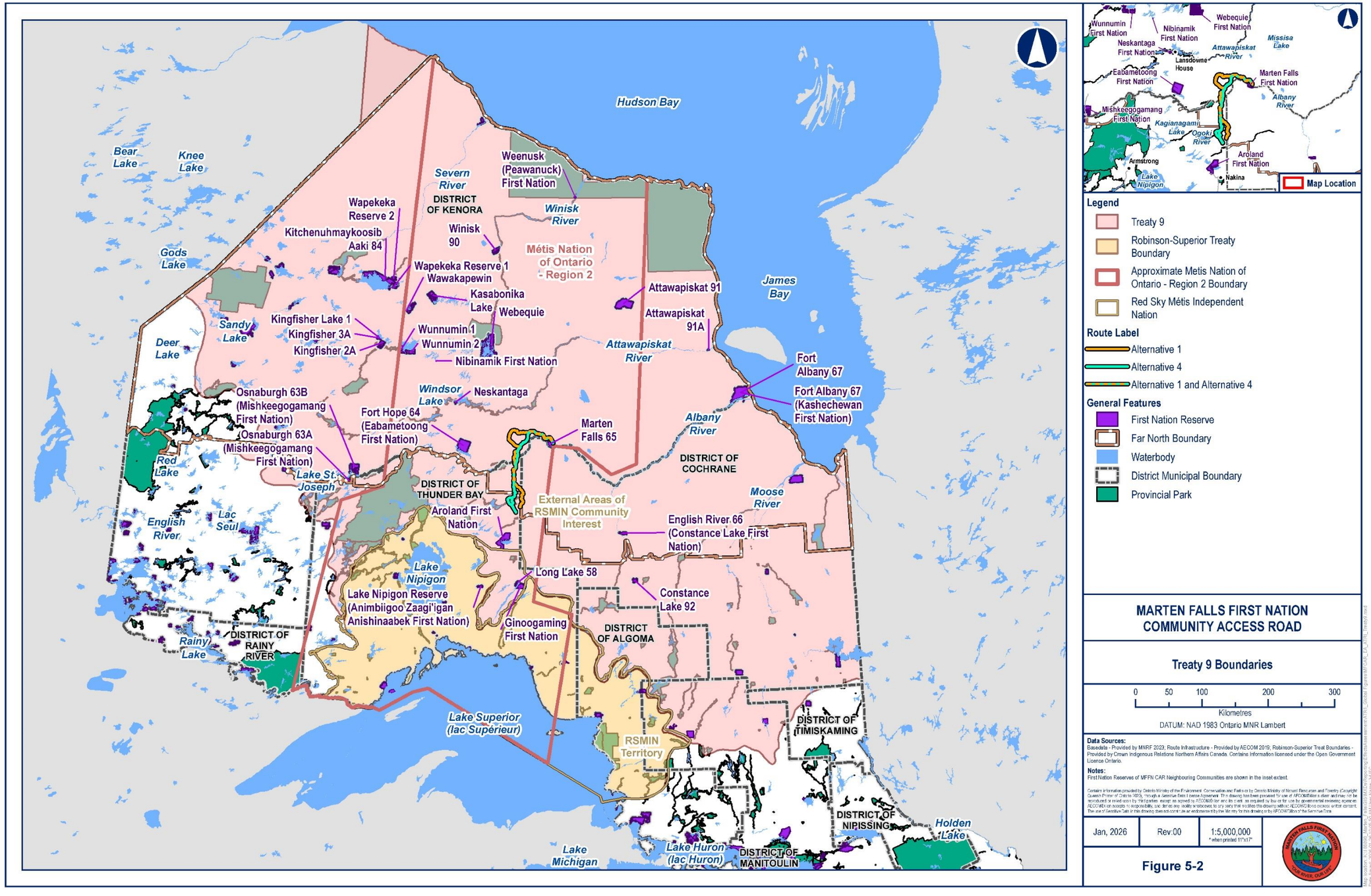
The intent of the commissioners was to describe the contents of the treaty, establish reserves and associated boundaries and obtain the signatures of Indigenous leaders. At each stop, the commissioners requested the community to select representatives who heard the treaty explained to them by interpreters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

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

Treaty 9 covers most of present-day Ontario north of the height of land dividing the Great Lakes watershed from the Hudson and James Bay drainage basins (**Figure 5-2**) Signatories to Treaty 9 between 1905 and 1930 included the following:

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

Figure 5-2: Treaty 9 Boundaries



Treaty 9 was considered to be one of the least generous of the numbered treaties: the monetary gifts and annuities were much lower than Treaty 8 or Treaty 10, and there was to be no distribution of ammunition or net twine, no farm implements or cattle, no carpentry tools, and no salaries of clothing for the chiefs and councillors (Ry, Miller, & Touch, 2000, as cited in J. S. Long, 2011). In addition, as noted by Long (2010), Treaty 9 historians contend that the treaty was flawed due to the lack of oversight by the people who drafted it, and it may have been the first of the numbered treaties that lacked the oversight of the Colonial Office in Great Britain. The conditions and factors present when the treaty was signed were also problematic (Archives of Ontario, n.d.; Ojibway-Cree Cultural Centre, 1986):

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

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

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

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

Archival records also suggest that the commissioners did not explain the "Taken Up Clause" (see **Section 5.1.2.5.1**) – if they had, it is possible that Indigenous representatives would never have signed the document (Archives of Ontario, n.d.).

5.1.2.6 Damming and Diversion

Today, not all of the water that would normally flow to Hudson's Bay remains within the watershed. The damming and diverting of waterways in the area has occurred at various scales over time. Demand for water in the Great Lakes region for shipping and hydropower has led to diversion from the Albany River watershed to the Great Lakes in the form of three key projects: one from the Kengami River; one from Lake St. Joseph; and one from

the Ogoki River (Garrick, 2020). The Long Lake Diversion Project included the construction of the Kenogami Lake Dam and the Long Lake Diversion Dam, undertaken in 1937. The Ogoki Diversion Project, in the early 1940s included the construction of the Waboose and Summit Dams to divert water to Lake Superior through Lake Nipigon. The Lake St. Joseph Diversion Project was built to divert water from Lake St. Joseph to Lac Seul in the late 1950s (Creger, 2018; Garrick, 2020). In discussion about the potential development of more waterway diversion projects in the 1960s, Marten Falls First Nation Councillor Sam Achneepineskum commented “Our community would have been a lake where it is now… I think that is part of the reason why Nishnawbe Aski Nation came to be, all the chiefs got together and they started to push back on trying to kill the project. It was called Damn the Dams” (Garrick, 2020, p. 15).

5.1.2.7 The Reserve System

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

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

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

While consent from First Nations was often sought, this consent was regularly acquired under what could be considered questionable circumstances. The sale of reserve lands was consistently presented as being in the long-term interest of the First Nation

community, yet railway and corporate executives, and other members of the settler elite (including Indian Affairs Department staff and other public officials), often gained possession of alienated reserve lands (Smith, 2016).

The creation of the reserve system had far-reaching implications for Indigenous peoples, including the *Anishinaabeg* and the *Omushkegowuk*. As noted previously, the land base of First Nations was significantly reduced: the reserve system dispossessed the *Anishinaabeg* of all but 1% of their traditional territory (Pitawanakwat, 2009). Under the reserve system, which provided First Nations with fragments of their ancestral territory, Indigenous residents held the right to occupancy only, which ownership and title remained in the hands of the Crown (Smith, 2016).

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

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

5.1.2.8 Residential School System

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

The system originated from the mission system in the 1600s, when missionaries made plans to establish schools and farming settlements to try to educate, change, and settle Indigenous peoples. However, managing the schools and associated supplies proved challenging for the missionaries to carry out alone (Ojibway-Cree Cultural Centre, 1986). Following confederation, Canada's first Prime Minister, John A. Macdonald, commissioned a study of industrial schools established for Indigenous children in the United States, and a recommendation to follow their

approach to “aggressive civilization” led to the creation and funding of the residential school system (Hanson, Gamez, & Manuel, 2020), although some schools were funded by provincial governments or by the various religious orders (Union of Ontario Indians, 2013). An amendment to the *Indian Act* in 1894 made it mandatory for Indigenous children to attend school (Truth and Reconciliation Commission, 2015a). Further amendments to the *Indian Act* in 1920 and 1933 reinforced the requirement for every Indian child between the ages of 7 to 16 to attend a residential school and led to the legal guardianship of Indian children attending a school being assumed by their principals upon the often-forcible surrender of legal custody by their parents (Union of Ontario Indians, 2013).

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

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

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

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

5.1.2.9 The Sixties Scoop

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

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

5.1.2.10 *The Constitution Act, 1982* and Aboriginal Rights

Between 1977 and 1981, the federal government entered into discussions with the provinces to reform and take authority of the Constitution from the British government. Aboriginal political organizations were unsuccessful in getting a seat at the negotiations table, and the first proposal for the Constitution put forward in 1981 excluded Aboriginal and Treaty Rights. However, several months of lobbying by First Nations, Inuit, and Métis organizations led to the inclusion of two clauses in Section 35 of the Constitution:

recognition of “existing Aboriginal and Treaty Rights”; and definition of Aboriginal peoples that included all three groups (Crown-Indigenous Relations and Northern Affairs Canada, 2017). The presence of the word “existing” means that Section 35 only applies to Aboriginal and Treaty Rights that were not extinguished when the *Constitution Act*, 1982 came into effect. Therefore, if a right was previously extinguished (e.g., through surrender to the Crown), it is not revived by Section 35 (Centre for Constitutional Studies, 2021)

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

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

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

1. The perspective of Aboriginal peoples themselves.
2. The precise nature of the claim (what is being claimed as a right).
3. The practice, custom, or tradition must be of central significance to the society in question.
4. The Aboriginal Right must have continuity with the practices, customs and traditions that existed prior to contact.
5. Courts must take challenges with evidence into account (e.g., oral history of Indigenous peoples rather than written records).
6. Claims must be specific and not general.

7. The practice, custom, or tradition must be of independent significance to the group (i.e., central to the group's identity).
8. The practice, custom, or tradition be distinctive (i.e., characteristic part of the culture).
9. European influence is only relevant if the practice, custom, or tradition is integral to the Indigenous society because of that influence.
10. Courts must take into account both the relationship of Aboriginal peoples to the land and their cultures.

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

5.1.2.10.1 Métis Rights

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

Since the early 2000s, two major Supreme Court of Canada decisions have initiated the long process of defining Métis rights, as well as highlighted the complexities associated with defining Métis identity in the context of these rights. The first was *R. v. Powley* (2003), which forever transformed Métis harvesting rights. Two Métis hunters, Steve Powley and his son were charged with hunting a moose near Sault Ste. Marie without a license under the Ontario *Game and Fish Act*. They pleaded not guilty and asserted their Aboriginal Right to hunt. After a decade of court proceedings and a series of appeals by the Crown, the Supreme Court confirmed that as Métis people and members of a Métis community, the Powleys' right to hunt in the area was protected by Section 35 (Teillet, 2013). The evidence in the Powley case also showed that after the economic migration of Métis from the Great Lakes to the prairies in the early 19th century, a significant Métis population remained in the Great Lakes-Boundary Waters regions of Ontario (Teillet, 2013).

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

1. The characterization of the right, including reason for harvesting (e.g., for food, for ceremonial purposes, etc.), the location of harvesting and other contextual information.
2. Verification of membership in the contemporary Métis community.

3. Identification of the historic rights-bearing Métis community with a distinctive collective identity that existed prior to when Euro-Canadians effectively established political and legal control in that area.
4. Identification of the contemporary rights-bearing community that is a continuation of the historic community.
5. The historical timeframe for the practice, which must have been undertaken post-contact but before Euro-Canadian political and legal control.
6. Whether the practice was integral to the claimant's distinctive culture.
7. Whether the practice is continued by the Métis community.
8. Whether the right was extinguished by the Crown by constitutional enactments, federal legislation, or by agreement with the Aboriginal people.
9. Whether the right was infringed upon for any reasons.
10. If the right was infringed upon, whether the infringement was justified.

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

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

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

5.1.2.11 Legislative Developments

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

5.1.2.11.1 Fish & Game Regulations

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

Treaty 9 was negotiated between Canada and Ontario at a time when federal-provincial jurisdiction over fisheries was well established. One of the treaty's provisions full reflected the state of fisheries legislation, in that the right to hunt, trap, and fish is subject to regulations that may be made by "the government of the country" (Canada Crown-Indigenous Relations and Northern Affairs, 1964).

The first passage of comprehensive fisheries legislation came in 1857 with the *Fisheries Act*, under which the Department of Crown Lands became responsible for fisheries in Upper and Lower Canada. The Act did not contain any specific references to Indigenous people. An amendment in 1859 provided for the first time for special fishing licenses and leases on lands belonging to the Crown, with no specific reference to Indigenous people. Shortly after this, an agreement between the Department of Crown Lands and the Indian Department "for the protection of the interest of native tribes" was reached (as cited in Hansen, 1991, p. 6). The agreement suggested that Indigenous people were considered subject to the regulations of the Act since they were exempt from paying fees for fishery

leases anyways. However, they were exempt in cases of fishing for domestic consumption only, and they were subject to the regulations otherwise (i.e., when fishing commercially or for trade). Thus, fishing rights were being interpreted as domestic consumption fishing rights only (Hansen, 1991).

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

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

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

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

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

Initially, the *Game and Fisheries Act* contained a clause exempting treaty Indian hunters from the legislation based on their Treaty Rights. However, the clause referencing Treaty

Rights was eventually removed from the Act in 1914 and by 1927, all hunting exemptions for First Nation hunters had been removed from the Act – all "persons" affected by the Act were now defined to include "Indians". By this time, game laws in Ontario included complete hunting bans on moose and deer, bag limits, quotas, required licensing, and hunting seasons (Bate, 2023). As a result of the hunting regulations, Indigenous hunters' control over resources, secured through treaty, was restricted, impacting their cultural lifeways.

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

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

In response to the Sparrow ruling (see **Section 5.1.2.9**), the Ontario Ministry of Natural Resources issued an Interim Enforcement Policy on Aboriginal Hunting and Fishing in 1991 that states Aboriginal people harvesting game or fish for personal consumption or social or ceremonial purposes in their treaty areas or traditional lands will generally not be prosecuted. However, this policy was meant to be an interim measure and when the province enacted a new *Fish and Wildlife Conservation Act* in 1997, neither it, nor the detailed regulations under it, make any reference to Treaty or Aboriginal Rights to harvest.

5.1.2.11.2 The Registered Trapline System

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

In the years following the introduction of the system, Indigenous trapping was impacted by several key factors such as new wildlife laws, changing lifeways, increased wage labour opportunities, increasing government aid, and multiple outbreaks of tularaemia, an

infectious disease that affects beaver and muskrat (Finch D. M., 2020). Input from Indigenous communities, including concerns that the established trapping seasons did not work in the north because of the different climate in the James Bay region, were not reflected in trapping regulations (Sutherland, 2020). In addition, the Registered Trapline System involved licenses, registration, and quotas, all of which was foreign to Indigenous trappers (AMEC, 2004b, as cited in L. J. S. Tsuji et al., 2011).

5.1.2.11.3 Ontario Far North Act

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

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

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

The land use planning process established under the Act entails the development of a terms of reference by a First Nations community interested in participating, which must then be approved by the Minister of Natural Resources, who then designates a planning area for the Community Based Land Use Plans (Far North Act, 2010, Section 9). The plans are intended to include maps that show historical and contemporary Indigenous use in the area. Communities can designate areas of significant cultural value such as burial sites, waterways and travel routes to be protected, caribou migration routes and areas to be considered open for or closed to mineral exploration. At least one protected area must be identified through the planning process (Far North Act, 2010, Section 9(9)(c)(d)). However, the plans must be jointly approved by the First Nation and the Ministry, and once the final plan is approved, all decisions to authorize land use activities must be consistent with the land-use designations in the plan. For First Nations communities in the Far North, community-based land use plans signify inherent jurisdiction over lands and the authority to make decisions on contested land uses (Scott, Ashamock, & Cutfeet, 2018).

The legislation has been contested by First Nations and their regional organizations based on the level of and approach to consultation undertaken by the province, and concerns about how the recommendations provided by First Nations were incorporated. While

amendments were made, including the addition of "joint bodies" that could be established with interested First Nations, the province retains ultimate decision-making powers related to amendments, policy documents, and exemption orders related to land use strategies (Gardner, Tsuji, McCarthy, Whitelaw, & Tsuji, 2012).

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

5.1.3 Cumulative Effects to Aboriginal and / or Treaty Rights and Interests

> *For roughly seven generations nearly every Indigenous child in Canada was sent to a residential school. They were taken from their families, tribes and communities, and forced to live in those institutions of assimilation. The results while unintended have been devastating. We witness it first in the loss of Indigenous languages and traditional beliefs. We see it more tragically in the loss of parenting skills, and, ironically, in unacceptably poor education results. We see the despair that results in runaway rates of suicide, family violence, substance abuse, high rates of incarceration, street gang influence, child welfare apprehensions, homelessness, poverty, and family breakdowns. Yet while the government achieved such unintended devastation, it failed in its intended result. Indians never assimilated.*
>
> *– Honourable Justice Murray Sinclair speech to the United Nations, 2010*

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

Colonial systems of governance and justice that have superseded and / or failed to respect the inherent jurisdiction of Indigenous peoples, and the spirit and intent of the treaties with

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

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

5.1.4 Community Profiles

Community-specific profiles were provided in each Indigenous community in their *Aboriginal and / or Treaty Rights and Interests: Impacts Assessment Report*. To support a comprehensive regulatory review, these community-specific reports will be shared with the Regulator. They form part of the evidence base for determining the assessment outcome.

Due to confidentiality and / or the sensitive nature of the information, detailed community reports are not being shared publicly.

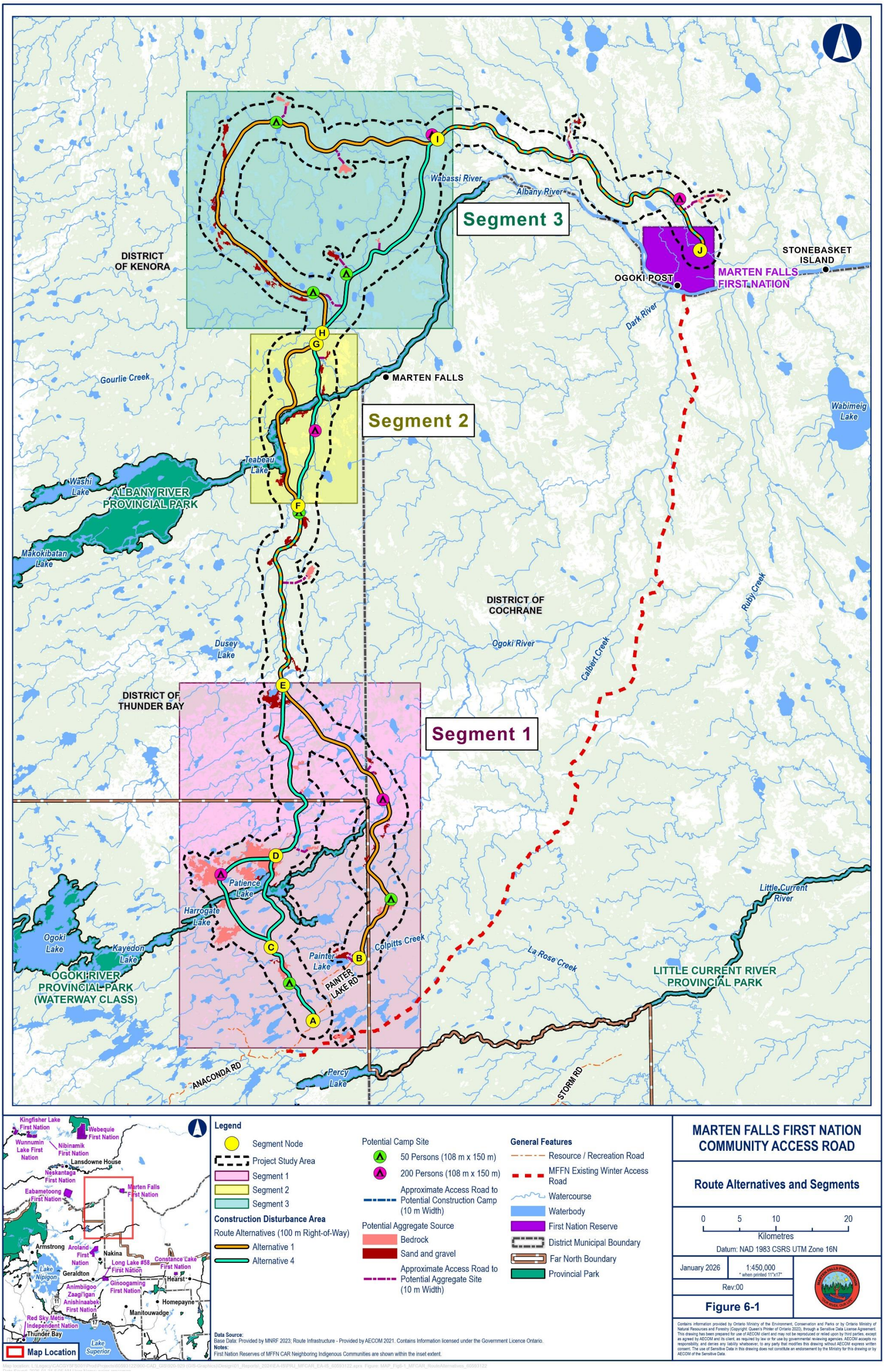
6. Selection of the Preferred Route

Following the collection of existing conditions information on the two alternative route alignments described in **Section 4** the Project Team undertook an exercise to select a Preferred Route. The methodology and detailed results of this exercise are described in the Environmental Assessment / Impact Statement Report, and are summarized at a high level below. The Preferred Route includes the footprint of any ancillary features such as pits and quarries, temporary access roads, and worker camps associated with the construction of that route. The Effects Assessment / Impact Assessment will be completed using the identified Preferred Route.

6.1 Alternative Segments and Routes Within Each Segment

To simplify the evaluation of the alternatives, the alternatives were divided into three separate segments based on their geographical locations (**Figure 6-1**). The segments were also determined so that any alternative route in one segment could connect with any alternative route in the next segment, allowing for decisions to be made based on the environment in each segment, and not based on the whole. This approach considers the variable environmental conditions within the Project area, allowing for flexibility to avoid sensitive natural features encountered within the Project disturbance area for each segment instead of requiring decision makers to balance trade-offs of one long route versus the other.

Figure 6-1: Route Alternatives and Segments



6.2 Preferred Route

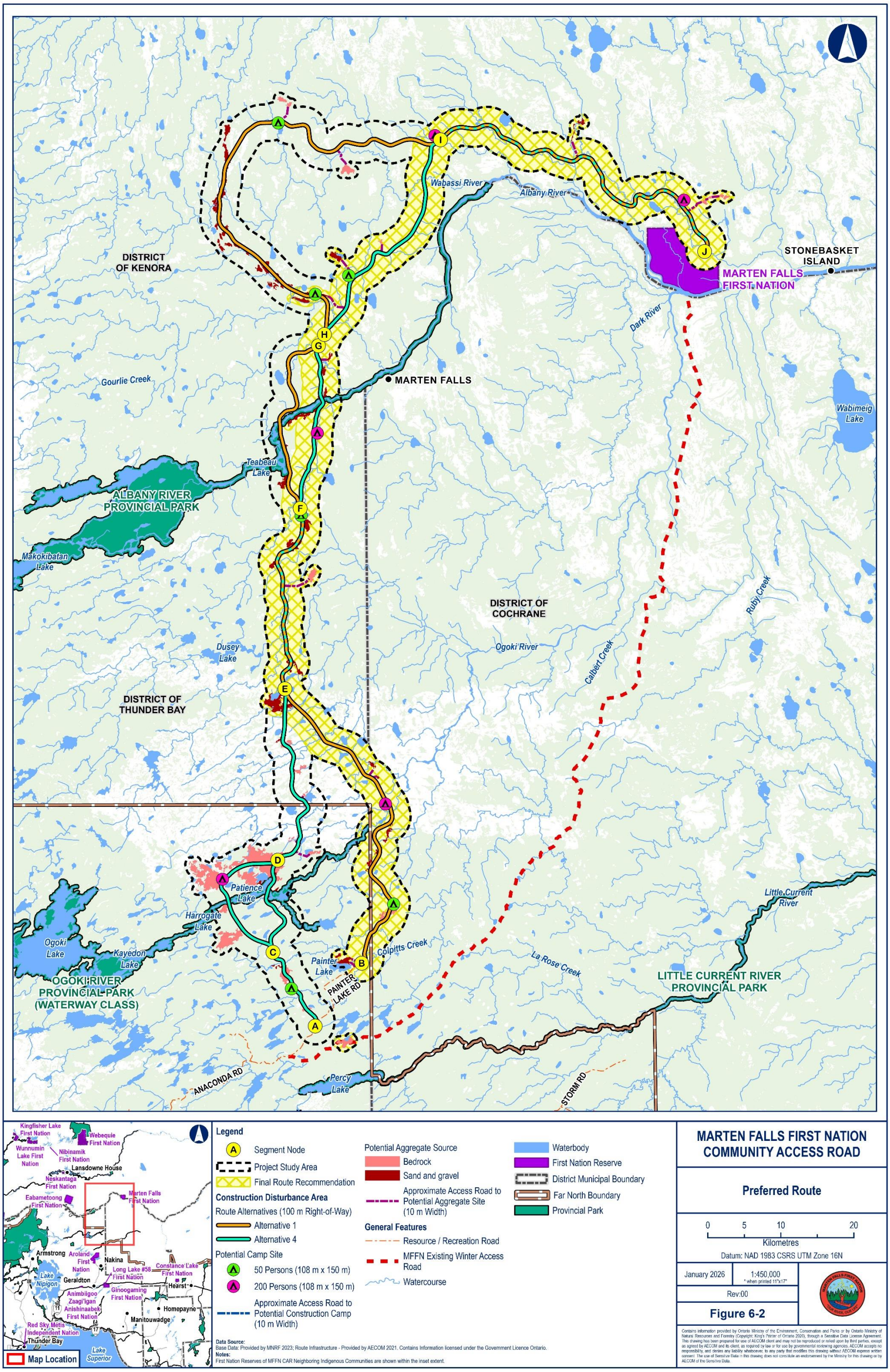
The selection of the preferred route within each segment involved a thorough analysis of technical, economic, natural, social, and cultural factors. The route alternative evaluation took into account the potential impacts and standard or known mitigation approaches to determine the net positive or negative effects of each alternative and was completed using the reasoned argument (trade-off) method. The reasoned argument method qualitatively compares the advantages and disadvantages of each alternative including the relative significance of the potential net effects.

Following the completion of the steps outlined above, and direction from the community of Marten Falls First Nation and Aroland First Nation, and input from the public and regulators, the Proponent identified a preferred route alignment for each of the three segments:

- Segment 1 – Ogoki Crossing: Alternative 1;
- Segment 2 – Albany Crossing: Alternative 4; and
- Segment 3 – North of the Albany: Alternative 4.

The combination of Segments 1, 2 and 3 create the final Preferred Route (**Figure 6-2**).

Figure 6-2: Preferred Route



7. Impact Assessment of the Project

In each confidential community-specific *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Report*, impact assessment results are provided for the Preferred Route, with consideration of the temporal boundaries of the Projects as described in **Section 4.2.1**. This includes the potential impacts (positive and negative), mitigation and enhancement measures, and an assessment of residual impacts. Where applicable, Gender-Based Analysis Plus has been considered within the assessment for each Valued Component. See **Sections 3.4** and **4.4.5** for more information.

Communities have received a detailed report specific to their existing conditions and impacts. The impact assessment included information on potential project interactions in relation to Aboriginal and / or Treaty Rights and Interests. Communities were given the opportunity to review and provide feedback on their draft reports.

To support a comprehensive regulatory review, these community-specific reports will be shared with the Regulator. They form part of the evidence base for determining the assessment outcome.

Due to confidentiality and / or the sensitive nature of the information, detailed community reports are not being shared publicly, however, an overall summary of predicted residual impacts and determination of severity is given below in **Section 7.4.1**.

7.1 Understanding of Areas of Interest

An Area of Interest was identified for each Indigenous community based on primary data and / or desktop research. Indigenous communities were provided opportunities to review and comment on their draft Areas of Interest. Specific opportunities for review included at the November 2023 Forum and during the review of the confidential, community-specific *Aboriginal and / or Treaty Rights and Interests Preliminary Existing Conditions Reports* between November 2023 and January 2024. Since that review period, some Indigenous communities shared additional information, which was used to update their Area of Interest, including Animbiigoo Zaagi'igan Anishinaabek First Nation, Fort Albany First Nation, Kashechewan First Nation, and the Métis Nation of Ontario.

It is the Proponent's understanding that these Areas of Interest are where each Indigenous community may exercise / hold Aboriginal and / or Treaty Rights and Interests and practice culture.

The following communities have an Area of Interest that overlaps with, and were assessed for possible impacts within, the Aboriginal and / or Treaty Rights and Interests Local Study Area:

- Aroland First Nation;
- Constance Lake First Nation;

- Eabametoong First Nation;
- Ginoogaming First Nation;
- Long Lake #58 First Nation; and
- Marten Falls First Nation.

The following communities have Areas of Interest that overlap with, and were assessed for possible impacts within, the Aboriginal and / or Treaty Rights and Interests Regional Study Area:

- Animbiigoo Zaagi'igan Anishinaabek First Nation;
- Attawapiskat First Nation;
- Fort Albany First Nation;
- Kashechewan First Nation; and
- Mishkeegogamang First Nation.

The following communities were assessed for impacts based on a potential overlap of their Areas of Interest with the Caribou Regional Study Area (see **Section 7**):

- Kasabonika Lake First Nation;
- Kitchenuhmaykoosib Inninuwug First Nation;
- Kingfisher Lake First Nation;
- Neskantaga First Nation;
- Nibinamik First Nation;
- Red Sky Métis;
- Wapekeka First Nation;
- Wawakapewin First Nation;
- Webequie First Nation;
- Weenusk First Nation; and
- Wunnumin Lake First Nation.

For a discussion about potential Project impact pathways, see **Section 7.3**.

7.2 Potential Project Interactions with Community-Specific Aboriginal and / or Treaty Rights and Interests

The following describes the methods used to identify potential Project interactions of each Indigenous community's Aboriginal and / or Treaty Rights and Interests, based on:

- A comparison of the Area of Interest with the assessment Study Areas described in **Section 4.4.1**;

- Inputs received from Indigenous communities and groups through the Consultation and Engagement and Indigenous Knowledge programs, as indicated in each confidential community-specific *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Report*;
- The nature of information available to develop the Proponent's understanding of the existing conditions with respect to the Aboriginal and / or Treaty Rights and Interests of each community, and
- An assessment of the types of impacts that may arise from the construction and operation and maintenance of the Project.

Each confidential community-specific *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Report* describes potential interactions for each of the Valued Components, which are described below and in **Section 4.2.2**:

- Indigenous Current Use of Lands and Resources for Traditional Purposes; and,
- Cultural Continuity and Wellbeing.

7.2.1 Valued Component: Indigenous Current Use of Lands and Resources for Traditional Purposes

In each community-specific report, a description of the overlap (or lack of overlap) was described and included:

- Figure 7-1 illustrating the Area of Interest in relation to the Study Areas;
- Percentage of Area of Interest overlap with the:
  - Construction Disturbance Area;
  - Aboriginal and / or Treaty Rights and Interests Local Study Area;
  - Aboriginal and / or Treaty Rights and Interests Regional Study Area; and
  - Caribou Regional Study Area.

Based on the results of the above, it was determined if there was a potential for interaction between the Project and each Indigenous community's ability to exercise their rights related to the use of lands and resources for traditional purposes in the Construction Disturbance Area, the Aboriginal and / or Treaty Rights and Interests Local and Regional Study Areas, and the Caribou Regional Study Area.

7.2.2 Valued Component: Cultural Continuity and Well-being

If an interaction was noted in **Section 7.2.1**, then an Indigenous community may exercise their rights within these areas. If these rights are negatively impacted, this may, in turn,

lead to changes in that Indigenous community's cultural continuity and well-being. In each community-specific report, a description of this interaction was provided.

7.3 Potential Project Impact Pathways

Identifying pathways of potential Project impacts to each community's Aboriginal and / or Treaty Rights and Interests requires an understanding of potential Project effects on and changes to the environment (i.e., other Valued Components). In support of this, a review of the Technical Support Documents for related Valued Components and the archaeological assessments was completed, including:

- Birds Technical Support Document [Appendix L];
- Fish and Fish Habitat Technical Support Document [Appendix G];
- Wildlife Technical Support Document [Appendix K];
- Ungulates Technical Support Document [Appendix M];
- Vegetation Technical Support Document [Appendix J];
- Peatlands Technical Support Document [Appendix I];
- Groundwater and Geochemistry Technical Support Document [Appendix H];
- Surface Water Technical Support Document [Appendix F];
- Physiography, Terrain, and Soils Technical Support Document [Appendix N];
- Air Quality and Greenhouse Gas Technical Support Document [Appendix S];
- Acoustic and Vibration Environment Technical Support Document [Appendix P];
- Visual Environment Technical Support Document [Appendix V];
- Stage 1 Archaeological Assessment Community Access Road from Marten Falls to Painter Lake; PIF P438-0207-2020;
- Stage 2 Archaeological Assessment Community Access Road from Marten Falls to Painter Lake, Ogoki River Crossing WA-01 & Albany River Crossing WA-15; PIF 438-0225-2020;
- Cultural Heritage Technical Support Document [Appendix Q];
- Community Well-being Technical Support Document [Appendix T]; and
- Land and Resource Use Technical Support Document [Appendix U].

Where the Project was predicted to adversely affect another Valued Component (after mitigation has been applied) relevant to Aboriginal and / or Treaty Rights and Interests, a potential Project impact pathway was identified and carried forward to the Residual Impact Assessment. An overview of potential Project impact pathways identified through this review was provided in **Table 7-1** of each community-specific *Aboriginal and / or Treaty Rights and Interests Impact Assessment Report*.

An example of **Table 7-1: Potential Project Impact Pathways** is provided below.

Table 7-1: Example of Potential Project Impact Pathways

Valued Component	Indicator	Relevant Project Phases	Description of Potential Project Impact Pathways	Carried Forward to Residual Impact Assessment
Indigenous Current Use of Lands and Resources for Traditional Purposes	■ Loss of or physical change to sites and areas used for traditional purposes	■ Construction ■ Operations and maintenance	■ Physical disturbance to or loss of sites and areas used for traditional purposes that interact with the Construction Disturbance Area, including trapline areas of significance to an Indigenous community.	■ Yes
	■ Changes in the availability of resources harvested for traditional purposes	■ Construction ■ Operations and maintenance	■ The Project has the potential to affect the availability of caribou due to habitat loss and alteration, sensory disturbance, linear barriers, increased predator access, increase in public access, and collisions with vehicles and equipment ■ The Project has the potential to affect the availability of wolverine, American marten and beaver due to habitat loss and alteration, sensory disturbance, increased predator access, incidental impacts on dens, collisions with vehicles, and / or increased public access ■ The Project has the potential to affect the availability of forest birds, waterfowl and waterbirds due to habitat alteration and loss, sensory disturbance, and increased edge habitat ■ The Project has the potential to affect the availability of fish due to physical alteration of waterbodies, instream construction, sediment release during road and water crossing construction, and increased fishing pressure related to increased public access ■ The Project has the potential to affect the availability of Traditional Use Plants due to land clearing	■ Yes
	■ Changes in the quality of resources harvested or used for traditional purposes	■ Construction ■ Operations and maintenance	■ The Project is not predicted to significantly affect surface water quality and all residual effects were assessed to be negligible and limited to the Construction Disturbance Area or within 2.5 km of the Project ■ The Project is not predicted to affect the quality of resources used for traditional purposes in terms of survival and reproduction ■ It is considered highly unlikely that the Project will affect contaminant levels in resources used for traditional purposes, and a Human Health Problem Formulation is being completed for the Project ■ No Project impact pathway identified	■ No
	■ Changes in access to sites and areas used for traditional purposes	■ Construction ■ Operations and maintenance	■ The Project is not predicted to significantly affect surface water quantity and all residual effects were assessed to be negligible and limited to the Construction Disturbance Area or within 2.5 km of the Project ■ The Project has the potential to affect access to trails and routes used to access sites and areas used for traditional purposes ■ The development of bridges over watercourses has the potential to affect navigation during construction due to the need to maintain public safety	■ Yes
Cultural Continuity and Wellbeing	■ Changes in the experience of being on the land	■ Construction ■ Operations and maintenance	■ The Project has the potential to affect the experience of being on the land due to localized Project effects on the air, noise, and visual environments and public access	■ Yes
	■ Changes to connection to the land and ability to practice and transmit cultural traditions	■ Construction ■ Operations and maintenance	■ The Project has the potential to affect the availability of some resources used for traditional purposes, which, in turn could lead to a change in an Indigenous community's ability to practice and transmit cultural traditions and connection to the land ■ The Project has the potential to directly and indirectly affect sites and areas used by an Indigenous community to practice and transmit cultural traditions	■ Yes
	■ Changes in ability to exercise governance and stewardship rights	■ Construction ■ Operations and maintenance	■ The Project is being assessed through the federal *Impact Assessment Act* and the provincial *Environmental Assessment Act*, both of which are non-Indigenous governance and decision-making processes ■ Wildlife, fish, and species at risk, including caribou, are currently regulated and managed by the provincial and / or federal governments ■ Under existing governance structures, the assessment process itself and the current management of wildlife, fish, and species at risk reside with the federal and / or provincial governments ■ No Project impact pathway identified	■ No

7.4 Residual Impact Assessment

The following section describes the methods used for the residual impact assessment for the Preferred Route across both temporal phases of the Project. It does not include the results of the residual impact assessment which have been shared with each Indigenous community in their confidential community-specific *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Reports*. As described in **Section 4.2.1**, the temporal phases of the Project are:

- The **construction phase** encompasses the time from the start of construction, including site preparation activities, to the start of operations and maintenance of the Community Access Road. Decommissioning of construction works (e.g., temporary pits and quarries, worker camps, temporary access roads) is included in the construction phase. The construction phase is anticipated to take approximately three to ten years to complete; and
- The **operations and maintenance phase** starts once construction activities are complete and lasts for the life of the Project. The operations and maintenance phase of the Project is considered to be permanent based on the expected timeline for when major refurbishment of road components (e.g., bridges), is anticipated.

The residual impact assessment includes a description of the potential impacts to Aboriginal and / or Treaty Rights and Interests, recommended mitigation measures to avoid or reduce the potential negative impacts, and an assessment of the potential residual impacts after the application of mitigation measures including their level of severity and prediction confidence. The assessment of the severity of residual impacts of the Project on Aboriginal and / or Treaty Rights and Interests was informed by the interaction between the residual impact characteristics, which include context, direction, magnitude, geographic extent, duration, frequency, reversibility, and likelihood. The predicted residual impacts were then brought forward into the cumulative impact assessment (**see Section 8**).

At the time of writing, the nature of information available was limited in terms of its applicability to enable Gender-Based Analysis Plus in the residual impact assessment for many Indigenous communities (i.e., information on the roles and experiences of different demographic groups within Indigenous communities and how their rights and interests may be affected by the Project). Where information was provided it was applied in the assessment.

7.4.1 Valued Component: Indigenous Current Use of Lands and Resources for Traditional Purposes

In each community-specific *Aboriginal and / or Treaty Rights and Interests Impact Assessment Report*, a description of the potential impact pathways for Current Use of

Land and Resources for Traditional Purposes were carried forward (e.g., loss of or physical change to sites and areas used for traditional purposes).

For each indicator pathway carried forward the following assessment sections were completed:

- A description of the potential Project affect on rights. For example, the Project has the potential to directly affect site and areas used for rights-based (traditional) purposes given the interaction between the Area of Interest and the Construction Disturbance Area.
- An overview of the potential Project effects after mitigation. For example, the construction of the Project will require land clearing and physical disturbance within the Construction Disturbance Area.
- A description of the potential impacts on rights as a result of the Project. For example, the construction of the Project will result in direct physical disturbance where the Construction Disturbance Area overlaps with traplines (insert trapline numbers).
- A summary of mitigation measures proposed. For example, notify Indigenous communities and trapline holders of Project activities, schedules, and locations.
- An assessment of predicted residual impacts on rights including context, Project phase(s), direction, magnitude, geographic extent, duration, frequency, reversibility, and likelihood.
- An assessment of the severity of the residual impacts and associated prediction confidence.

Predicted residual impacts and the determination of severity for each community's Aboriginal and / or Treaty Rights and Interests Valued Components was provided in **Table 7-3** of each community-specific *Aboriginal and / or Treaty Rights and Interests Impact Assessment Report*.

An overall summary of predicted residual impacts and determination of severity is provided below (for the purpose of this Technical Support Document, this is **Table 7-2** below).

Table 7-2: Summary of Predicted Residual Impacts and Determination of Severity

Valued Component	Predicted Residual Impact	Context	Project Phase(s)	Direction	Magnitude	Geographic Extent	Duration / Reversibility	Frequency	Likelihood	Severity	Prediction Confidence	Direct / Indirect
Indigenous Current Use of Land and Resources for Traditional Purposes	Loss of or physical change to sites and areas used for traditional purposes	The Project will cause direct physical disturbance through land clearing for the Construction Disturbance Area, road infrastructure, watercourse crossings, and the development of aggregate sites. The Project overlaps with areas that are historically and currently significant to several Indigenous communities. These include river systems, traditional travel routes, habitation areas, medicinal plant harvesting areas, and historical places of story or legend. Six communities' Areas of Interest directly overlap with the Project's Construction Disturbance Area. However, the severity and magnitude of the predicted physical changes and disruptions vary significantly across this group. Some communities, specifically Marten Falls First Nation and Aroland First Nation, are anticipated to be the most impacted by these physical changes because the Project is located directly within their traditional territories. ■ For Marten Falls First Nation, the Project footprint directly intersects with active trapline areas, reported hunting areas, seasonal camps, a sacred site area, and specific cultural, spiritual, or historical locations. ■ For Aroland First Nation, the disturbance area overlaps with active trapline areas, reported cultural areas, and important river systems like the Ogoki and Albany Rivers. In contrast, the impacts on the remaining communities are expected to be negligible to low. For these communities, the physical Project footprint intersects with a small fraction of their identified Area of Interest, ranging from 0.01% to 0.07%. Furthermore, in these areas, there are generally no specifically identified location of traditional use sites. The other 16 Indigenous communities' Area of Interests do not overlap with the Local Study Area. Therefore, loss of or physical change to sites and areas used for traditional purposes are not anticipated.	Construction Operations	Negative	Negligible to Moderate	Construction Disturbance Area	Long-term / Irreversible (and permanent)	Continuous	Possible	Low	Low to Moderate	Direct
Indigenous Current Use of Land and Resources for Traditional Purposes	Changes in the availability of resources harvested for traditional purposes	The Project has the potential to affect the availability of resources harvested for traditional purposes as described below. **Caribou:** Project effects on caribou are expected to be concentrated within and near the Local Study Area (within 10 kilometres of the Project). However, there is a high degree of uncertainty regarding how the Project's linear barriers will affect the future movement and distribution of caribou. Given this uncertainty, a precautionary approach was applied, and it is understood that effects on caribou distribution could extend into the Caribou Regional Study Area. The Project may result in adverse changes in caribou distribution, such that there are fewer caribou available for harvesting within a community's Area of Interest. Conversely, it may lead to changes in caribou distribution such that there are more caribou available for harvesting in those specific areas, or there could be no change at all. **Moose:** Project effects on moose are expected to be concentrated within the Local Study Area (within 10 kilometres of the Project). However, there is a high level of uncertainty regarding how the Project might increase public access and introduce potentially unsustainable harvesting pressures during operations. Given this uncertainty, a precautionary approach was applied, and it is understood that effects on moose populations may extend into the Moose Regional Study Area. **Wildlife (Furbearers and Birds):** Project effects on the availability of target furbearers (such as American marten and beaver) and birds (such as forest birds, waterfowl, and waterbirds) are primarily driven by localized habitat loss, sensory disturbance, and edge-habitat predation. These effects are expected to be highly localized and contained within the Local Study Area, extending up to a maximum of 3 kilometres from the Project.	Construction Operations	Unknown (caribou) Negative	Unknown (caribou) to Moderate	Local to Regional	Long-term / Irreversible to Permanent	Infrequent to Continuous	Unlikely to Possible	Unknown (caribou) to Moderate	Low to Moderate	Indirect

Valued Component	Predicted Residual Impact	Context	Project Phase(s)	Direction	Magnitude	Geographic Extent	Duration / Reversibility	Frequency	Likelihood	Severity	Prediction Confidence	Direct / Indirect
		Fish: Project effects on the availability of fish are expected to be minor and localized to the Construction Disturbance Area, specifically in the immediate vicinity of proposed watercourse crossings like the Albany, Ogoki, and Wabassi rivers where physical habitat alteration occurs below the high-water mark. While the new road introduces a broader potential for increased recreational fishing pressure extending into the Regional Study Area, this additional pressure is anticipated to be minor due to the region's remoteness and is not predicted to disrupt overall fish population dynamics. **Vegetation (Berries and Traditional Plants):** Direct Project effects on the availability of berries and traditional use plants will occur within the Construction Disturbance Area as a direct result of land and vegetation clearing. Indirect effects have the potential to extend up to 3 kilometres into the surrounding Local Study Area if the Project causes measurable changes in groundwater drainage patterns that affect vegetation in nearby wetlands. The 22 Indigenous communities have the potential to experience changes to their traditional harvesting rights. However, the nature of these potential impacts varies from unknown, negligible to moderate depending on where they exercise their traditional harvesting rights. Seven Indigenous communities have Areas of Interest (i.e., where traditional harvesting may occur) that overlap with different portions of the Local Study Area, where potential Project impacts are most likely to occur. These seven communities face a higher potential for direct disruptions to their day-to-day hunting, trapping, fishing, and berry and plant gathering activities as Project effects are anticipated to be primarily within the Local Study Area. Within this subset, Marten Falls First Nation is anticipated to be the most impacted as the Project is located directly within their core Area of Interest. For Marten Falls First Nation, there is a predicted moderate negative impact on hunting rights. Impacts on the ability to trap, fish, and harvest berries and plants are generally considered low. However, plant and berry gathering could be directly affected by land clearing along the Albany River and by potential changes to groundwater drainage in wetlands on the northeastern portion of the reserve. The remaining 15 Indigenous communities are located a significant distance from the Project's localized effects. Potential impacts to their harvesting rights depend on uncertain regional changes to wide-ranging caribou and moose. Their ability to hunt these animals could be affected if the Project causes regional shifts that change the distribution and availability of moose and caribou within their Area of Interest.									
Indigenous Current Use of Land and Resources for Traditional Purposes	Changes in the quality of resources harvested for traditional purposes	The Project has the potential to affect the quality of resources harvested for traditional purposes. The potential effects related to contamination, if they occur, have been predicted to be moderate in magnitude during both construction and operations. However, there is a high level of uncertainty with respect to the Project effects on the quality of traditional foods. Several mitigation measures will be proposed during detailed design to manage uncertainty and enable adaptive management. The right to harvest traditional resources is not merely about the act of harvesting, but about the inherent right to access resources that are of good quality. If the quality of the resource, real or perceived, is degraded, whether through the deposition of dust on forage, the bioaccumulation of contaminants, or changes in health, the ability of Indigenous communities to meaningfully exercise their rights is diminished. Project effects on the quality of resources harvested for traditional purposes are primarily predicted to be concentrated within the Community Well-Being Local Study Area which includes Marten Falls First Nation and Aroland First Nation. However, because traditional harvesting encompasses wide-ranging animals and interconnected environments, potential adverse effects may extend to within the Community Well-Being Regional Study Area encompassing the remaining Indigenous communities.	Construction Operations	Negative	Negligible to Moderate	Local to Regional	Long-term / Irreversible	Continuous	Possible	Low to Moderate	Low to Moderate	Indirect

Valued Component	Predicted Residual Impact	Context	Project Phase(s)	Direction	Magnitude	Geographic Extent	Duration / Reversibility	Frequency	Likelihood	Severity	Prediction Confidence	Direct / Indirect
Indigenous Current Use of Land and Resources for Traditional Purposes	Changes in access to sites and areas used for traditional purposes	Potential adverse effects on access to traditional sites and areas include a mix of temporary and long-term disruptions. During the construction phase, the development of bridges over major waterways such as the Albany, Ogoki, Wabassi, Patigoos, and Buffaloskin rivers is expected to cause temporary blockages to navigation. Similarly, existing overland trails may experience temporary interference during active construction. While most access disruptions are short-term and reversible, long-term effects could occur if existing overland trails permanently intersect with aggregate sites that continue to be used during operations. The Project also introduces a potential for increased recreational hunting and fishing pressure by creating new access points to previously remote river crossings and lands. The Project will also improve access to currently remote areas and will benefit Marten Falls First Nation and other Indigenous communities already connected to the provincial road network, by making it easier to exercise rights related to traditional land and resource use. Shorter and improved travel to hunting, trapping, and fishing grounds can extend seasons, lower costs, and strengthen traditional harvesting. New routes to berry patches and medicinal plant sites can support gathering across seasons, while enhanced access to traplines can support set up and maintenance. Improved connectivity to ceremonial and teaching places can reinforce cultural practices and intergenerational knowledge transfer. Enhanced access to the land can also bolster food security and sustain community food sharing. Seven Indigenous communities have identified traditional water and overland travel routes that interact with the Local Study Area, resulting in potential impacts to access. Potential impacts include a mix of temporary waterway blockages during bridge construction, potential long-term overland trail disruptions, minor increases in public recreational pressure, and permanent beneficial improvements to remote access. The severity and magnitude of these impacts vary significantly across this group. Marten Falls First Nation and Aroland First Nation are anticipated to experience the greatest potential adverse impacts (moderate) as they each have established overland trail networks that directly intersect with the Project and proposed aggregate sites. They will also experience moderate positive impacts due to the road improving their overland access to currently remote areas for harvesting and cultural practices. Impacts to access on the remaining five Indigenous communities are expected to be low in magnitude. For these Indigenous communities, potential negative impacts are generally limited to short-term navigational blockages during the construction of bridges over major waterways (e.g., Albany River and Ogoki River) and potential for increased public access and recreational pressure during operations. Because their identified overland travel routes primarily sit outside the Project, long-term physical disruptions to established trails are unlikely. Furthermore, some of these communities are predicted to experience permanent beneficial impacts (ranging from low to moderate), as the Project will improve their ability to access remote areas for rights-based purposes. For the remaining 15 assessed Indigenous communities, adverse changes to access are either not anticipated or are considered negligible. Most of these communities have Areas of Interest that do not overlap with the Local Study Area, meaning no direct physical intersections with their travel routes are expected.	Construction Operations	Negative and Positive	Low to Moderate	Local	Short-term / Reversible (e.g., waterway construction impacts) to Long-term / Irreversible	Infrequent, Frequent, to Continuous	Possible to Probable	Low to Moderate	Low to Moderate	Direct and Indirect

Valued Component	Predicted Residual Impact	Context	Project Phase(s)	Direction	Magnitude	Geographic Extent	Duration / Reversibility	Frequency	Likelihood	Severity	Prediction Confidence	Direct / Indirect
Cultural Continuity and Well-being	Changes in the experience of being on the land	The Project has the potential to affect the experience of being on the land due to changes in the air, noise, and visual environments, as well as public access to previously remote areas that are used by Indigenous people for rights-based practices. Potential adverse effects on the sensory environment including air quality, noise, and visual aesthetics are predicted to occur within 1 to 4 km of the Construction Disturbance Area, which is entirely within the Local Study Area. Effects related to construction will be temporary and reversible as crews move sequentially along the corridor. However, effects due to the operation and maintenance of the road will be long-term, ranging from reversible to irreversible. While sensory impacts will be irreversible at major river crossings and unreclaimed aggregate sites, noise from traffic and maintenance will transition to a periodic frequency. The Project will employ mitigation measures, such as road curves, vegetated buffers, and non-chloride dust suppressants, to limit visual and air quality disruptions. The Project will increase public access for recreation, tourism, and rights-based uses, which could alter the area's remote wilderness character and level of solitude. However, a large influx of visitors is not anticipated. Because northern Ontario has a small population, the nearest urban centre is over 430 km away, and the Local Study Area lacks established trails. The region is expected to remain relatively remote. Of the 22 Indigenous communities, eight were assessed for potential impacts to the experience of being on the land. Seven of these communities have an Area of Interest that overlaps with the Local Study Area where most impacts are predicted, and one community has identified potential use areas within the Local Study Area. Given that the Project is located entirely within the core of Marten Falls First Nation's Area of Interest, they are predicted to face heightened impacts. The most noticeable adverse impacts will occur during construction due to noise, changes in air quality, and visual alterations. During the operations phase, these sensory impacts are anticipated to be low. However, the creation of the road may lead to a long-term increase in the intensity of public land use, which could alter the experience of members out on the land, particularly near the southern portion of the road. Further, Marten Falls First Nation may experience changes in cultural practices where access to cultural, spiritual, or historical locations near the Albany River crossing may be impacted. Aroland First Nation may also experience localized sensory disruptions similar to those of Marten Falls First Nation, particularly where their traditional land-use areas and travel routes intersect with active construction zones and aggregate sites. Aroland First Nation may experience sensory impacts specifically concentrated within their community traplines. For the remaining six assessed Indigenous communities, the potential impacts on the experience of being on the land are expected to be low or negligible. For four of these communities, the geographic overlap between their Areas of Interest and the zones affected by air and noise changes is minimal, ranging from 0.01% to 1.4%. For the other two communities, the potential impacts are considered negligible because their potential impacts are either localized entirely to specific river crossings or their reported area of use is outside the areas where sensory changes are anticipated. The remaining Indigenous communities' Area of Interests do not overlap with the Local Study Area. Therefore, changes in the experience of being on the land for these Indigenous communities are not anticipated.	Construction Operations	Negative	Negligible to Moderate	Local	Short-term to Long-Term / Reversible to Irreversible	Frequent to Continuous (Construction) / Infrequent to Frequent (Operations)	Unlikely to Probable	Low to Moderate	Low to Moderate	Indirect

Valued Component	Predicted Residual Impact	Context	Project Phase(s)	Direction	Magnitude	Geographic Extent	Duration / Reversibility	Frequency	Likelihood	Severity	Prediction Confidence	Direct / Indirect
Cultural Continuity and Well-being	Changes to connection to the land and ability to practice and transmit cultural traditions	The Project has the potential to impact Indigenous communities' connection to the land and ability to practice and transmit cultural traditions due to potential changes in the access, experience, and use of preferred locations for cultural traditions, including teaching sites, as well as in the preferred resources used for these purposes. Whether a community's ability to practice their culture is impacted depends on the geographic overlap of their traditional lands with the localized sensory disruptions, direct physical disturbances, and access changes within the Local Study Area, or the broader wildlife changes within the Regional Study Area. If the quality or availability of traditional foods declines, if the sensory experience of being on the land is changed, or if cultural sites are physically disturbed or their access routes altered, it can limit the harvesting and sharing of resources, disrupt knowledge transfer, and reduce the meaningful exercise of rights. Conversely, the Project is anticipated to result in positive impacts for communities connected to the provincial road network. Improved access to currently remote traditional lands and teaching areas may enable Elders and knowledge holders to more readily teach hunting, fishing, trapping, and food processing, thereby strengthening intergenerational knowledge transfer and the everyday use of Indigenous languages. Given that the Project is located entirely within the Marten Falls First Nation's Area of Interest, they are predicted to face moderate negative impacts during construction and operations. A discernable change from existing conditions including localized sensory disturbances, physical land clearing, potential physical disturbance to a historical place of story and legend, and disrupted access to cultural locations near the Albany River crossing is expected to impede the ability of members to practice culture in some preferred areas. However, Marten Falls First Nation is also predicted to experience moderate positive impacts during operations, as the road will provide increased access to traditional lands to revitalize traditions and strengthen intergenerational knowledge transfer. Aroland First Nation is also predicted to experience moderate negative and positive impacts. Aroland First Nation's traditional land-use areas and travel routes intersect with the Local Study Area, and members may experience localized sensory disruptions, impacts to the availability of hunted resources, and the physical disturbance or long-term loss of access to specific overland trails and reported cultural areas. These factors are expected to result in a discernable change from existing conditions that impedes the exercise of rights and cultural transmission in some areas of preferred use. Like Marten Falls First Nation, improved access to remote areas will provide moderate positive opportunities for Aroland First Nation to engage the community in preparing and sharing country foods. For six other assessed communities, their Areas of Interest have minimal geographic overlap with the Local Study Area (ranging from 0.01% to approximately 6%) or potential impacts are localized entirely to specific river crossings. For these communities, residual impacts on their ability to practice and transmit culture are predicted to be low to moderate. While a small, discernable change from existing conditions regarding sensory environments, localized resource availability, or temporary disruptions to waterway navigation may occur, the physical footprint occupies a very small portion of their territories and is not expected to materially impede their ability to practice and maintain culture. They may also experience positive impacts from improved access to currently remote areas. For the remaining 14 assessed communities, their Areas of Interest are located a significant distance from the Project and do not overlap with the Local Study Area. Therefore, these communities will not be impacted by localized sensory changes, disrupted access routes, or physical disturbance to cultural sites. However, because their Areas of Interest overlap with the broader Moose and Caribou Regional Study Areas, they were assessed under a precautionary approach. For these distant communities, potential impacts to cultural continuity and well-being are driven entirely by the uncertainty regarding the Project's potential to affect caribou and moose availability at a regional level, as well as potential declines in the quality of traditional foods.	Construction Operations	Negative (availability and quality of preferred resources) Positive (improved access to traditional lands and teaching sites) Unknown (availability and quality of caribou and ability to exercise caribou hunting rights)	Unknown (caribou) to Moderate	Local to Regional	Long-term / Irreversible	Continuous	Possible to Probable	Unknown to Moderate	Low to Moderate	Indirect

7.4.2 Valued Component: Cultural Continuity and Well-being

In each community-specific *Aboriginal and / or Treaty Rights and Interests Impact Assessment Report*, a description of the potential impact pathways for Cultural Continuity and Well-being were carried forward (e.g., changes in the experience of being on the land).

For each indicator pathway carried forward the following assessment sections were completed:

- A description of the potential Project affect on rights. For example, the Project has the potential to affect the experience of being on the land (in terms of freedom from disturbance) due to changes in the air, noise, and visual environments.
- An overview of the potential Project effects after mitigation. For example, noise levels will increase during the construction phase as a result of road and bridge construction and pit / quarry construction and use.
- A description of the potential impacts on rights as a result of the Project. For example, changes to the noise environment, especially during the construction phase, may lead to noticeable changes in noise levels, affecting experiences of peace and solitude.
- A summary of mitigation measures proposed. For example, provide Indigenous communities with advance notices and regular updates regarding location and timing of construction activities, including bridge construction and blasting operations.
- An assessment of predicted residual impacts on rights including context, Project phase(s), direction, magnitude, geographic extent, duration, frequency, reversibility, and likelihood.
- An assessment of the severity of the residual impacts and associated prediction confidence.

Predicted residual impacts and the determination of severity for each community's Aboriginal and / or Treaty Rights and Interests Valued Components was provided in **Table 7-3** of each community-specific *Aboriginal and / or Treaty Rights and Interests Impact Assessment Report*.

An overall summary of predicted residual impacts and determination of severity is provided above in **Section 7.4.1** (this is numbered **Table 7-2** in this Technical Support Document).

8. Cumulative Impacts of the Project

The *Impact Assessment Act* (Government of Canada, 2019) requires that each environmental assessment of a project take into account any cumulative environmental effects that are likely to result from the project in combination with the environmental effects / impacts of other physical activities that have been or will be carried out.

The impacts of past and present activities on the Study Area and Valued Components identified for the Project were assessed and the results described and provided in each confidential community-specific *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Report*.

The cumulative impacts assessment builds on the results of the impact assessment described in **Section 7** and considers the incremental changes that are predicted to have a likely adverse residual effect on a Valued Component.

To support a comprehensive regulatory review, these community-specific reports will be shared with the Regulator. They form part of the evidence base for determining the assessment outcome.

Due to confidentiality and / or the sensitive nature of the information, detailed community reports are not being shared publicly.

8.1 Methodology

8.1.1 Definitions

The Agency defines **cumulative effects** as ‘changes to the environment, health, social and economic conditions, as a result of the Project’s residual environmental, health, social and economic effects combined with the existence of other past, present and reasonably foreseeable physical activities, as well as within activities of the Project itself from multiple emissions and discharges (e.g., simultaneous operations) to understand synergistic or additive effects’ (Impact Assessment Agency of Canada, 2020). Cumulative effects may result if:

- The implementation of the Project may cause direct residual adverse effects / impacts to the valued components, taking into account the application of technically and economically feasible mitigation measures; and
- The same valued component may be affected by other past, present and future physical activities.

A cumulative effect on an environmental, health, social or economic component may be important even if the Project’s effects to this component by themselves are minor.

Temporal boundaries for the cumulative impacts assessment correspond to the duration that the likely residual adverse effects of the Project are predicted to occur and are described in **Section 8.2.2**. The *Tailored Impact Statement Guidelines* (Impact Assessment Agency of Canada, 2020) indicate the cumulative impacts assessment should look at potential impacts throughout the lifecycle of the Project, including decommissioning and abandonment; however, there are currently no plans to decommission the Project. Therefore, the temporal boundaries are limited to identifying and assessing cumulative impacts during the Project construction and operations and maintenance phases.

Spatial boundaries are the Study Area(s) within which the geographic extent of cumulative effects / impacts will be studied, and they may vary by each Valued Component selected (e.g., caribou). The spatial boundaries used to assess cumulative impacts on Aboriginal and / or Treaty Rights and Interests are described in **Section 8.2.2**.

The characteristics used for the residual impact assessment, as described in **Section 4.4.4**, have also been used for the cumulative impacts assessment.

8.2 Cumulative Impacts Scoping

8.2.1 Valued Components with Residual Impacts

The results of the impact assessment completed in **Section 7** were carried forward for the assessment of cumulative impacts. As noted in **Section 4.4.4,** all predicted adverse residual impacts with a magnitude greater than “negligible” were carried forward into the cumulative impacts assessment.

A summary of the Aboriginal and / or Treaty Rights and Interests Valued Components and residual impacts was provided in **Table 8-1** of each community-specific *Aboriginal and / or Treaty Rights and Interests Impact Assessment Report*.

An example of **Table 8-1: Valued Components and Residual Impacts** is provided below.

Table 8-1: EXAMPLE Valued Components and Residual Impacts

Valued Component	Indicator	Residual Impact
Indigenous Current Use of Lands and Resources for Traditional Purposes	Loss of or physical change to sites and areas used for traditional purposes.	Residual impacts on the Indigenous community’s sites and areas used for traditional purposes, including trapline areas of significance.
	Changes in availability of resources harvested for traditional purposes.	Residual impacts on the Indigenous community’s right to hunt, trap, gather, and fish for traditional purposes.
	Changes in access to sites and areas used for traditional purposes.	Residual impacts on the Indigenous community’s ability to use waterway and overland routes to access sites and areas used for traditional purposes.

Valued Component	Indicator	Residual Impact
Cultural Continuity and Wellbeing	Changes in the experience of being on the land.	Residual impacts on the Indigenous community's experience of being on the land.
	Changes to connection to the land and ability to practice and transmit cultural traditions.	Residual impacts on the Indigenous community's connection to the land and ability to practice and transmit cultural traditions associated with hunting, trapping, gathering, and fishing.

8.2.2 Spatial and Temporal Boundaries

The spatial boundary used for the cumulative impacts assessment corresponds to the geographic extent where residual adverse effects of the Project and associated impacts on Aboriginal and / or Treaty Rights and Interests may occur in combination with past, existing, and reasonably foreseeable developments and activities. The Aboriginal and / or Treaty Rights and Interests Caribou Regional Study Area was used for the cumulative impacts assessment as this area captures where direct and indirect / less noticeable environmental effects and impacts on Aboriginal and / or Treaty Rights and Interests may occur from the Project in combination with past, existing, and reasonably foreseeable developments and activities and considers key Valued Components that may be relied on for Indigenous culture and / or traditional land and resource use.

The temporal boundaries used for the Aboriginal and / or Treaty Rights and Interests cumulative impacts assessment and the caribou effects assessment correspond to the duration that the likely adverse residual adverse effects of the Project and associated impacts are predicted to occur. As described in **Section 4.2.1,** the temporal boundaries include the construction phase and the operations and maintenance phase only, given that there are currently no plans to decommission the Project.

In determining the temporal boundaries for the cumulative impacts assessment, in particular the long duration of the operation and maintenance phase, consideration was given to the long-term impacts on the wellbeing of present and future generations.

The spatial and temporal boundaries for the cumulative impacts assessment are summarized in **Table 8-2.**

Table 8-2: Spatial and Temporal Boundaries

Valued Component	Indicator	Spatial Boundary	Temporal Boundary
Indigenous Current Use of Land and Resources for Traditional Purposes	Loss of or physical change to sites and areas used for traditional purposes.	Aboriginal and / or Treaty Rights and Interests Caribou Regional Study Area.	Construction Operations and Maintenance
	Changes in availability of resources harvested for traditional purposes.	Aboriginal and / or Treaty Rights and Interests Caribou Regional Study Area.	Construction Operations and Maintenance
	Changes in access to sites and areas used for traditional purposes	Aboriginal and / or Treaty Rights and Interests Caribou Regional Study Area.	Construction Operations and Maintenance

Valued Component	Indicator	Spatial Boundary	Temporal Boundary
Cultural Continuity and Well-being	Changes in the experience of being on the land.	Aboriginal and / or Treaty Rights and Interests Caribou Regional Study Area.	Construction Operations and Maintenance
	Changes to connection to the land and ability to practice and transmit cultural traditions.	Aboriginal and / or Treaty Rights and Interests Caribou Regional Study Area.	Construction Operations and Maintenance

8.2.3 Physical Activities Inclusion List

Table 8-3 provides a list of the projects / physical activities within the Draft Aboriginal and / or Treaty Rights and Interests and the Caribou Regional Study Area that were considered in the cumulative impacts assessment. The final list of project / physical activities is forthcoming.

Table 8-3: Project and Physical Activity Inclusion List

Project	Identified in *Tailored Impact Statement Guidelines* (Y / N)	Location	Status	Distance (km) and Direction from the Project	Developer / Company	Project Start Date	Project Duration	Project Completion Date	Assumed Temporal Overlap with Community Access Road Activities (Y / N)	Project Description	Aboriginal and / or Treaty Rights and Interests Temporal Overlap with Project (Y / N)	Aboriginal and / or Treaty Rights and Interests Caribou Regional Study Area Spatial Overlap with Project (Y / N)
Northern Road Link	Yes	Between Marten Falls First Nation Community Access Road and Webequie Supply Road northwestern Ontario	Impact Assessment Ongoing	0 (adjacent or overlapping)	Webequie First Nation Marten Falls First Nation	Impact Assessment initiated in August 2023 Construction start date unknown	Unknown	Unknown	Yes – Construction and operation will overlap with Community Access Road construction (expected for Northern Road Link to begin construction during construction of northern portion of Community Access Road).	Marten Falls First Nation and Webequie First Nation are proposing to build, operate, and maintain an all-season multi-use road and associated infrastructure between the Community Access Road that has been proposed by Marten Falls First Nation (the Project) and the supply road that has been proposed by Webequie First Nation. Terms of Reference for the preparation of an Environmental Assessment were approved March 3, 2023.	Specific to each Indigenous Community	Specific to each Indigenous Community
Anaconda and Painter Lake Forestry Access Road Upgrades	Yes	James Bay Lowlands	Unknown	0 (adjacent or overlapping)	In discussions: Ministry of Transportation, Ontario and Aroland First Nation	Not Started	2 to 5 years	Unknown	Yes – Operation expected to overlap with Community Access Road construction and operations phases.	Upgrades to existing road will be required for heavy vehicles accessing the Community Access Road route during construction and operations. Currently discussions on proponency and scope of work are underway. Potential scope of work is expected to include roadway widening, culvert and bridge replacements / rehabilitations to accommodate higher weight vehicles, and road base improvements. This project will be completed prior to the start of the construction of the Community Access Road; therefore, the upgrades to these roads are not expected to overlap with the construction of the Community Access Road.	Specific to each Indigenous Community	Specific to each Indigenous Community
Rapid Lynx Broadband	Yes	Matawa First Nation communities	Phase 1 – 70% complete, with remaining sections targeted for September 2024 completion; section near the Project is complete. Phase 2 – Targeted completion September.	Phase 1 – 0 (adjacent or overlapping) Phase 2 – 57.69	Rapid Lynx	February 2020	Unknown	Unknown	Yes – Construction of Phase 2 and operations of Phase 1 and 2 expected to overlap with Community Access Road construction and operation and maintenance phases.	Approximately 810 km of fibre-optic cables, providing reliable high-speed internet service to five Matawa First Nation communities: Eabametoong, Marten Falls, Neskantaga, Nibinamik, and Webequie with an interconnection at Aroland.	Specific to each Indigenous Community	Specific to each Indigenous Community

Project	Identified in *Tailored Impact Statement Guidelines* (Y / N)	Location	Status	Distance (km) and Direction from the Project	Developer / Company	Project Start Date	Project Duration	Project Completion Date	Assumed Temporal Overlap with Community Access Road Activities (Y / N)	Project Description	Aboriginal and / or Treaty Rights and Interests Temporal Overlap with Project (Y / N)	Aboriginal and / or Treaty Rights and Interests Caribou Regional Study Area Spatial Overlap with Project (Y / N)
Esnagami Road Bypass Upgrade	Yes	Aroland First Nation	Unknown	51.96	In discussions: Municipality of Greenstone, Ministry of Transportation, Ontario, and Aroland First Nation	Not Started	2 to 5 years	Unknown	Yes – Construction and operations expected to overlap with Community Access Road construction and operation and maintenance phases.	Upgrades to existing road to use as a bypass route around Aroland First Nation settlement area by heavy vehicles accessing the Community Access Road route towards the Ring of Fire. Currently discussions on proponency and scope of work are underway. Potential scope of work is expected to include roadway widening, bridge and culvert rehabilitation / replacement, and road base improvements.	Specific to each Indigenous Community	Specific to each Indigenous Community
Transload Facility	Yes	Aroland, Ontario	Ongoing	59.53	Noront	Unknown	Unknown	Unknown	Yes – Construction and operations expected to overlap with Community Access Road construction and operation and maintenance phases.	Rail transload facility to Aroland First Nation.	Specific to each Indigenous Community	Specific to each Indigenous Community
Eagle's Nest Mine	Yes	James Bay Lowlands	Permitting Ongoing	97.85	Wyloo	2023	Approximately 11 years, with possible extension of 9 years	Unknown	Yes – Construction expected to overlap with Community Access Road construction phase. Operations expected to overlap with Community Access Road construction and operation and maintenance phases.	Multi-metal underground mine located near McFaulds Lake. Mine will produce and supply nickel, copper, platinum, and palladium. Deposit contains approximately 11 million tonnes of resources and is estimated to have an initial mine life of 11 years with possibility for a 9-year extension. Terms of Reference amendment for the project approved June 18, 2015.	Specific to each Indigenous Community	Specific to each Indigenous Community
Webequie Supply Road	Yes	McFaulds Lake (eastern limit) Webequie First Nation (western limit)	Impact Assessment Ongoing	98.57	Webequie First Nation	August 28, 2019	Unknown	Unknown	Yes – Construction and operations will overlap with Community Access Road construction phase (expected to occur concurrently).	New all-season road approximately 107 km in length from Webequie First Nation to the mineral deposit near McFaulds Lake for mineral exploration and future mining development activities. 17 km of the corridor is within Webequie First Nation Reserve Lands.	Specific to each Indigenous Community	Specific to each Indigenous Community
Ogoki and Long Lac Diversions	Yes	Long Lac and Ogoki Lake, Ontario	Operating	95.85 (Ogoki) 87.06 (Long Lac)	Ontario Power Generation	1939 / 1943	Unknown	Unknown	Yes – Operations overlap with Community Access Road construction and operation and maintenance phases.	Divert water from a portion of the Hudson Bay watershed into the Lake Superior basin. Long Lac diversion inflows approximately 39 m^3/s into the Great Lakes Basin. Ogoki diversion inflows approximately 113 m^3/s into the Great Lakes Basin.	Specific to each Indigenous Community	Specific to each Indigenous Community

Project	Identified in *Tailored Impact Statement Guidelines* (Y / N)	Location	Status	Distance (km) and Direction from the Project	Developer / Company	Project Start Date	Project Duration	Project Completion Date	Assumed Temporal Overlap with Community Access Road Activities (Y / N)	Project Description	Aboriginal and / or Treaty Rights and Interests Temporal Overlap with Project (Y / N)	Aboriginal and / or Treaty Rights and Interests Caribou Regional Study Area Spatial Overlap with Project (Y / N)
Gull Bay Roads Rehabilitation	No	Gull Bay First Nation	Impact Assessment Complete	202.64	Gull Bay First Nation	2020	Unknown	Unknown	Yes – Operations expected to overlap with Community Access Road construction phase.	Rehabilitate approximately 10 km of roads in the Gull Bay First Nation in Ontario. Relocation of the community's entrance and exit to Highway 527; rebuilding the road base and widening certain sections; grading and brush clearing to improve sightlines; addressing drainage issues through ditching and the replacement of an estimated 43 culverts; installing street and traffic control signs (e.g., street, stop, yield, and speed signs plus pedestrian warnings); and resurfacing Main Street and Streets A through M with Granular A along with calcium chloride for dust suppression. Infrastructure Ontario issued its Notice of Determination on July 15, 2021, and determined that the project is not likely to cause significant adverse environmental effects.	Specific to each Indigenous Community	Specific to each Indigenous Community
Wataynikaneyap Powerline	Yes	Between 90 km north of Red Lake and 160 km east of Pickle Lake	Phase 1 – Operating Phase 2 – Construction	Phase 1 – 236.55 Phase 2 – 198.71	Wataynikaneyap Powerline	2019	Unknown	Unknown	Yes – Operations expected to overlap with Community Access Road construction and operations and maintenance phases.	Construction of a 230 kV line between Ignace and Dryden, to Pickle Lake (Phase 1). Construction of electricity transmission lines to Pickle Lake and north of Red Lake, connecting 17 remote northern Ontario communities to grid power (Phase 2). Operation of both project phases overlap with the construction and operations and maintenance phases of the Community Access Road.	Specific to each Indigenous Community	Specific to each Indigenous Community
Kasabonika Lake First Nation Band Representative Facility	No	Kasabonika Lake First Nation	Impact Assessment Ongoing	239.49	Kasabonika Lake First Nation	September 13, 2023	Unknown	Unknown	Yes – Construction expected to overlap with Community Access Road construction phase.	The Kasabonika Lake First Nation Band Representative Facility project involves the construction of a new single-story Child and Family Service building and housing facilities for staff in the community of Kasabonika Lake. Includes tree clearing, lot development, parking lot and laneway construction, connection to community's water and waste water infrastructure, and building construction.	Specific to each Indigenous Community	Specific to each Indigenous Community

Project	Identified in *Tailored Impact Statement Guidelines* (Y / N)	Location	Status	Distance (km) and Direction from the Project	Developer / Company	Project Start Date	Project Duration	Project Completion Date	Assumed Temporal Overlap with Community Access Road Activities (Y / N)	Project Description	Aboriginal and / or Treaty Rights and Interests Temporal Overlap with Project (Y / N)	Aboriginal and / or Treaty Rights and Interests Caribou Regional Study Area Spatial Overlap with Project (Y / N)
Kashechewan First Nation – 20 Lot Development	No	Kashechewan First Nation (Ontario)	Impact Assessment Completed	261.19	Kashechewan First Nation (Ontario)	October 10, 2023	Unknown	Unknown	Yes – Construction expected to overlap with Community Access Road construction phase.	Development of 20 lots with future use to build family homes for the community. Each lot is roughly 929.03 m in size. The project will include site preparation activities including clearing, grubbing, granular placement, and servicing of lots with municipal utilities and services. The Notice of Determination was issued on November 17, 2023 and determined that the project is not likely to cause significant adverse environmental effects.	Specific to each Indigenous Community	Specific to each Indigenous Community
Attawapiskat First Nation – Airport Heights Residential Subdivision	No	Attawapiskat First Nation	Impact Assessment Ongoing	265.86	Attawapiskat First Nation	October 11, 2023	Unknown	Unknown	Yes – Construction expected to overlap with Community Access Road construction phase.	Lot servicing project, for a maximum of 28 serviced residential lots in the proposed Airport Heights Residential Subdivision.	Specific to each Indigenous Community	Specific to each Indigenous Community
Ogoki Forest Management Plans	Yes	Ogoki Forest, Ontario	Operating	Forest Management Plans – Varies Ogoki Primary Roads – 6.24 km	GreenForest Management Inc. and Geraldton Area Natural Resources Advisory Committee	2020	10 years	2030	Yes – Operations overlap with Community Access Road construction and operation and maintenance phases.	Forest Management Plans for the Ogoki Forest. Includes Ogoki-Armstrong Primary Roads as these roads are being used for forest management. Includes plans for future harvest. Ogoki Forest is approximately 10,900 km^2 in size, and includes approximately 9,798 km^2 of forested area. Majority of the forest is unceded territory and is subject to forest management planning and forest management operations.	Specific to each Indigenous Community	Specific to each Indigenous Community
Neskantaga First Nation Community Recreation Centre	No	Neskantaga First Nation	Impact Assessment Ongoing	110.95	Neskantaga First Nation	2008	Unknown	Unknown	Yes – Operations overlap with Community Access Road construction and operations and maintenance phases.	Renovation of the existing community recreation centre and arena, to include an additional 2,400 square feet in size and will include washrooms.	Specific to each Indigenous Community	Specific to each Indigenous Community
Rehabilitation of Nibinamik Lagoon Sewage Treatment Lagoon and Collection Systems	Yes	Nibinamik First Nation	Construction	173.13	Nibinamik First Nation	2022	2 years	2024	Yes – Operations overlap with Community Access Road construction and operations and maintenance phases.	Repair and replacement of components of a sewage lagoon and the purchase of a septic truck in Nibinamik First Nation. Includes re-excavating and repairing 30 manholes and covers, flushing outflow lines, removing and replacing two pressure relief valves, repairing damaged section of the lagoon, and buying a septic truck.	Specific to each Indigenous Community	Specific to each Indigenous Community

Project	Identified in *Tailored Impact Statement Guidelines* (Y / N)	Location	Status	Distance (km) and Direction from the Project	Developer / Company	Project Start Date	Project Duration	Project Completion Date	Assumed Temporal Overlap with Community Access Road Activities (Y / N)	Project Description	Aboriginal and / or Treaty Rights and Interests Temporal Overlap with Project (Y / N)	Aboriginal and / or Treaty Rights and Interests Caribou Regional Study Area Spatial Overlap with Project (Y / N)
Accelerated High-Speed Internet Program	No	Across Ontario	Ongoing	Varies	Ministry of Infrastructure	August 4, 2022	Approximately 3 years	Anticipated end of 2025	Yes – Operations overlap with Community Access Road construction and operation and maintenance phases.	Providing access to reliable, high-speed internet to unserved and underserved communities across the province by the end of 2025.	Specific to each Indigenous Community	Specific to each Indigenous Community

8.2.4 Summary of Outcome

Each community-specific *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Report* included a **Table 8-4** summarizing which project / physical activities were carried forward in the Aboriginal and / or Treaty Rights and Interests cumulative impacts assessment. Projects carried forward were relevant to the Valued Components and Indicators with residual impacts listed in **Table 8-1**. As indicated in **Table 8-4** the residual effects from both the Marten Falls Community Access Road Project and the past, existing, and future physical activities / projects may overlap temporally or spatially with the Community Access Road Project during the construction and operation and maintenance phases.

Table 8-4 takes into account projects carried to cumulative effects assessment identified in the Technical Support Documents for related Valued Components such as wildlife, ungulates, birds, vegetation, fish and fish habitat, air, noise, and visual.

An example of **Table 8-4: Summary of Outcome** is provided below.

Table 8-4: EXAMPLE Summary of Outcome

Past, Existing, and Future Physical Activities / Projects	Results of Scoping										
	Indigenous Current Use of Land and Resources for Traditional Purposes							Cultural Continuity and Wellbeing			
	Loss of or Physical Change to Sites and Areas Used for Traditional Purposes	Changes in the Availability of Resources Harvested for Traditional Purposes					Changes in access to sites and areas used for traditional purposes	Changes in the Experience of Being on the Land			Changes to Connection to the Land and Ability to Practice and Transmit Cultural Traditions
		Wildlife	Ungulates	Birds	Vegetation	Fish and Fish Habitat		Air Environment	Noise Environment	Visual Environment	
Northern Road Link	X	X	X	X	X	X	X	X	X	-	X
Anaconda and Painter Lake Forestry Access Road Upgrades	X	X	X	X	X	X	X	X	X	-	X
Rapid Lynx Broadband	X	X	X	X	X	X	X	X	-	-	X
Esnagami Road Bypass Upgrade	X	X	X	-	-	-	X	-	-	-	X
Transload Facility	X	X	X	-	-	-	X	-	-	-	X
Eagle's Nest Mine	-	X	X	-	-	-	-	-	-	-	X
Webequie Supply Road	-	X	X	-	-	-	-	-	-	-	X
Wataynikaneyap Powerline	-	X	X	-	-	-	-	-	-	-	X
Ogoki Forest Management Plans	X	X	X	-	X	-	X	X	-	-	X
Ogoki and Long Lac Diversions	X	-	-	-	-	-	X	-	-	-	X
Gull Bay Roads Rehabilitation	X	-	-	-	-	-	X	-	-	-	X

Notes: *X = Potential pathway for cumulative impact*
– = No impact pathway is anticipated for cumulative impact

8.3 Cumulative Impacts Assessment

The Aboriginal and / Treaty Rights and Interests cumulative impacts assessment carries forward indicators identified in the residual impacts and discusses potential cumulative impacts on each Indigenous community's Aboriginal and / or Treaty rights and interests, identifies mitigation measures, and characterizes the predicted adverse residual cumulative impacts.

The following describes the cumulative impact assessment for the Preferred Route across both temporal phases of the Project. It does not include the results of the cumulative impact assessment which will be shared with each Indigenous community in their community-specific *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Reports*.

To support a comprehensive regulatory review, these community-specific reports will be shared with the Regulator. They form part of the evidence base for determining the assessment outcome.

Due to confidentiality and / or the sensitive nature of the information, detailed community reports are not being shared publicly.

8.3.1 Valued Component: Indigenous Current Use of Lands and Resources for Traditional Purposes

In each community-specific *Aboriginal and / or Treaty Rights and Interests Impact Assessment Report*, a summary of the residual impacts carried forward to the cumulative impact assessment is provided (e.g., loss of or physical change to sites and areas used for traditional purposes).

For each identified residual impact carried forward the following assessment sections were completed:

- A description of the potential cumulative effect on rights. For example, three projects identified in the physical activities' inclusion list (Table 8-3) overlap with trapline (insert number) and one project overlaps with trapline (insert number) within the Regional Study Area.
- A description of the potential cumulative impacts on rights. For example, there are four other developments (Table 8-5 of the confidential community specific *Aboriginal and / or Treaty Rights and Interests Impact Assessment Report*) that could directly impact trapline areas of significance to the First Nation and will result in an incremental loss of the current area available for trapping and other rights-based activities.

- A summary of mitigation measures proposed. For example, notify Indigenous communities and trapline holders of Project activities, schedules, and locations.
- An assessment of predicted cumulative impacts on rights including context, direction, magnitude, geographic extent, duration, frequency, reversibility, and likelihood.
- An assessment of the severity of the cumulative impacts and associated prediction confidence.

8.3.2 Valued Component: Cultural Continuity and Well-being

In each community-specific *Aboriginal and / or Treaty Rights and Interests Impact Assessment Report*, a summary of the residual impacts carried forward to the cumulative impact assessment is provided (e.g., changes in the experience of being on the land).

For each identified residual impact carried forward the following assessment sections were completed:

- A description of the potential cumulative effect on rights. For example, the Project has the potential to affect the experience of being on the land (in terms of freedom from disturbance) due to changes in the noise environment.
- A description of the potential cumulative impacts on rights. For example, where the Project and other projects / activities overlap with the First Nation's Area of Interest, the potential effects on the noise environment may be even more pronounced, particularly during concurrent construction activities when adverse effects on this Valued Component are expected to be greatest. Changes to the noise environment may alter the experience of being on the land.
- A summary of mitigation measures proposed. For example, provide Indigenous communities with advance notices and regular updates regarding location and timing of construction activities, including bridge construction and blasting operations.
- An assessment of predicted residual cumulative impacts on rights including context, Project phase(s), direction, magnitude, geographic extent, duration, frequency, reversibility, and likelihood.
- An assessment of the severity of the residual impacts and associated prediction confidence.

9. Monitoring Programs and Future Commitments

A monitoring program verifies the accuracy of the effects assessment and evaluates the effectiveness of mitigation measures. Monitoring programs also include future commitments related to mitigating residual effects.

9.1 Pre-Construction Monitoring Program

Prior to construction, the Proponent will collaborate with local existing environmental advisory committees to support the development and implementation of all environmental monitoring programs. The objective is to include Indigenous interests and perspectives, particularly concerning resources utilized for rights-based purposes. In the absence of an existing environmental advisory committee with an aligned mandate, work with relevant agencies and Indigenous Peoples to establish a Terms of Reference for one. To further supplement Value Component-specific data (e.g., caribou collaring data collected in 2021 to 2024, caribou winter aerial surveys conducted in 2022 to 2023, and remote camera monitoring surveys from 2021 to 2023), the following Aboriginal and / or Treaty Rights and Interests-specific mitigation measures are proposed and must be confirmed with all relevant parties, including Marten Falls First Nation and the province:

- Collaborate with Indigenous communities to further weave Indigenous Knowledge into the current understanding of existing conditions. It is anticipated the Indigenous Knowledge could include wildlife observations, movement, migration routes, seasonal ranges, and fish health.

9.2 Construction Monitoring Program

As noted above, it is anticipated that collaboration with existing advisory committees will be established to work with other entities (e.g., Proponent, regulators) to determine and implement monitoring programs (e.g., caribou monitoring program) during the construction period of the Project. In addition to the monitoring programs and future commitments identified in the Draft Existing Conditions and Effects Assessment Reports for related Valued Components, the following Aboriginal and / or Treaty Rights and Interests-specific mitigation measures are proposed and must be confirmed with all relevant parties, including Marten Falls First Nation and the province:

- Involve Indigenous community members in fieldwork and data collection. This participatory approach helps to weave Indigenous Knowledge, experience, values, and perspectives into the monitoring process; and

- Develop a system to incorporate seasonal observations from Indigenous hunters, trappers, and land users who have firsthand experience with caribou movements to complement scientific data and provide real-time information.

9.3 Operations Monitoring Program

As noted above, it is anticipated that collaboration with existing advisory committees will be established to work with other entities (e.g., Proponent, regulators) to determine and implement monitoring programs during the operations and maintenance phase of the Project. In addition to the monitoring programs and future commitments identified in the Draft Existing Conditions and Effects Assessment Reports for related Valued Components, the following Aboriginal and / or Treaty Rights and Interests-specific mitigation measures are proposed and must be confirmed with all relevant parties, including Marten Falls and the province:

- Involve Indigenous community members in fieldwork and data collection. This participatory approach helps to weave Indigenous Knowledge, experience, values, and perspectives into the monitoring process; and
- Develop a system to incorporate seasonal observations from Indigenous hunters, trappers, and land users who have firsthand experience with caribou movements to complement scientific data and provide real-time information.

9.4 Future Commitments

All mitigation and enhancement measures outlined in Section 7.0 of the confidential community-specific *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Report* will be adhered to. The effectiveness of mitigation and enhancement measures will be evaluated during construction and operations and will be modified or enhanced as necessary through adaptive management.

Due to confidentiality and / or the sensitive nature of the information, detailed community reports are not being shared publicly.

An example of **Table 9-1: Summary of Future Commitments** is provided below.

Table 9-1: EXAMPLE Summary of Future Commitments

Valued Component / Indicator	Commitment	Phase	Section Reference (in confidential community-specific *Aboriginal and / or Treaty Rights and Interests Impact Assessment Reports*)
Current Use of Lands and Resources for Traditional Purposes *Loss of or Physical Change to Sites and Areas Used for Traditional Purposes*	Continue to communicate with the Indigenous community to better understand the significance and uses of specific trapline areas and the Painter Lake area, including in terms of specific locations that may interact with the Construction Disturbance Area.	■ Pre-construction ■ Construction	■ **Section 7.4.1.1.1**
	Continue to work with the Indigenous community throughout Project planning, including detailed design, to review existing or develop appropriate mitigation or avoidance measures, where possible.	■ Pre-construction ■ Construction	■ **Section 7.4.1.1.1**
	Implement a policy that all construction vehicles must stay on access roads or the construction site and camp at all times.	■ Pre-construction ■ Construction	■ **Section 7.4.1.1.1**
	Hold a cultural or spiritual ceremony prior to the commencement of construction activities.	■ Pre-construction	■ **Section 7.4.1.1.1**
	Enable Indigenous community members to harvest traditional use plants that will be affected by land clearing in advance of construction, where possible.	■ Pre-construction ■ Construction	■ **Section 7.4.1.1.1**
	The proponent will provide all necessary documentation and information requested by the Province to facilitate compensation claims by affected trapline holders.	■ Pre-construction	■ **Section 7.4.1.1.3**
Changes in the Availability of Resources Harvested for Traditional Purposes	Collaborate with local existing environmental advisory committees to support the development and implementation of all environmental monitoring programs. The objective is to include Indigenous interests and perspectives, particularly concerning resources utilized for rights-based purposes. In the absence of an existing advisory committee with an aligned mandate, work with relevant agencies and Indigenous Peoples to establish a Terms of Reference for one.	■ Pre-construction ■ Construction ■ Operations and Maintenance	■ **Section 7.4.1.1.2** ■ **Section 9.0**
	Where possible, pause construction activities to avoid key harvesting periods by Indigenous communities (e.g., during the fall hunt). Given the need to consider site-specific limitation or requirements and the challenges of deployment and redeployment of construction crews in the remote northern environment, it is expected that the pause would occur during one or potentially two key harvesting periods, to be determined in discussion with Marten Falls.	■ Construction	■ **Section 7.4.1.2.2**
	Enable Indigenous community members to harvest traditional use plants that will be affected by land clearing in advance of construction, where possible.	■ Pre-construction ■ Construction	■ **Section 7.4.1.2.2**
	Hold a ceremony prior to the commencement of construction activities.	■ Pre-construction	■ **Section 7.4.1.2.2**
	Continue to communicate with the Indigenous community to better understand specific sites and areas used for hunting, trapping, fishing, and / or traditional use plant harvesting that could be impacted by changes to the availability of resources.	■ Pre-construction ■ Construction	■ **Section 7.4.1.2.2**
	The proponent will provide all necessary documentation and information requested by the Province to facilitate compensation claims by affected trapline holders.	■ Pre-construction	■ **Section 7.4.1.2.3**
Changes in Access to Sites and Areas Used for Traditional Purposes	Continue to communicate with the Indigenous community to better understand the use of specific trapline areas, including in terms of travel routes / trails that may interact with the Construction Disturbance Area.	■ Construction	■ **Section 7.4.1.2.3**
	Provide Indigenous communities with advance notices and regular updates regarding location and timing of construction activities, including bridge construction, blasting operations, and specific locations where waterway and overland travel may be temporarily restricted.	■ Construction	■ **Section 7.4.1.2.3**
	Where the Project intersects with existing travel routes used by Indigenous communities, create temporary detour routes for snowmobiles, all-terrain vehicles, and canoes with associated signage in both English and Indigenous languages.	■ Construction	■ **Section 7.4.1.2.3**
	Access ramps with signage for motorists will be provided for overland travel routes bisected by the Project, where present and required for ease of access, during the operations and maintenance phase	■ Operations and Maintenance	■ **Section 7.4.1.2.3**
Cultural Continuity and Wellbeing *Changes in the Experience of Being on the Land*	Implement a policy that all construction vehicles must stay on access roads or the construction site and camp at all times.	■ Construction	■ **Section 7.4.1.1.3** ■ **Section 7.4.2.1.3**
	Where possible, pause construction activities to avoid key harvesting periods by Indigenous communities.	■ Construction	■ **Section 7.4.1.2.3** ■ **Section 7.4.2.1.3**
	Provide Indigenous communities with advance notices and regular updates regarding location and timing of construction activities, including bridge construction and blasting operations.	■ Construction	■ **Section 7.4.1.3.3** ■ **Section 7.4.2.1.3**
	Recommend the selection of a dust suppressant that is strongly informed by its dust reduction capacity and duration of effectiveness, minimizing the frequency of application to reduce the potential magnitude of impacts on the experience of being on the land.	■ Construction	■ **Section 7.4.1.3.3** ■ **Section 7.4.2.1.3**
	Provide advance notices and regular updates regarding maintenance activities, including quarry use.	■ Construction ■ Operations and Maintenance	■ **Section 7.4.2.1.3**
Changes to Connection to the Land and Ability to Practice and Transmit Cultural Traditions	Continue to communicate with the Indigenous community to better understand preferences in terms of locations, resources, and timing of cultural traditions, as well as areas that are particularly important for teaching and knowledge sharing.	■ Construction	■ **Section 7.4.2.2.3**
	Where possible, avoid preferred or important locations used by the Indigenous community for the practice and teaching of cultural traditions in the route alignment during detailed design.	■ Construction	■ **Section 7.4.2.2.3**
	Include local Indigenous language(s) on signage that is developed for the road.	■ Construction	■ **Section 7.4.2.2.3**

10. Summary and Recommendations

The potential and cumulative impacts summary and recommendations for the Aboriginal and / or Treaty Rights and Interests Valued Components are provided in the confidential community-specific *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Reports.* Each community received a copy of their Draft Impact Assessment Report to review and provide feedback prior to finalizing their *Aboriginal and / or Treaty Rights and Interests: Impact Assessment Report*.

To support a comprehensive regulatory review, these community-specific reports will be shared with the Regulator. They form part of the evidence base for determining the assessment outcome.

Due to confidentiality and / or the sensitive nature of the information, detailed community reports are not being shared publicly.

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Attachment A

Draft Study Plan, Workplan and Regulator Comments



Attachment A

Draft Study Plan and Regulator Comments

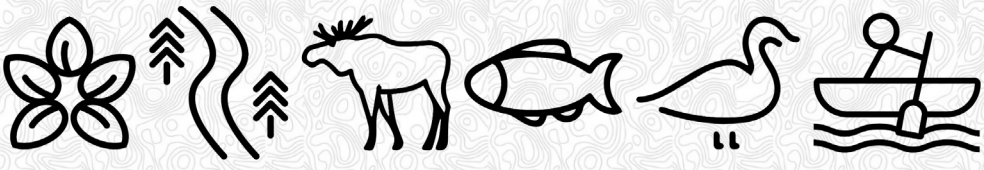


MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD

FINAL

Aboriginal and Treaty Rights and Interests Study Plan

May 2021



Distribution List

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Revision History

Rev #	Date	Revision Description
Draft	May 2020	Submitted “Indigenous Peoples Valued Components Study Plan” to the Agency.
Final	May 2021	Revised to address federal and provincial agency comments.

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Appendices

Appendix A. Consultation and Engagement Plan to Support the Environmental Assessment / Impact Statement
Appendix B. Indigenous Knowledge Program Guidance Document
Appendix C. Preliminary Aboriginal & Treaty Rights and Interests Study Areas Memo
Appendix D. Update on the Proposed Aboriginal and Treaty Rights and Interests Study Areas
Appendix E. Preliminary List of Data Sources

Acronyms and Abbreviations

Agency, the ... Impact Assessment Agency of Canada
CAR ..... Community Access Road
EA ..... Environmental Assessment
IA ..... Impact Assessment
IAA ..... *Impact Assessment Act*
IK ..... Indigenous Knowledge
IS ..... Impact Statement
km ..... kilometre
LSA ..... Local Study Area
MECP ..... Ontario Ministry of the Environment, Conservation and Parks
MFFN ..... Marten Falls First Nation
PDA ..... Project Development Area
RSA ..... Regional Study Area
TISG ..... Tailored Impact Statement Guidelines
ToR ..... Terms of Reference
VC ..... Valued Component

1. Introduction

The Proponent of the Community Access Road (CAR or the Project) is Marten Falls First Nation (MFFN), a remote First Nation community in northern Ontario located at the junction of the Albany and Ogoki rivers, approximately 430 kilometres (km) from Thunder Bay, Ontario. The MFFN community is proposing an all-season Community Access Road that will connect the MFFN community to Ontario's provincial highway network (Highway 643) to the south via the existing Painter Lake Road. MFFN, as the Proponent of the Project, has formed a MFFN CAR Project Team that includes MFFN CAR Community Member Advisors and MFFN CAR Project Consultants who act with input, guidance and direction from the MFFN Chief and Council.

This document outlines the Study Plan for Aboriginal and Treaty Rights and Interests to support a coordinated Impact Assessment (IA) required for Project review by the Impact Assessment Agency of Canada (the Agency) under the federal *Impact Assessment Act* (IAA) and Environmental Assessment (EA) required for Project review by the Ontario Ministry of the Environment, Conservation and Parks (MECP) under the Ontario *Environmental Assessment Act*.

1.1 Federal and Provincial Terminology

The study plans have been prepared using federal terminology, however, the respective provincial terminology has been provided in **Table 1-1** for reference. The terms can be used interchangeably.

Table 1-1: Equivalent Federal and Provincial Terms

Provincial Term	Federal Term
Criteria	Valued Component
Impact Management Measure	Mitigation Measure
Net Effects	Residual Effects
Record of Consultation	Record of Engagement

1.2 Project Study Plans

This Study Plan is one of a group of study plans created for the Project. **Table 1-2** includes the study plans for each environmental[1] discipline currently planned for the Project and the valued components (VCs) covered by the study plans where applicable.

Table 1-2: Project Study Plans and Valued Components

Environmental Discipline	Study Plan Name	Valued Component(s)
Aboriginal and Treaty Rights and Interests	■ Aboriginal and Treaty Rights and Interests Study Plan	■ Indigenous Current Use of Lands and Resources for Traditional Purposes ■ Cultural Continuity (ability to practice and transmit cultural traditions)
Atmospheric Environment	■ Atmospheric Environment and Greenhouse Gases Study Plan	■ Air Quality ■ Greenhouse Gas Emissions
Climate Change	■ Climate Adaptation and Resiliency Study Plan	■ Climate Change
Acoustic and Vibration Environment	■ Acoustic and Vibration Environment Study Plan	■ Noise ■ Vibration
Physiography, Geology, Terrain and Soils	■ Physiography, Terrain and Soils Study Plan	■ Physiography, Terrain and Soils
Surface Water	■ Surface Water Study Plan	■ Surface Water
Groundwater and Geochemistry	■ Groundwater and Geochemistry Study Plan	■ Groundwater
Vegetation	■ Vegetation Study Plan	■ Wetland and Riparian Ecosystems ■ Upland Ecosystems ■ Designated Areas (Areas of Natural and Scientific Interest, Environmentally Significant Areas, Significant Woodlands, Critical Landform / Vegetation Associations) ■ Traditional Use Plants and SAR Plant Populations (including species with special conservation status or rarity in the province)
	■ Peatlands Study Plan	■ Peatland Ecosystems (bogs and fens)
Wildlife	■ Wildlife Study Plan	■ Bats (including SAR-bats such as: Little Brown Myotis [*Myotis lucifugus*], Northern Myotis [*Myotis septentrionalis*] and Tricolored Bat [*Perimyotis subflavus*])

1. *The use of the term environment in this document is inclusive of the components of the environment that are included in the Ontario Environmental Assessment Act definition, which includes a general description of the social, cultural, built and natural environments.*

Environmental Discipline	Study Plan Name	Valued Component(s)
		■ Fur Bearers (proxy VC[2] American Marten [*Martes americana*], Beaver [*Castor canadensis*] and Wolverine [*Gulo gulo*]) ■ Amphibians and Reptiles ■ Pollinating Insects
	■ Ungulates (Moose and Caribou) Study Plan	■ Moose (*Alces alces*) ■ Caribou, boreal population (*Rangifer tarandus*)
	■ Bird Study Plan	■ Forest Birds (proxy VC of Red-eyed Vireo [*Vireo olivaceus*] for deciduous forest, Ovenbird [*Seirus aurocapilla*] for mixedwood forest, Dark-eyed Junco [*Junco hyemalis*] for coniferous forest and disturbed forest ■ Raptors (proxy VC of Osprey [*Pandion haliaetus*] for diurnal raptors and Boreal Owl [*Aegolius funereus*] for nocturnal raptors ■ Shorebirds (proxy VC of Wilson's Snipe [*Gallingo delicata*]) ■ Waterfowl (proxy VC of Mallard [*Anas* platyrhynchos]) ■ Bog / Fen Birds and Other Wetland Birds (proxy VC of Palm Warbler [*Setophaga palmarum*] for bogs, Common Yellowthroat [*Geothlypis trichas*] for fens; and Northern Waterthrush [*Parkesia noveboracensis*] for swamps. ■ SAR birds: Canada Warbler (*Cardellina canadensis*), Chimney Swift (*Chaetura pelagica*), Common Nighthawk (*Chordeiles minor*), Eastern Whip-poor-will (*Antrostomus vociferous*), Eastern Wood-Pewee (*Contopus virens*), Evening Grosbeak (*Coccothraustes vespertinus*), Olive-sided Flycatcher (*Contopus cooperi*), Bald Eagle (*Haliaeetus leucocephalus)*, Peregrine Falcon (*Falco peregrinus*), Short-eared Owl (*Asio flammeus)*, Bank Swallow (*Riparia riparia*), Barn Swallow (*Hirundo rustica*), Black Tern (*Childonias niger*), Rusty Blackbird (*Euphagus carolinus*), Yellow Rail (*Coturnicops noveboracensis*).
Fish and Fish Habitat	■ Fish and Fish Habitat Study Plan	■ Lake Sturgeon (*Acipenser fulvescens*) ■ Walleye (*Sander vitreus*) ■ Brook Trout (*Salvelinus fontinalis*) ■ Northern Pike (*Esox Lucius*) ■ Lake Whitefish (*Coregonus clupeaformis*) ■ Chain Pickerel (*Esox niger*) ■ Yellow Perch (*Perca flavescens*) ■ Cisco (*Coregonus artedii*) ■ Burbot (*Lota lota*)

2. *A proxy VC is used when looking at the effects of one species that represents many others.*

Environmental Discipline	Study Plan Name	Valued Component(s)
		■ Longnose Sucker (*Catostomus catostomus*) ■ White Sucker (*Catostomus commersonii*) ■ Forage / Prey Species (including species such as Lake Chub [*Couesius plumbeus*]) ■ Lower Trophic Organisms (e.g., benthic invertebrates)
Social	■ Social Study Plan	■ Housing and Accommodation ■ Community Service and Infrastructure ■ Transportation ■ Community Well-being ■ Populations and Demographics
Economy	■ Economic Study Plan	■ Regional Economy ■ Labour Force and Employment ■ Government Finances
Land and Resource Use	■ Land and Resource Use Study Plan	■ Land Use Compatibility ■ Parks and Protected Areas ■ Extractive Industry ■ Forestry Industry ■ Energy and Linear Infrastructure ■ Recreation and Tourism
Human Health and Community Safety	■ Human Health and Community Safety Study Plan	■ Public Safety ■ Public Health ■ Diet ■ Environmental Factors Influencing Health
Visual Aesthetics	■ Visual Aesthetics Study Plan	■ Visual Contrast / Character ■ Visibility ■ Visual Sensitivity
Archaeological and Cultural Heritage	■ Cultural Heritage Study Plan	■ Archaeological Sites and Resources ■ Built Heritage Resources and Cultural Heritage Landscapes

It should be noted that while there is not a consultation study plan, the Project has developed the *Consultation and Engagement Plan to Support the Environmental Assessment / Impact Statement* (AECOM 2020) (referred to as the Impact Statement [IS] / EA Consultation Plan). The IS / EA Consultation Plan has been provided in **Appendix A** of this Study Plan.

2. Purpose and Objectives

The key objectives of conducting an IA / EA are to describe the existing environment, gather sufficient information to predict Project-related effects (positive and negative, direct and indirect) of the Project and alternatives on the environment, determine measures needed to avoid or minimize adverse Project effects, and enhance beneficial Project effects where feasible, and to undertake consultation and engagement throughout. The purpose of this Study Plan is to explain:

- A baseline[3] study methodology that will result in a comprehensive description of Aboriginal and Treaty Rights and Interests potentially impacted by the Project – this is described in **Section 7**;
- How efficient and transparent data management and analysis will be undertaken – this is described in **Section 8**;
- Effects assessment scoping inputs specific to Aboriginal and Treaty Rights and Interests that will allow for potential effects of the Project on the existing environment to be appropriately assessed in the IS / EA Report – this is described in **Section 9**; and
- How the Study Plan aligns with federal and provincial requirements and guidance, including the Agency's Tailored Impact Statement Guidelines (TISG), dated February 24, 2020 (the Agency 2020d), for this Project and applicable provincial agency comments on the Draft Terms of Reference (ToR)[4] – this is described throughout **Section 9** and in **Section 10**.

As required by the IAA and referenced in TISG Section 7.3, work plans will also be developed for disciplines as required. It is anticipated the work plans will include further details on how to action the study plans; for example, they would contain such information as scheduling and sequencing for key work tasks.

For the purposes of establishing appropriate context, the study plan begins with background and relevant information on:

- Study-plan related discussions with the Agency, the MECP, and applicable agencies to date (**Section 3**);
- The approach to Project consultation and engagement (**Section 4**);
- How Indigenous Knowledge (IK) will be collected and used in the IA / EA (**Section 5**); and
- The spatial and temporal boundaries that will be used for the IA / EA (**Section 6**).

3. *Baseline refers to the current conditions of the environment potentially impacted by the Project. Baseline conditions serve as a reference against which changes due the Project are measured.*
4. *If necessary, the Study Plan will be updated to reflect the approved ToR if approval is obtained.*

3. Study Plan Technical Discussions

To facilitate the development of satisfactory study plans and eventually a satisfactory IS / EA Report, MFFN previously submitted draft study plans in an effort to hold technical discussions with the Agency, the MECP and applicable agencies.

A technical meeting on the Aboriginal and Treaty Rights and Interests Study Plan, previously titled the Indigenous Peoples Study Plan, was held with the MFFN CAR Project Team, the Agency and the MECP on September 23, 2020 to:

- Review and discuss specific topics of the Study Plan submitted to the Agency on May 22, 2020 and associated preliminary comments provided by the Agency on July 2, 2020; and
- Discuss open questions / comments and agree on next steps to resolve any outstanding issues with the Study Plan.

Topics of discussion included:

- Proposed revisions to the assessment spatial boundaries included in the previously submitted Study Plan and associated rationale;
- The IK Program for the Project and associated guidance materials that are being developed to support concordance with the TISG;
- Indigenous group engagement considerations based on interest;
- Gender-Based Analysis Plus considerations;
- Potential schedule for the IK Program;
- Approach to the effects assessment; and
- Funding for Indigenous group participation.

Details of how specific preliminary comments by the Agency on the previously submitted Study Plan have been addressed in this revised Study Plan are provided in **Table 11-1** in **Section 11**.

4. IS / EA Report Consultation and Engagement Process

4.1 Interested Persons and Government Agencies

The Proponent will provide Project notices and advise of opportunities for consultation and engagement with interested persons[5] which includes, at a minimum, members of the public outlined in the *Public Participation Plan for the Marten Falls Community Access Road Project Impact Assessment* (the Agency 2020) (referred to as the Public Participation Plan). This will include the opportunity to provide input on the existing environment, VCs, effects assessment methods, effects assessment results, and mitigation and follow-up program measures as applicable. A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input. The study plans have recognized public and agency input received on the Project to date. Government agencies and interested persons will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process. The Project's approach to handling confidential and sensitive information is outlined in **Section 2.1**.

4.2 Indigenous Communities

The Proponent will provide Project notices and opportunities for consultation and engagement with Indigenous communities identified in **Table 4-1**, which is inclusive of all Indigenous communities identified in the *Indigenous Partnership and Engagement Plan for the Marten Falls Community Access Road Project Impact Assessment* (the Agency 2020a) (referred to as the Indigenous Engagement and Partnership Plan).

Indigenous communities will be provided the opportunity to be involved at critical decision-making points throughout the IS / EA Report 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, VCs, effects assessment methods, effects assessment results, and mitigation and follow-up program measures. A variety of activities will be offered so that Indigenous communities are informed of the IS / EA

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

Report as it progresses and are aware of the opportunities, means and timelines to provide their input. The study plans have recognized Indigenous community input received on the Project to date. Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process.

Table 4-1: Identified Neighbouring Indigenous Communities, including their Provincial Territorial Organizations and / or Tribal Council Affiliations

Tribal Council Affiliation	Indigenous Community or Organization
Matawa First Nations Management *(Nishnawbe Aski Nation)*	■ **Marten Falls First Nation** (Proponent and potentially affected Indigenous community) ■ Aroland First Nation ■ Constance Lake First Nation ■ Eabametoong First Nation ■ Ginoogaming First Nation ■ Neskantaga First Nation ■ Nibinamik First Nation ■ Webequie First Nation
Matawa First Nations Management and the Union of Ontario Indians / Nishnawbe Aski Nation	■ Long Lake #58 First Nation**
Mushkegowuk Council *(Nishnawbe Aski Nation)*	■ Attawapiskat First Nation ■ Fort Albany First Nation ■ Kashechewan First Nation
Shibogama First Nations Council *(Nishnawbe Aski Nation)*	■ Kasabonika Lake First Nation ■ Kingfisher Lake First Nation ■ Wapekeka First Nation ■ Wawakapewin First Nation ■ Wunnumin Lake First Nation
Independent First Nations Alliance *(Nishnawbe Aski Nation)*	■ Kitchenuhmaykoosib Inninuwug First Nation
Independent First Nations *(Nishnawbe Aski Nation)*	■ Mishkeegogamang First Nation ■ Weenusk First Nation
Nokiiwin Tribal Council	■ Animbiigoo Zaagi'igan Anishinaabek First Nation*
Métis Nation of Ontario	■ Métis Nation of Ontario; Region 2*
Independent Métis Nation	■ Red Sky Independent Métis Nation*

Notes: This table is inclusive of all Indigenous communities identified in the Indigenous Partnership and Engagement Plan for the Marten Falls Community Access Road Project Impact Assessment (the Agency 2020a)
** Indigenous communities or organizations identified by the MECP who should be consulted on the basis that they may be interested in the Community Access Road.*
*** The MECP indicated in a letter to MFFN that Long Lake #58 First Nation was moved from interest-based to rights-based.*

4.3 Consideration of Identity and Gender-Based Analysis Plus in Engagement

To fulfill requirements of the IAA, the Consultation and Engagement Program will consider a diverse range of perspectives from interested persons and interested Indigenous communities and their members identified in **Table 4-1** and the Public Participation Plan. This will include at a minimum providing ongoing opportunities for engagement to:

- **Neighbouring Indigenous communities, including relevant subpopulations:**
  - Women;
  - Youth; and
  - Elders.
- **Non-Indigenous communities including:**
  - Women;
  - Youth; and
  - Activity-based subgroups (e.g., recreationalists, snowmobilers, tourism establishment operators).

The Proponent will also consult and engage with other subpopulations identified by communities during consultation and engagement. The information from these activities and any additional identity groups identified by communities through consultation and engagement will be considered by applicable environmental disciplines for the purposes of data collection and considering disproportionate effects.

During consultation and engagement, these aforementioned groups will be consulted and engaged with on targeted input**.** Specialized knowledge will be gathered through disciplines such as Social, Economic, Land and Resource Use and Aboriginal and Treaty Rights and Interests. The Socio-economic Data Collection Program is expected to include targeted interviews, focus groups, questionnaires and other niche tools to gather information from diverse populations to resolve gaps in socio-economic secondary data. These diverse populations include the aforementioned identity groups, which are also referenced in the IS / EA Consultation Plan and those identified by communities during consultation and engagement. The importance of soliciting inputs and perspectives from diverse subgroups has also been factored into the IK Program and associated guidance materials (see **Section 5.1**).

Feedback received from interested persons and Indigenous communities – including issues, comments and questions – will be tracked, which is consistent with the process described in the IS / EA Consultation Plan. Specific to Gender-Based Analysis Plus objectives, this will include efforts to engage with diverse populations. It is expected this will include activities specific to subgroups and tabulation of consultation and engagement participation with respect to identity factors. This will provide summary statistics to demonstrate the diversity achieved in consultation and engagement.

5. Consideration of Indigenous Knowledge in the IS / EA Report

The following provides a general description of how IK will be considered in the IA / EA process. The extent to which IK is considered by each specific VC will vary depending on the nature of the VC, the potential for Project effects on the VC and whether IK that relates to a VC is provided / obtained. As such, not all aspects of the general approach described below may apply to all VCs / study plans.

There are two concurrent and complementary avenues for Indigenous communities and groups to be engaged with and provide input on the Project: the IK Program and the Consultation and Engagement Program. Both programs serve to support the collection of Indigenous perspectives, values, and input on the Project, including Indigenous rights (i.e., Aboriginal and Treaty Rights) and Interests and how they may be impacted by the Project, to be integrated throughout the IA / EA process. However, the IK Program specifically aims to solicit and incorporate information that is considered sensitive and may have confidentiality requirements, including IK and information on Indigenous land and resource use and cultural values. Agreements for sharing IK (i.e., IK Sharing Agreements) will be established between the Proponent and Indigenous communities participating in the IK Program prior to the sharing and use of any sensitive information (see **Section 5.2**).

All Indigenous communities and groups identified by the MECP and the Agency (see **Table 4-1**) have the opportunity to participate in the IK Program. The IK Program provides interested Indigenous communities with an opportunity to: share existing IK and information on Indigenous land and resource use and cultural values that may be relevant to the Project, and / or complete Project-specific studies to collect and share IK and information on Indigenous land and resource use and cultural values. The IK Program includes opportunities for Indigenous communities and groups to meet with the Proponent to discuss the program, ask questions, and share concerns and interests.

The IS / EA Consultation Plan outlines the process for obtaining information and feedback about the Project from Indigenous communities (i.e., the Consultation and Engagement Program). All Indigenous communities identified by the MECP and the Agency have the opportunity to participate in the Consultation and Engagement Program through community-specific meetings, Public Information Centres, web conferences, and other formats. All Indigenous communities identified by the MECP and the Agency will be provided information related to the Project and invited to participate at various points throughout the IA / EA process.

There are also opportunities for technical teams to engage with Indigenous communities to solicit perspectives and information relevant to the Project, including information related to collection of existing information and the development of the IS / EA Report. The Proponent also invites feedback and inputs throughout the Project via the Project website and ongoing communications with the Proponent.

The IK and Consultation and Engagement programs are designed to be complementary and provide multiple opportunities for communities to offer feedback and information, including perspectives on Aboriginal and Treaty rights and interests and how these may be impacted by the proposed Project. Relevant information collected through both the IK and Consultation and Engagement programs, including potential effect pathways on Aboriginal and Treaty rights and interests, will be shared with each of the relevant disciplines throughout the IA / EA to: guide and inform VCs; support characterization of the existing environment; identify the potential effects of the Project on VCs; help identify mitigation measures and potential monitoring programs; and ultimately guide Project planning. The nature of how IK becomes integrated into the IS / EA Report will be dictated by the specific information provided by each Indigenous community and the parameters set out in the IK Sharing Agreements. A description of how IK was considered in the IA / EA and in each of the technical discipline areas will be included in the IS / EA report.

It is also important to note that information collected through the various activities (e.g., field studies and programs, effects assessments) of each discipline area (e.g., wildlife, vegetation, cultural heritage) will be shared with the IK Program leads. This will support the establishment of the existing environment and the effects assessment for the Aboriginal and Treaty Rights and Interests environmental discipline, as well as the identification of potential mitigation measures and monitoring programs, given the interrelated nature of Indigenous peoples and other environmental disciplines.

The Proponent will strive to respectfully collaborate with Indigenous communities on how IK and information on Indigenous land and resource use and cultural values will become part of the IS / EA Report, and how potential effects to Indigenous rights and interests will be assessed. It is expected that measures to support this may include but are not limited to:

- Engaging Indigenous communities to solicit information on IK and Indigenous land and resource use and cultural values to inform baseline conditions;
- Providing Indigenous communities with draft sections of the IS / EA Report to illustrate how IK and information on Indigenous land and resource use and cultural values has been integrated and to confirm it has been presented appropriately; and
- Completing collaborative working sessions with Indigenous communities for the effects assessment on Aboriginal and Treaty Rights and Interests.

Further information is provided in **Sections 7.4** and **9.1**.

5.1 Indigenous Knowledge Program Guidance Document

To support communities in learning about and participating in the IK Program, MFFN has created an IK Program Guidance Document (Guidance Document) that provides:

- An overview of the IK Program and how IK and information on Indigenous land and resource use, and cultural values and practices can be collected and / or shared;
- Information on how IK and information on Indigenous land and resource use and cultural values and practices may be used in the assessment, planning and design processes; and
- A suite of guidance materials that were developed based on the information requirements of both the federal and provincial assessment processes, including: question guides to support the collection of information on historical and current community context; IK that may be relevant to the various technical disciplines; information on Indigenous land and resource use, cultural values and practices and associated spatial data; and perspective on potential Project-related effects and associated mitigation and / or enhancement measures.

The Guidance Document includes information on the importance of diversity when selecting community members to participate in the IK Program (e.g., sharing IK and information on Indigenous land and resource use and cultural values) in support of identity and Gender-Based Analysis Plus in engagement. The Guidance Document will also support participating Indigenous communities in providing Project-specific information in a manner that facilitates meaningful incorporation into the IS / EA Report.

The Guidance Document was shared with all Indigenous communities and groups identified in **Table 4-1** in early November, 2020. The Guidance Document is provided in **Appendix B**.

5.2 Approach to Handling Indigenous Knowledge & Confidential Information

Permission from the Indigenous community will be sought before including IK in the IS / EA Report, regardless of the source of the IK. Sensitive and / or confidential information will be specifically collected through the IK Program to inform the IS / EA Report, and its use and publication will be governed by Indigenous community-specific IK Sharing Agreements. The IK Sharing Agreements will be protected from public or third-party disclosure and will be established between the Proponent and Indigenous communities

participating in the IK Program prior to the sharing and use of any sensitive information. Instances where IK sharing has taken place during consultation activities (e.g., meetings) will be recorded in the Record of Consultation and Engagement, including where IK was incorporated into Project decisions and into the IS / EA Report (i.e., specifics will not be included in the Record of Consultation and Engagement given the potential sensitivity and / or confidentiality of the information shared).

Further information on data management is provided in **Section 8**.

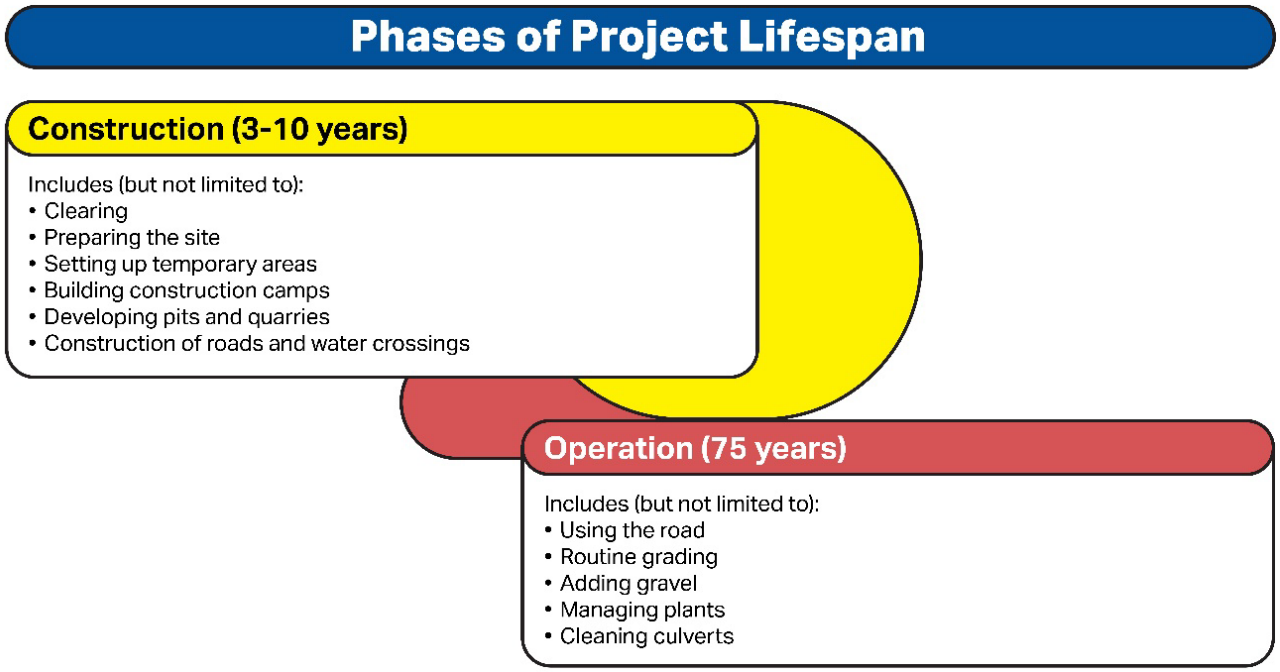
6. Assessment Boundaries

6.1 Temporal Boundaries: Project Phases

Project phases, which are temporal boundaries, are developed to establish the timeframes within which potential effects of the Project will be considered in the IS / EA Report. The Project is planned to occur in two phases, which are briefly described below and shown in **Figure 6-1**.

- **Construction Phase:** The time from start of construction, including site preparation activities, to the start of operations and maintenance of the CAR. Decommissioning of construction works is included in the construction phase. The construction phase is anticipated to take approximately 3 to 10 years to complete.
- **Operations and Maintenance Phase:** The operations and maintenance phase starts once construction activities are complete and lasts for the life of the Project. The operations and maintenance phase of the Project is considered to be 75 years based on the expected timeline for when major refurbishment of road components (e.g., bridges), is anticipated.

Figure 6-1: Project Schedule



There are currently no plans to decommission the CAR as there is no expected / known end date for its need. Therefore, future suspension, decommissioning and eventual abandonment of the CAR will not be considered in the IS / EA Report. It will be considered if and when a decommissioning or abandonment application is made for the road.

In determining the temporal boundaries, in particular the long operations and maintenance phase, consideration was given to the long-term effects on the well-being of present and future generations (Sustainability Principle #2[6]). The final temporal boundaries to be used in the IS / EA Report will be based on regulatory agency guidance, professional judgement and input received through the Project consultation process.

6.2 Spatial Boundaries: Study Areas

6.2.1 General Information

Study areas identify the geographic extents within which potential effects of the Project are likely to occur and will be considered in the IS / EA Report. The existing conditions and potential effects are documented for three study areas selected for the Project:

- **Project Development Area (PDA):** area of direct disturbance;
- **Local Study Area (LSA):** the area where most of the direct effects of the Project are likely to occur; and
- **Regional Study Area (RSA):** the area where indirect effects of the Project are likely to occur.

The PDA encompasses the 100 metre wide CAR right-of-way (ROW), temporary construction access roads, work areas, worker camps, and pits, quarries and associated access roads. The preliminary LSA currently being considered within the scope of the ongoing provincial regulatory review process generally includes the area within 2.5 km of the centreline of Alternative 1 and Alternative 4. The preliminary study area generally allows for the documentation of existing conditions and prediction of potential environmental effects for the Project. A 5 km wide study area also allows for route refinements during development of Project design (e.g., adjustment of the alignment to avoid sensitive features).

6. *Sustainability Principles #2 is one of four sustainability principles included in Section 25 of the Project's TISG as further elaborated on Section 9.7.*

The specific location of Project components, including the roadway, quarries, pits and temporary infrastructure, are not yet known and will be included in the IS / EA Report. While most of the Project components are expected to be located within the preliminary 5 km wide study area, benefits (e.g., reduced environmental disturbance, avoidance of sensitive features, technical considerations, concerns received through consultation) for locating Project components on lands outside of the 5 km wide study area may become known during the IA / EA process. If the need to locate Project components outside the 5 km wide study area is determined to be required or of benefit to the Project, the study area would be adjusted.

The study area for each environmental discipline may vary from the above-described general study area based on the potential for the Project to directly or indirectly affect each environmental discipline; therefore, discipline-specific LSAs and RSAs have been defined for the Project. In defining the final LSAs and RSAs, each environmental discipline will consider:

- Location and other characteristics of the environmental discipline relative to the Project;
- The anticipated extent of the potential Project effects;
- Federal, provincial, regional, and local government administrative boundaries;
- Indigenous groups listed in **Table 4-1**;
- Community knowledge and IK;
- Current or traditional land and resource use by Indigenous communities;
- Exercise of Aboriginal and Treaty Rights of Indigenous peoples, including cultural and spiritual practices; and
- Physical, ecological, technical, social, health, economic and cultural considerations.

The study areas included in this document are preliminary, covering the extent to which readily available information suggests the Project may have noticeable effects on the environment. The size, nature and location of past, present and reasonably foreseeable projects will be taken into consideration in the development of the cumulative effects assessment study area(s). The appropriate study area(s) to assess cumulative effects are dependent on the VCs predicted to have direct residual adverse effects as a result of the Project, and therefore, cannot be defined until the IS / EA Report has sufficiently advanced.

As further detailed in **Section 4**, the Proponent will continue to provide opportunities for neighbouring Indigenous communities and interested persons to provide input and inform the effects assessment, including the LSAs and RSAs.

6.2.2 Aboriginal and Treaty Rights and Interests

The LSA and RSA boundaries for the Aboriginal and Treaty Rights and Interests VCs (i.e., Indigenous Current Use of Lands and Resources for Traditional Purposes and Cultural Continuity) are described with associated rationale in **Table 6-1**. These study areas were identified based on:

- The preliminary study areas identified for the other VCs that are relevant to Aboriginal and Treaty Rights and Interests, including surface water, fish and fish habitat, vegetation, wildlife, air quality, noise, physiography and groundwater, and cultural heritage;
- The anticipated extent of potential Project effects; and
- Community knowledge and Indigenous community inputs received to date.

Table 6-1: Aboriginal and Treaty Rights and Interests Valued Components Study Areas

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

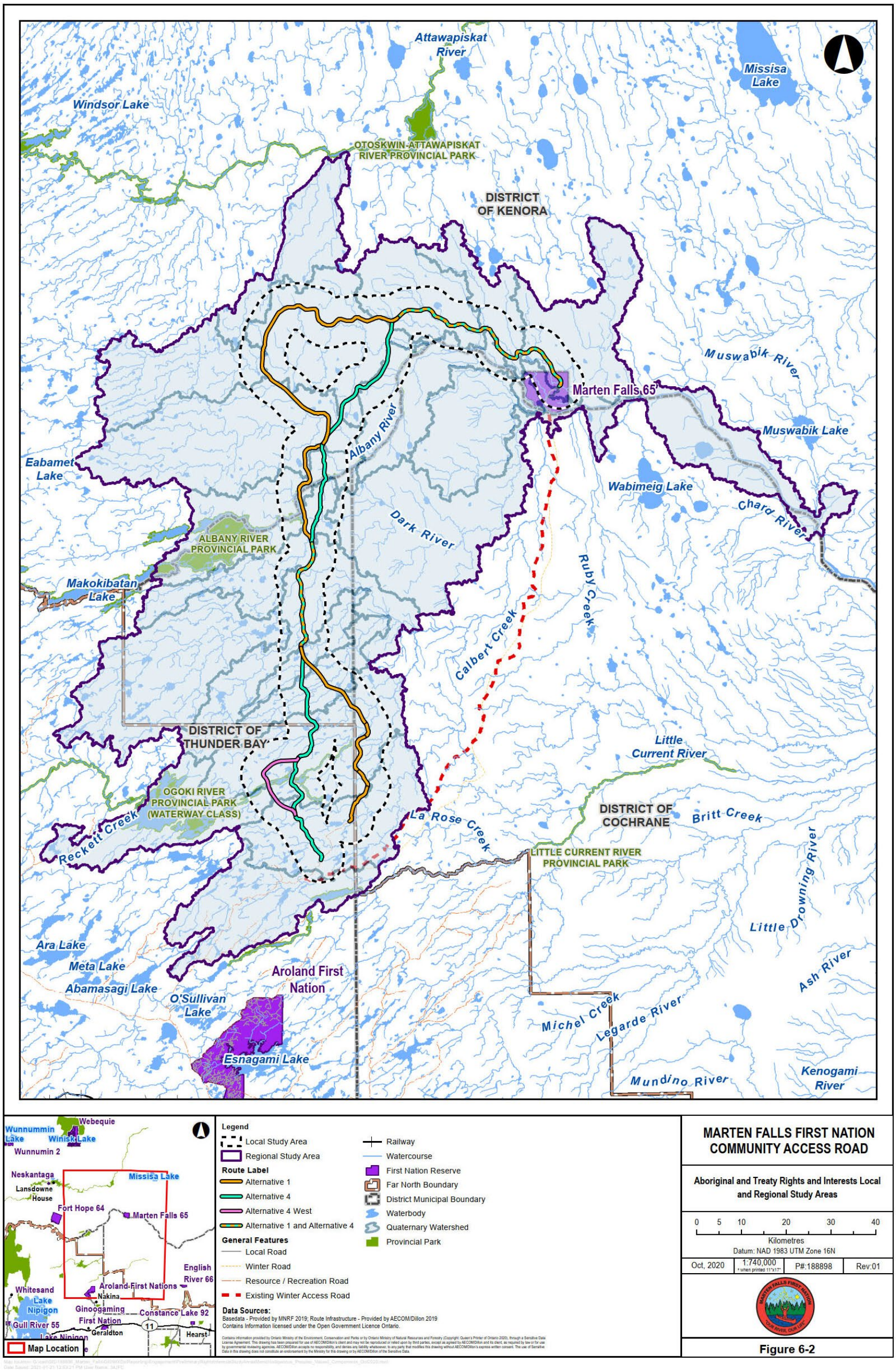
The LSA and RSA boundaries were presented in a Preliminary Aboriginal and Treaty Rights & Interests Study Areas Memo that was shared with all Indigenous communities and groups identified in **Table 4-1** in August 2020 for review and comment. The Preliminary Aboriginal and Treaty Rights & Interests Study

Areas Memo that was sent to communities and groups in August 2020 is provided in **Appendix C**. Based on inputs received from Indigenous communities, the RSA was revised in October 2020 to include additional watersheds that the Project may interact with (e.g., at the southern terminus of the proposed Project and Painter Lake Road)[7]. These revisions were first communicated to the Indigenous communities that provided comments in October 2020. The LSA and revised RSA are shown in **Figure 6-2.** An update on the revised Aboriginal and Treaty Rights and Interests study areas that includes an overview of the revisions to the RSA and associated rationale (i.e., nature of Indigenous community input) was shared with all Indigenous communities and groups identified in **Table 4-1** in January 2021; this update is provided in **Appendix D**.

As noted in **Section 4**, MFFN will continue to provide opportunities for neighbouring Indigenous communities and interested persons to provide input and inform the effects assessment, including the LSAs and RSAs.

7. *Inputs received from Indigenous communities on the preliminary study areas and associated responses have been documented in the Record of Consultation.*

Figure 6-2: Aboriginal and Treaty Rights and Interests Local and Regional Study Areas



7. Baseline Study Design

A desktop review of existing information sources is being completed to collect preliminary information relevant about Indigenous communities and groups identified in **Table 4-1** that will be validated and built on through further study and inputs from Indigenous communities and groups. As noted in **Section 5**, there are two concurrent and complementary avenues for Indigenous communities and groups to be engaged with and provide input on the Project and baseline conditions with respect to Aboriginal and Treaty Rights and Interests, including Indigenous land and resource use and cultural values and considerations: 1) the IK Program and 2) the Consultation and Engagement Program.

The desktop review, IK Program and Consultation and Engagement Program will enable the establishment of baseline conditions with respect to:

- The physical and cultural heritage of each Indigenous group: burial sites; cultural values; experiences of being on the land; Indigenous governance systems or laws tied to the landscape; and sacred, ceremonial, or culturally important places, plants, animals, objects, beings, or things[8];
- Indigenous current use of lands and resources for traditional purposes: traditional activities presently or historically practiced; location, frequency, duration and / or timing of these activities; types of resources used and their habitats; the quantity and quality of resources; culturally important resources and places they are harvested; access to resources or places used; the experience of the practice; and other current uses identified by Indigenous communities or groups; and
- Conditions related to the rights of Indigenous peoples: section 35[9] rights exercised in the area of the Project, including historical, regional and community context; the quality and quantity of resources required to support the exercise of rights; access to resources required; experience associated with the exercise of rights; landscape considerations for the exercise of rights; specific areas of cultural importance; cultural traditions, laws and governance systems related to the exercise of rights; identified thresholds related to the exercise of rights; and pre-existing or cumulative impacts that are already interfering with the exercise of rights or the transmission of culture and cultural practices.

8. *The physical and cultural heritage of Indigenous peoples and the associated potential impacts of the Project are partially captured under this study plan, with the primary information and data collection efforts with respect to sites, structures or things of archaeological significance, built heritage, and cultural heritage landscapes are captured under the Cultural Heritage Study Plan.*
9. *Treaty rights and Aboriginal rights (commonly referred to as Indigenous rights) are recognized and affirmed in Section 35 of the Constitution Act, 1982*

It is important to note that the IK Program also serves to collect IK relevant to the various technical disciplines and support the meaningful integration of IK throughout the IS / EA Report and Project planning.

7.1 Temporal Boundaries for Baseline Information Collection

There are generally at least two temporal boundaries or time periods used to collect baseline information on Indigenous current use[10] of lands and resources for traditional purposes and associated cultural values: past (within living memory up to a recent point in time when conditions may have changed) and present. The following temporal boundaries have been proposed by MFFN for the purposes of baseline information collection:

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

These temporal boundaries were included in the Guidance Document that was shared with all Indigenous communities and groups identified in **Table 4-1** in early November, 2020 (see **Section 5.1** and **Appendix B**). However, MFFN recognizes that Indigenous communities may prefer to select their own temporal boundaries based on their histories and land and resource use patterns when sharing existing information and / or completing Project-specific studies to collect and share IK and information on Indigenous land and resource use and cultural values[11]. The final temporal boundaries to be used in the IS / EA Report will be based on input received early on through the IK and Consultation and Engagement programs, regulatory agency guidance, and professional judgement. The temporal boundaries may be adjusted based on inputs through the IK and Consultation and Engagement programs.

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

11. As per the Agency's Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples (the Agency 2020c).

7.2 Desktop Assessment

A desktop review of existing and available IK, information on Indigenous land and resource use and cultural values, and information on asserted rights and interests of the Indigenous communities and groups identified in **Table 4-1** is being completed. This will help to identify available and potentially relevant information that can be built on through the IK and Consultation and Engagement Programs.

Background information and reference materials related to IK, Indigenous land and resource use, cultural values, rights and interests is often considered sensitive / confidential and is not publicly available. Further, it is important to understand the specific context in which relevant background resources were developed. To increase trust and build relationships, MFFN will seek direction from Indigenous communities and groups with respect to available reference materials they are willing to share and that should be included in the document review. This is expected to be an ongoing and iterative process. Where secondary sources of information are available and required to collect relevant IK, permission from Indigenous groups will be sought prior to use and inclusion.

A preliminary list of publicly available information sources that reflect federal and provincial guidance received to date (including Section 7.2 of the TISG) and that may be included in the desktop review is provided in **Appendix E**. This Study Plan focuses on the additional studies that are anticipated to be required to gather information beyond what is currently available through existing information sources.

7.3 IK Program

The IK Program consists of two concurrent key information collection and / or sharing activities:

1. Collecting existing IK and relevant information previously collected by communities for other purposes that they choose to share with MFFN; and
2. Completing Project-specific studies to collect and report on IK and information on Indigenous land and resource use, cultural values and Indigenous rights (Project-specific studies).

The Guidance Document (see **Section 5.1** and **Appendix B**) was developed to support the collection and / or sharing of baseline information as well as IK relevant to various technical aspects of the IS / EA Report. It includes information on the types of information that should be collected and / or shared, including:

- Information about the existing environment in the vicinity of the Project, both in the past and present;
- IK that is tied to specific places or areas (e.g., locations of important moose calving areas);

- Specific sites used for Indigenous land and resource use (e.g., hunting, trapping, fishing) or other cultural purposes (e.g., sacred sites, teaching sites); and
- IK that is not tied to specific places (e.g., how resources are prepared and used, important relationships between animals and their environments).

The associated guidance materials are intended to serve as a 'toolbox' for communities to support IK data collection and sharing. These materials include:

- Best practices and important considerations for the collection and / or sharing of IK and information on Indigenous land and resource use and cultural values, including: confidentiality and informed consent; base map preparation; temporal boundaries; organization, digitization and validation of information and data; and reporting;
- A participant informed consent template;
- A question guide for collecting information on community culture and lifestyle – past and present;
- An IK and Indigenous land and resource use question guide that could be used to inform the review of existing information or during any workshops or interviews;
- An impacts and mitigation / enhancement question guide that could be used during any workshops or interviews; and
- A study report template.

These materials were directly informed by the TISG requirements, best practices, Indigenous perspectives provided by MFFN members, and professional experience. The Guidance Document is provided in **Appendix B** and the linkages between the guidance materials and the TISG requirements are presented in **Table 11-1** in **Section 11**.

As noted in **Section 5.1**, the Guidance Document was shared with all Indigenous communities and groups identified in **Table 4-1** in early November, 2020. Recognizing that the Guidance Document contains a significant amount of information, an IK Program Fact Sheet was also developed, translated into Ojibway, Cree, and Oji-Cree, and distributed to all Indigenous communities and groups identified in **Table 4-1** in January 2021[12].

MFFN has, and will continue to, host meetings with Indigenous communities and groups who express interest in participating in the IK Program to discuss IK Sharing Agreements, funding, timelines, and relevant information and / or data communities and groups may already have and are willing to share, and

12. The IK Program Fact Sheet can be found on the Project website at http://www.martenfallsaccessroad.ca/indigenous-knowledge-program/.

to answer questions about the program[13]. MFFN will also continue to solicit interest in the IK Program from other Indigenous communities who have not yet expressed an interest.

7.3.1 Sharing of Existing Information

Some Indigenous communities and groups may already have relevant IK and information on Indigenous land and resource use and cultural values from previously completed or ongoing community-based land use planning processes or other activities. Existing IK and other relevant information and / or data will be (or has already been) requested from Indigenous communities and groups through the following channels:

- In-person Project information sessions;
- Community Based Land Use Plan meetings;
- Community-specific Project meetings related to the IK Program;
- Distribution of letters informing Indigenous communities and groups of the Project IK Program;
- Distribution of the Guidance Document; and
- Project Website.

As noted in **Section 7.3,** MFFN has already hosted meetings with several Indigenous communities that have expressed interest in the IK Program. It is understood that some communities have existing IK and information that may be relevant to the Project and they may be willing to share. MFFN will continue to meet and work with Indigenous communities and groups, as needed, to facilitate the sharing of existing and relevant IK and information on Indigenous land and resource use, cultural practices and values, and rights and interests.

7.3.2 Project-specific Studies

Project-specific studies are intended to enable primary information and data collection to support the establishment of baseline conditions and the assessment for the Aboriginal and Treaty Rights and Interests VCs; these studies are also intended to support the collection of IK and perspectives relevant to the technical aspects of the IA / EA including environment, health, social and economic conditions, where possible. As described in **Section 7.3,** the Guidance Document and associated materials are intended to facilitate this.

13. Information on the communities that MFFN has met with regarding the IK Program and associated outcomes is contained within the Record of Consultation and Engagement.

Based on communications to date, it is expected that Indigenous communities or groups interested in participating in the IK Program and specifically in completing a Project-specific study will undertake these studies on their own or with the support of consultants. Thus, it is expected that each participating community or group will implement community-specific / cultural protocols throughout the study in terms of participant selection and the type(s) of engagement and information collection activities employed. It is also understood that there have already been significant efforts to collect IK and information on Indigenous land and resource use and cultural values in some of the communities. Given this, it is expected that communities undertaking a Project-specific study will employ a methodology that will suit their needs and community protocols. However, the following general study approach has been included in the Guidance Document (refer to **Section 6.1** of **Appendix B**):

- **Review existing information that may be available**: this could be used to identify any gaps to inform a Project-specific study if one will be undertaken;
- **Select study participants**: this should be done with consideration for the importance of selecting a diversity of participants (women, Elders, youth) to support Gender-Based Analysis Plus;
- **Prepare for information collection**: this includes an overview of considerations (e.g., whether a translator will be required) with reference to best practices and the toolbox of materials included in the guide;
- **Collect the information:** this could be done through workshops, focus groups, interviews, or a combination of these depending on what will work best for each community or group;
- **Digitize data:** this will enable mapping for reporting purposes and to inform the Project assessment and planning processes;
- **Validate the information:** this is important to help to ensure that information and spatial data was documented accurately and appropriately (refer to **Section 6.10** of **Appendix B**); and
- **Report on the information:** this should include an overview of how information was collected and present the information both in text and through mapping.

7.4 Consultation & Engagement Program

As described in the IS / EA Consultation Plan, all Indigenous communities and groups identified in **Table 4-1** will be provided with opportunities to be meaningfully engaged on the Project, including reviewing and providing inputs on baseline conditions. The level of consultation and engagement will consider interest and potential effects related to the Project and MFFN recognizes that the level of consultation and engagement

desired by each community and group will vary and could evolve as the assessment process proceeds. A suite of potential consultation and engagement activities specific to Indigenous communities and groups that may be employed to solicit inputs to inform the IS / EA Report (including the Aboriginal and Treaty Rights and Interests VCs, indicators, and associated baselines and assessments) have been identified and include:

- Meetings with Chief and Council;
- Community meetings;
- Community member discussions;
- Topic-specific community member discussions;
- In-community events coordinated by Community Consultation Coordinators;
- Social media communications;
- Web conferencing; and / or
- Announcements on local radio stations.

Once discussions are held with each interested Indigenous community and group, more focused consultation and engagement efforts will be developed and uniquely applied as needed; these efforts will align with the consultation and engagement protocols of each community and group. The IK Program and Consultation and Engagement Program will work together to maximize opportunities for Indigenous community and group inputs on the Project, including Aboriginal and Treaty Rights and Interests.

In addition to the above-noted potential activities, all Indigenous communities and groups will receive information and are able to participate and provide input on the Project through:

- Project statutory notices;
- The CAR Project website;
- The Project hotline and email;
- Newsletters and email updates;
- Public Information Centres;
- Comments forms / questionnaires at Public Information Centres; and
- The provision of the Draft and Final IS / EA Report.

Further information and details on consultation and engagement milestones, schedule, activities and targeted input can be found in the IS / EA Consultation Plan, which is provided in **Appendix A**.

It is also assumed that inputs and perspectives related and / or relevant to Aboriginal and Treaty Rights and Interests shared by Indigenous communities and groups during any consultation and engagement undertaken directly by the Crown will be shared with MFFN for inclusion in the IS / EA Report.

8. Data Management and Analysis

Data management including quality assurance / quality control (QA / QC) will be employed to minimize potential for data entry and analysis errors, prepare data sets for analysis and limit sensitive data distribution in accordance to established agreements.

It is anticipated that sensitive or confidential information and data collected through the IK Program will be governed by IK Sharing Agreements that indicate how confidential information will be used to inform the baseline conditions and effects assessment but will be protected from public or third-party disclosure. All sensitive or confidential information and data will be kept confidential, as per the IK Sharing Agreements, and any mapping or reporting that displays sensitive or confidential information may only be distributed to those on an approved Access List for purposes of the Project. No information, data or maps will be produced for public use that contains specific sensitive or confidential information without the consent of the respective Indigenous Community(s). See **Section 5.2** for further information on the handling and management of IK and sensitive or confidential information.

The Guidance Document (**Appendix B**) has been designed to enable the collection and reporting of information and data to support analysis. It includes: information on the type of information that would be valuable to the Project assessment and planning; guidance on how to collect and record data using a standardized process based on best practices; and a template that could be used to organize and report on the information and data collected. The Guidance Document also serves an important role in supporting the collection of IK to inform other technical aspects of the IS / EA Report, where possible. In support of effective knowledge sharing to support meaningful integration throughout the IS / EA Report, summary reports will be prepared with IK information and any other information solicited from Indigenous communities and groups that may be relevant to each technical discipline and how it can or should be integrated in the IS / EA Report.

9. Effects Assessment

The following sections provide discipline-specific input and considerations as they pertain to the methodology for effects assessment. The Project is in the early stages of the IS / EA Report preparation. It is expected that the effects assessment methodology will be refined iteratively based on inputs from Indigenous communities and groups identified in **Table 4-1**, in support of a collaborative approach, as well as regulatory agency guidance and professional judgement.

9.1 General Methodology

The Project has an effects assessment approach that will apply to all environmental disciplines and will allow for the completion of a comparative analysis of the potential residual effects of the alternatives. However, the Project effects assessment approach allows for discipline-specific considerations, which is particularly relevant for the Aboriginal and Treaty Rights and Interests discipline.

As per the Agency's *Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples* (the Agency 2020c) and consistent with the Project effects assessment approach, the general assessment process for Aboriginal and Treaty Rights and Interests is an iterative one; it requires ongoing information sharing and consideration of the specific context of each potentially affected Indigenous community and group. As such, the process is a complex one with considerable potential for variation. An overview of the general methodology for the assessment of Aboriginal and Treaty Rights and Interests and associated Project-specific activities for each step is provided in **Table 9-1**. The specific activities may also be tailored for specific communities, if and as appropriate. The assessment methodology steps outlined in **Table 9-1** follow the Agency's *Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples* (the Agency 2020c). Information has also been provided in Table 9-1 to identify how the general assessment methodology for Aboriginal and Treaty Rights Interests aligns with the general Project effects assessment approach.

Table 9-1: General Assessment Methodology for Aboriginal and Treaty Rights and Interests

Steps	General Description	Project-specific Activities
1. Identify and understand the rights of Indigenous communities	■ Identify and work together to understand the nature and content of the rights of Indigenous communities.	■ Background review of treaties, agreements, previous IS / EA Reports, other potentially relevant studies, and statements by Indigenous communities and groups (see **Section 7.2**).

Steps	General Description	Project-specific Activities
		■ Utilize relevant inputs gathered and received from Indigenous communities and groups through the IK and Consultation and Engagement programs (see **Sections 4**, **5**, **7.3**, and **7.4**). ■ Ongoing relationship building with Indigenous communities and groups identified in **Table 4-1** to solicit inputs on rights and interests.
2. Understand the context in which impacts on rights would occur	■ Identify the environmental and socio-economic conditions that support the community's meaningful exercise of their rights. ■ Understand how historic, existing and reasonably foreseeable future activities have cumulatively affected or could affect the conditions that support or limit the Indigenous community's meaningful exercise of their rights. ■ Identify the importance of specific areas or locations that are important to the community and may be impacted by the Project.	■ Utilize relevant inputs gathered and received from Indigenous communities and groups through the IK and Consultation and Engagement programs (see **Sections 4**, **5**, **7.3**, and **7.4**). ■ Develop and share the Guidance Document with all Indigenous communities and groups identified in **Table 4-1** (see **Sections 5.1** and **7.3**). ■ Share existing information and / or collect and share information through Project-specific studies (see **Section 7.3**), including information on: – Environmental and socio-economic conditions that support the community's meaningful exercise of their rights; – How historic, existing and reasonably foreseeable future activities have cumulatively affected or could affect the conditions that support or limit the Indigenous community's meaningful exercise of their rights; and – The importance of specific areas or locations that are important to the community and may be impacted by the Project. ■ Ongoing relationship building with Indigenous communities and groups identified in **Table 4-1** to solicit inputs on rights and interests and how they may be impacted.
3. Identify guiding values and topics (what to assess)	■ Often referred to as "valued components" with respect to biophysical assessments, Indigenous communities may identify a set of priority values and topics associated with community well-being, cultural expression, and the preferred means of exercising their rights.	■ Indigenous communities and groups review and provide input on the Draft and Proposed ToR and associated preliminary proposed VCs and indicators to inform whether additional VCs should be included in the IS / EA Report and/or if modifications to the existing VCs are required. ■ Share existing information and / or collect and share information through Project-specific studies (see **Section 7.3**), including information on priority values and topics that can inform indicators (e.g., culturally important species, specific practices). ■ Ongoing relationship building with Indigenous communities and groups identified in **Table 4-1** to solicit inputs on priority values and topics.

Steps	General Description	Project-specific Activities
4. Identify pathways[14] of impact from the Project	■ Identify pathways from Project-related activities to the biophysical environment that could interfere with the exercise of rights. ■ Identify other relationships between the Project and the conditions needed to exercise rights, such as access, quality, and quantity of resources, or the quality of experience of exercising the rights. Impacts to the exercise of a right in preferred locations, at preferred times, and by preferred means should be assessed.	■ Provide Indigenous communities and groups identified in **Table 4-1** with the opportunity to review and provide input on baseline conditions with respect to VCs as they relate to rights and interests as part of the Consultation and Engagement Program (see **Section 7.4**). ■ Preliminary and potential pathways have been identified through background review (see **Section 7.2**), inputs from Indigenous communities and groups to date as part of the IK and Consultation and Engagement programs (see **Sections 4**, **5**, **7.3**, and **7.4**), and the development of this Study Plan. The potential pathways included in this Study Plan will be explored further and built on with Indigenous communities and groups, as needed, through ongoing discussions and activities as part of the IK and Consultation and Engagement programs. ■ Project-specific studies undertaken by Indigenous communities and groups may include information on pathways of impacts and conditions important to the exercise of rights. Relevant information provided by Indigenous communities and groups will be used to inform pathways of impact.
5. Assess level of the impact	■ Establish clear criteria[15] with input from the rights-holding Indigenous community on what constitutes a low, moderate, or high level of impact.	■ Preliminary criteria that may be used to evaluate the severity of adverse impacts on the rights of Indigenous peoples are provided in **Section 9.6**. These will be refined or built on based on inputs from Indigenous communities and groups (including through in-person or virtual meetings or workshops, where possible and appropriate), and provided to Indigenous communities and groups identified in **Table 4-1** for review and input to confirm the approach to be used for the assessment. ■ Provide various opportunities through the IK and Consultation and Engagement programs for Indigenous communities and groups to provide inputs into the draft effects assessment and associated findings. This may include in-person or virtual meetings or workshops, as appropriate and possible (see **Sections 4**, **5**, **7.3**, and **7.4**). ■ Incorporate any impact assessments completed by Indigenous communities and groups, with the support of the Agency, into the IS/ EA Report, as appropriate.

14. This aligns with the step in the general Project effects assessment approach of "Review construction and operations activities to identify interaction(s) that could result in environmental effects." The term pathways as it is used here aligns with the use of the term "interactions" in the general Project effects assessment approach.

15. Criteria as explained here aligns with the residual effects characteristics in the general Project effects assessment approach.

Steps	General Description	Project-specific Activities
6. Dialogue on measures to address impacts	■ For impacts that are likely to occur, engage in an iterative two-way dialogue on measures proposed to address the impact.	■ Provide various opportunities for Indigenous communities and groups to inform and directly contribute to the identification of mitigation measures to eliminate, reduce, control, or offset adverse effects will be provided through the ongoing IK and Consultation and Engagement programs. This may include in-person or virtual meetings or workshops, as appropriate and possible (see **Sections 4**, **5**, **7.3**, and **7.4**) in support of iterative, two-way dialogue and the development of mutually agreeable mitigation measures. ■ A preliminary list of potential mitigation measures are identified in **Section 9.5**.
7. Validate and follow-up on assessment outcomes	■ As the impact assessment process unfolds, these steps can be revisited and analysis can be revised based on new information and continued dialogue between all parties.	■ Revisit the effects assessment iteratively utilizing technical information, IK, and inputs from the Consultation and Engagement Program related to the assessment outcomes on impacts to rights and interests, including appropriate mitigation measures to eliminate, reduce, control, or offset adverse effects. The goal is to find mutually agreeable solutions to outstanding issues and impacts through this iterative process.

9.2 Project-Environment Interactions

The Project activities that may result in changes to the environment are described within the identified temporal and spatial boundaries. This includes identification of both direct and indirect changes by comparing the existing setting to the conditions anticipated to occur as a result of the Project. For each environmental discipline, the likely Project-environment interactions will be identified based on professional judgment, activities listed in TISG Section 3.2 as well as projects of similar magnitude and / or location.

A preliminary analysis of Project-environment interactions for the Aboriginal and Treaty Rights and Interests VCs is provided in **Table 9-2** and will be confirmed during the IA / EA process to identify the Project-environment interactions that are likely to have a potential effect, and to identify measures to avoid or minimize potential negative effects and enhance benefits.

Table 9-2: Project – Environment Interactions

Project Phases	Project Activities	Aboriginal & Treaty Rights & Interests
Construction Phase	*Mobilization of Equipment and Supplies*	**X**
	Temporary Construction Staging Areas[1]	**X**
	Temporary Access Roads and Trails[1]	**X**
	Temporary Construction Camps[1]	**X**
	ROW Clearing and Grubbing	**X**

Project Phases	Project Activities	Aboriginal & Treaty Rights & Interests
	Brush and Timber Disposal	X
	Pits and Quarries[1]	X
	Drilling / Blasting / Aggregate Production	X
	Road Construction (stripping, subgrade excavation, embankment fill placement, grading, ditching)	X
	Bridge and Culvert Installation (approach embankments, foundations, substructures, superstructures, traffic protection, erosion controls)	X
	Construction Site Restoration	X
Construction Phase: Decommissioning	*Pits and Quarries*	X
	Temporary Camps, Roads / Trails and Staging Areas	X
Operations Phase	*Road Usage*	X
	Maintenance[2]	X

Notes: 1. Includes construction and use of.
2. Includes General Maintenance (e.g., grading, erosion control, quarrying, borrow pits), Seasonal Maintenance (e.g., snow clearing, bridge and culvert maintenance), and Special Maintenance (e.g., slope failures, road settlement / break-up.).

9.3 Proposed Valued Components and Indicators

VCs are the environmental, health, social, economic or additional elements or conditions of the natural and human environment that may be impacted by a proposed project and are of concern or value to the public, Indigenous peoples, federal authorities and interested parties (the Agency 2020b). Indicators represent the resource, feature, or issue related to the VC that, if changed, may demonstrate an effect on the environment. The proposed indicators for the assessment on Aboriginal and Treaty Rights and Interests and associated rationale for selection, are provided in **Table 9-3**. The table includes both quantitative and qualitative indicators.

The VCs for the Aboriginal and Treaty Rights and Interests discipline and associated indicators have been determined through consideration of the following factors listed in the TISG[16]:

- VC presence in the study area;
- The extent to which the VC is linked to the interests or exercise of Aboriginal and Treaty Rights of Indigenous peoples, and whether an Indigenous group has requested the VC;

16. The TISG also states that information from ongoing and completed regional assessments in the proposed area of the Project should be used to inform VCs for the Project. In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs. The VCs will be consulted and engaged on early in the IA/ EA process and finalized taking into consideration the input received. Therefore, only information relevant to the Project that arises from the regional assessment of the Ring of Fire within an appropriate timeline will inform the VCs for the Project.

- The extent to which the effects (real or perceived) of the Project and related activities have the potential to interact with the VC;
- The extent to which the VC may be under cumulative stress from other past, existing or future undertakings in combination with other human activities and natural processes;
- The extent to which the VC is linked to federal, provincial, territorial or municipal government priorities (e.g., legislation, programs, policies);
- The possibility that adverse or positive effects on the VC would be of particular concern to Indigenous groups, the public, or federal, provincial, territorial, municipal or Indigenous governments; and
- Whether the potential effects of the Project on the VC can be measured and / or monitored or would be better ascertained through the analysis of a proxy VC.

The desktop assessment (refer to **Section 7.2**) has also informed the selection of VCs and associated indicators. Cultural continuity / well-being is a VC that has been identified in some of the secondary literature that has been reviewed to date. This literature includes sources that are relevant to Indigenous communities that are being engaged for the Project, as well as sources related to emerging practices for cultural impact assessment – refer to **Appendix E** for a list of preliminary data sources. Thus, cultural continuity / well-being has been included as a VC for the Project; the associated indicators are also based on findings of the secondary literature review and requirements of the TISG.

Inputs received to date from Indigenous communities, agencies and interested persons through the Consultation and Engagement Program, including inputs received on the Draft ToR, have also been used to inform the selection of the VCs and indicators for the Aboriginal and Treaty Rights and Interests discipline. The final list of indicators to be used in the IS / EA Report will be based on input received through the IK Program and Consultation and Engagement Program, regulatory agency guidance, and professional judgement.

Table 9-3: Proposed Aboriginal and Treaty Rights and Interests Indicators

Valued Component	Indicator	Rationale for Selection
Indigenous Current Use of Lands and Resources for Traditional Purposes	■ Alteration / change in or loss of sites and areas used for traditional activities (e.g., hunting, trapping, fishing, gathering).	■ Project-related disturbance to or loss of sites and areas used for traditional purposes can interfere with Indigenous land and resource use. ■ Indicator of importance to Indigenous communities based on the desktop assessment (refer to **Section 7.2** and **Appendix E**), inputs from communities to date through the IK and Consultation and Engagement programs (including through comments on the draft and proposed ToR), and the TISG.

Valued Component	Indicator	Rationale for Selection
	■ Changes in the availability or quantity of resources (e.g., wildlife, fish, vegetation) for traditional activities (e.g., harvesting and gathering).	■ Indigenous land and resource use is reliant on the availability of natural resources used for traditional activities. ■ Indicator of importance to Indigenous communities based on the desktop assessment (refer to **Section 7.2** and **Appendix E**), inputs from communities to date through the IK and Consultation and Engagement programs (including through comments on the draft and proposed ToR), and the TISG.
	■ Changes in the quality or perceived quality of resources for traditional activities.	■ Indigenous land and resource use is reliant on confidence in the quality of natural resources used for traditional activities. ■ Indicator of importance to Indigenous communities based on the desktop assessment (refer to **Section 7.2** and **Appendix E**), inputs from communities to date through the IK and Consultation and Engagement programs (including through comments on the draft and proposed ToR), and the TISG.
	■ Changes in access to sites and areas used for traditional activities.	■ Indigenous land and resource use is reliant on access to sites and areas used for traditional activities. ■ Indicator of importance to Indigenous communities based on the desktop assessment (refer to **Section 7.2** and **Appendix E**), inputs from communities to date through the IK and Consultation and Engagement programs (including through comments on the draft and proposed ToR), and the TISG.
Cultural Continuity and Wellbeing (ability to practice and transmit cultural traditions)	■ Alteration / change in or loss of culturally important sites and areas (e.g., ceremonial sites, place names, teaching sites, archaeological sites).	■ Project-related disturbance to or loss of culturally important sites and areas can interfere with cultural continuity and wellbeing. ■ Indicator of importance to Indigenous communities based on the desktop assessment (refer to **Section 7.2** and **Appendix E**), inputs from communities to date through the IK and Consultation and Engagement programs (including through comments on the draft and proposed ToR, and the TISG.
	■ Changes in the sufficiency or perceived sufficiency of culturally significant sites, areas and / or resources.[17]	■ Cultural continuity and wellbeing is reliant on sufficient availability of and access to culturally significant sites and areas (e.g., ceremonial sites, place names, teaching sites, important harvesting sites and areas) and resources (e.g., culturally significant species). ■ Indicator of importance to Indigenous communities based on the desktop assessment (refer to **Section 7.2** and **Appendix E**), inputs from communities to date through the IK and Consultation and Engagement programs (including through comments on the draft and proposed ToR), and the TISG.
	■ Changes in the experience of being on the land.	■ Cultural continuity and wellbeing is reliant on continued sense of remoteness and experience of being on the land free from disturbance.

17. This may include any thresholds identified by an Indigenous community that, if exceeded, may impair the ability to meaningfully exercise rights

Valued Component	Indicator	Rationale for Selection
		■ Indicator of importance to Indigenous communities based on the desktop assessment (refer to **Section 7.2** and **Appendix E**), inputs from communities to date through the IK and Consultation and Engagement programs (including through comments on the draft and proposed ToR), and the TISG.
	■ Changes in cultural traditions and way of life.[18]	■ Cultural continuity and wellbeing is reliant on continued practice of cultural traditions and way of life. ■ Indicator of importance to Indigenous communities based on the desktop assessment (refer to **Section 7.2** and **Appendix E**), inputs from communities to date through the IK and Consultation and Engagement programs (including through comments on the draft and proposed ToR), and the TISG.

9.4 Potential Effects

A direct effect occurs through the direct interaction of an activity with an environmental discipline. The Project-environment interactions currently anticipated, based upon preliminary analysis, to result in direct effects to the Aboriginal and Treat Rights and Interests discipline have been identified in **Table 9-2**. The potential direct effects resulting from the Project-environment interactions will be confirmed during the IA / EA process and will be based on input received through the IK Program and Consultation and Engagement Program, regulatory agency guidance, and professional judgement.

The primary potential direct effects to Aboriginal and Treaty Rights and Interests include disturbance or alteration to sites and areas (including access) that are important for traditional activities or other cultural purposes related to construction and operation. However, the majority of potential effects to Aboriginal and Treaty Rights and Interests are indirect.

An indirect effect occurs when a change to one environmental discipline resulting from a Project activity causes a change to another environmental discipline (e.g., changes in vegetation could indirectly affect wildlife). A preliminary overview of how changes to the exercise of Aboriginal and Treaty Rights and Interests (including Indigenous current use of lands and resources for traditional purposes and practicing and transmitting cultural traditions) may result in indirect effects to other environmental disciplines is provided in **Table 9-4**. Potential indirect effects on other environmental disciplines include but are not necessarily limited to:

- Changes in the diet of Indigenous people and associated potential impacts on human health related to a decrease in country food consumption / increase in market food consumption;

18. This may include: pursuing traditional activities at preferred locations and / or timing, and / or using preferred means; and / or traditional stewardship, laws and / or governance

- Changes in the traditional economy related to changes in the pursuit of traditional activities that are monetized (e.g., trapping);
- Increased economic burden on Indigenous peoples related to changes in the pursuit and consumption of country foods and associated increased reliance on market foods; and
- Changes in community well-being (e.g., social issues, family relationships, community cohesion) related to changes in cultural transmission and connection.

An overview of how the Aboriginal and Treaty Rights and Interests VCs may be indirectly affected by a change to other environmental disciplines is also provided in **Table 9-4**. Potential indirect effects on Aboriginal and Treaty Rights and Interests may include but are not necessarily limited to:

- Changes in the atmospheric environment (air quality) and / or sensory disturbance (noise, vibration) related to construction and operation could affect the availability and / or quality (or perceived quality) of resources that are traditionally harvested or gathered;
- Changes in the atmospheric environment (air quality) and / or sensory disturbance (noise, vibration) related to construction and operation could affect the Indigenous experience of being on the land;
- Changes in surface and / or groundwater quality and / or quantity could affect the availability and / or quality (or perceived quality) of resources that are traditionally harvested or gathered and / or affect culturally significant species;
- Vegetation clearing associated with construction could result in a loss of habitat for species that are traditionally harvested or gathered and / or culturally significant species;
- Changes in community well-being could affect the pursuit and teaching of traditional activities and cultural practices;
- An increase in hunting or fishing pressure by non-Indigenous people accessing the area could affect the availability of wildlife and fish that are traditionally harvested;
- Changes in human health could affect the pursuit and teaching of traditional activities and cultural practices;
- Changes in the visual environment related to construction and operation could affect the Indigenous experience of being on the land;

Table 9-4: Potential Discipline Interactions

Discipline and Associated Valued Components	Aboriginal and Treaty Rights and Interests	Atmospheric Environment	Climate Change	Acoustic and Vibration Environment	Physiography, Geology, Terrain and Soils	Surface Water	Groundwater and Geochemistry	Vegetation	Wildlife	Fish and Fish Habitat	Social	Economy	Land and Resource Use	Human Health and Community Safety	Visual Aesthetics	Archaeological and Cultural Heritage
Aboriginal and Treaty Rights and Interests ■ **Indigenous Current Use of Lands and Resources for Traditional Purposes** ■ **Cultural Continuity (ability to practice and transmit cultural traditions)**		-	-	-	-	-	--	-	-	-	X	X	X	X	-	-

Notes: X = Potential pathway for indirect effect as a result of the Project.
- = No pathway for indirect effect is anticipated as a result of the Project.

- Changes or impacts to archaeological sites and resources, built heritage resources, and / or cultural heritage landscapes could affect the Indigenous experience of being on the land and / or the pursuit and teaching of traditional activities and cultural practices; and
- Changes in climate could affect the availability of resources that are traditionally harvested or gathered and the pursuit and teaching of traditional activities and cultural practices.

Given the interrelated nature of Indigenous peoples VCs and the many other VCs and the influence of indirect effects on Aboriginal and Treaty Rights and Interests, the effects assessments completed for other VCs will serve to inform the effects assessment on Aboriginal and Treaty Rights and Interests.

9.5 Mitigation and Enhancement Measures

Once the potential effects of the Project on Aboriginal and Treaty Rights and Interests have been established with inputs from Indigenous communities and groups, the effects assessment will explore technically and economically feasible mitigation measures to avoid or minimize the identified negative effects and enhancement measures to increase positive effects beyond those that are already inherent to the design. These measures will consist of industry-standard practices, federal and provincial standard specifications, regulator-mandated measures, best management practices, Indigenous and community recommendations, and recommendations from industry and environmental professionals based on expertise, scientific publications, experience and judgement.

It is important that mitigation and enhancement measures are achievable, measurable and verifiable, and they are monitored for compliance and effectiveness during all temporal phases as part of the Project follow-up monitoring plan. Required environmental monitoring will verify the potential environmental effects predicted in the IS / EA Report, evaluate the effectiveness of mitigation and enhancement measures, and identify the process the Proponent will follow if mitigation and enhancement measures are not effective.

An overview of potential avoidance, mitigation and enhancement measures that may be employed in the IA / EA based on the current understanding of potential effects is provided in **Table 9-5.** These measures have been informed by the requirements of Section 20 of the TISG, which have been included in the concordance tables in **Section 11** of this Study Plan. Please note these measures are considered very preliminary and should be viewed as examples of potential mitigation measures that may be identified through the IA / EA process. It is expected that ongoing consultation and engagement through the IK and Consultation and Engagement programs will directly inform and influence the development of mitigation measures to be employed. Specific suggestions raised by each Indigenous community and group for

avoiding, mitigating, or otherwise accommodating the potential Project direct and indirect effects on Aboriginal and Treaty Rights and Interests will be documented, and a description of how measures were incorporated into the Project design will be included in the IS / EA Report.

Table 9-5: Potential Avoidance, Mitigation and Enhancement Measures

Potential Effect	Potential Mitigation or Enhancement Measure
Impacts to Sites and Areas Used for Traditional Activities and / or Culturally Important Sites and Areas	■ Avoid important sites and areas in the route alignment, where possible. ■ Limit construction activities to surveyed and marked areas only where possible. ■ Minimize disturbance to identified sites and areas during construction and operation, where possible. ■ Prohibit recreational off-road vehicle use by Project construction personnel. ■ Under the direction of local Indigenous communities and groups, hold a cultural or spiritual ceremony prior to the commencement of construction activities. ■ Where there is interest, provide opportunities for Indigenous communities and groups to harvest plants for traditional purposes prior to the commencement of construction activities.
Changes in the Availability or Quantity of Resources for Traditional Activities	■ Prohibit the harassment or feeding of wildlife by Project construction personnel. ■ Time construction activities to avoid key harvesting or gathering periods, where possible. ■ Reduce indirect effects through implementation of appropriate avoidance and mitigation measures for biophysical components including Wildlife, Ungulates, Fish and Fish Habitat, Vegetation and Peatlands, and Land and Resource Use. Potential avoidance and mitigation measures for these components will be managed under each noted discipline.
Changes in the Quality (or perceived quality) of Resources for Traditional Activities	■ Avoid the use of chemical herbicides, where possible. ■ Implement dust control measures to limit deposition on vegetation. ■ Reduce indirect effects through implementation of appropriate avoidance and mitigation measures for biophysical components including the Atmospheric Environment, Groundwater, Surface Water, and Physiography, Geology, Terrain and Soils. Potential avoidance and mitigation measures for these components will be managed under each noted discipline.
Changes in Access to Sites and Areas for Traditional Activities	■ Design construction routes to avoid important access roads, trails, and entrances to land or water access points. ■ Develop and implement an Access Management Plan that includes consideration for if and how access to important sites and areas will be maintained during construction, where warranted. ■ Repair and rehabilitate any trails that may be impacted by Project construction.
Changes in the Sufficiency of Lands and Resources for Cultural Practices	■ Work with Indigenous communities and groups to understand thresholds they have identified that if exceeded may impair their ability to practice their culture and exercise their Aboriginal and Treaty rights. ■ Work with Indigenous communities and groups to identify the potential for interference with any relevant land claims.

Potential Effect	Potential Mitigation or Enhancement Measure
Changes in the Experience of Being on the Land	■ Notify Indigenous communities and groups about Project construction activities and schedules in advance. ■ Time construction activities to avoid key harvesting or gathering periods, where possible. ■ Prohibit recreational off-road vehicle use by Project construction personnel. ■ Reduce indirect effects through implementation of appropriate avoidance and mitigation measures for the Atmospheric Environment, Noise Environment, and Visual Aesthetics. Potential avoidance and mitigation measures for these components will be managed under each noted discipline.
Changes in Cultural Traditions and Way of Life	■ Avoid preferred harvesting / gathering sites and areas and important sites and areas that are used for teaching of cultural practices and / or that have specific oral histories associated with them in the route alignment, where possible. ■ Time construction activities to avoid key harvesting or gathering periods, where possible. ■ Include Indigenous language(s) on signage, where possible. ■ Involve interested Indigenous communities in the development of construction and / or follow-up monitoring programs.

9.6 Residual Effects

Residual effects are the effects remaining after the application of mitigation measures. The IS / EA Report will describe in detail the potential adverse and positive residual effects in relation to each temporal phase of the Project (e.g., construction, operation). In general, residual effects for the various VCs will be described using criteria to quantify or qualify adverse and positive effects, taking into account any important contextual factors. The residual effects will therefore be described in terms of the direction, magnitude, geographic extent, duration, frequency, likelihood, and whether effects are reversible or irreversible[19]. Ecological and socio-economic context may also be relevant when describing a residual effect. Context relates to the existing setting, its level of disturbance and resilience to adverse effects. Context can also relate to timing as it applies to assessing the worst-case scenario (e.g., effect during migratory or calving season for wildlife). Where appropriate, information regarding residual effects will be disaggregated by sex, gender, age and other community relevant identifying factors to identify disproportionate residual effects for diverse subgroups.

19. TISG Section 13.1 identifies additional effects characteristics for certain disciplines (e.g., wetlands, birds, terrestrial wildlife, species at risk). These additional effects characteristics are described in the respective discipline-specific study plans.

9.6.1 Magnitude Definitions

For magnitude, environmental discipline-specific definitions are required. The preliminary general definitions proposed for magnitude for the Aboriginal and Treaty Rights and Interests VCs are described below in **Table 9-6**. It is important to note that these definitions should be considered a starting point and it is expected that these definitions will be refined and may be further developed at the VC or indicator level based on inputs from Indigenous communities and groups through the IK and Consultation and Engagement programs (refer to **Section 9.1**).

Table 9-6: Aboriginal and Treaty Rights and Interests Magnitude Definition

Magnitude Level	Definition	Rationale
Negligible	■ No or very little discernable change from baseline conditions and effect will not interfere with the ability to exercise or practice Aboriginal treaty rights and interests.	■ Negligible effects are small and may not be noticeable. These effects do not represent a change in the day-to-day exercise or practice of Aboriginal treaty rights and interests.
Low	■ A small, discernable change from baseline conditions but effect not expected to materially impede the ability to exercise or practice Aboriginal treaty rights and interests.	■ Low effects may be noticeable to some Indigenous community members. These effects do not represent a change in day-to-day exercise or practice of Aboriginal treaty rights and interests.
Moderate	■ A discernable change from baseline conditions that is expected to impede the ability to exercise or practice of Aboriginal treaty rights and interests.	■ Moderate effects are noticeable to some Indigenous community members. These effects may or may not represent a change in the exercise or practice of Aboriginal treaty rights and interests.
High	■ A discernable change from baseline conditions that is expected to severely or totally impede the ability to exercise or practice of Aboriginal treaty rights and interests.	■ High effects are noticeable to Indigenous community members. These effects represent a notable change in the exercise or practice of Aboriginal treaty rights and interests.

9.6.2 Severity of Adverse Effects

The Agency's *Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples* (the Agency 2020c) identifies criteria that may be used to evaluate the severity of potential adverse effects on Aboriginal and Treaty Rights and Interests. This 'suite' of criteria serves as an inventory from which specific criteria can be used and customized for the assessment on the rights of a particular Indigenous community or group based on community- or group-specific discussions through the IK and Consultation and Engagement

programs. The preliminary Project effects assessment approach has considered all of the criteria identified in the Agency's Guidance, as follows:

- The Project's residual effects criteria, as described as the beginning of **Section 9.6**, include the following criteria from the Agency Guidance: geographic extent, duration, frequency, likelihood, and reversibility.
- The cultural well-being criterion is equivalent to the Cultural Continuity and Wellbeing VC for the Aboriginal and Treaty Rights and Interests Discipline and, as such, the residual effects criteria outlined in the first bullet above will be taken into consideration when evaluating the severity of potential adverse effects of the Project on cultural continuity and wellbeing. The information provided in the Agency Guidance as it relates to magnitude level definitions for cultural well-being will be incorporated into any VC- or indicator-specific magnitude definitions and severity definitions that may be developed as the IA / EA proceeds.
- The health criterion is already a VC for the Human Health and Community Safety discipline and, as such, the residual effects criteria outlined at the beginning of **Section 9.6** will be used to assess the potential effects of the Project on health. The results of the health assessment will be reviewed determine the potential indirect effects on Aboriginal and Treaty Rights and Interests, taking into consideration the following points:
  - Is there an impact on physical, mental, emotional, and / or spiritual aspects of health on an individual and / or broader community basis?
  - Are the environmental effects from the Project tied to food or cultural species important to traditional diets, and socio-economic effects related to food security?
  - Are there impacts to holistic and / or traditional models of health?
  - Does the quantifiable or perceived effects of the Project to health interfere with, alter, and / or stop the exercise of rights?
- The cumulative impacts criterion will be taken into consideration in the cumulative effects assessment. As noted in **Section 6.2**, the size, nature and location of past, present and reasonably foreseeable projects will be taken into consideration in the development of the cumulative effects assessment study area(s). The appropriate study area(s) to assess cumulative effects are dependent on the VCs predicted to have direct residual adverse effects as a result of the Project, and therefore, cannot be defined until the IS / EA Report has sufficiently advanced.

- The governance criterion is incorporated into the Cultural Continuity and Wellbeing VC for the Aboriginal and Treaty Rights and Interests discipline, specifically through the "changes in cultural practices and traditions" indicator, which includes consideration for Indigenous laws and governance. As such the residual effects criteria outlined in the first bullet above will be taken into consideration when evaluating the severity of potential adverse effects of the Project on changes in cultural practices and traditions. The information provided in the Agency Guidance as it relates to magnitude level definitions for governance will be incorporated into any VC- or indicator-specific magnitude definitions and severity definitions that may be developed as the IA / EA proceeds.
- The impact inequity criterion will be captured through the socio-economic context portion of the residual effects assessment. When describing the socio-economic context, the following points related to impact inequity will be taken into consideration:
  - Are there any sub-groups of the population that will experience a higher impact on their ability to exercise their rights?
  - Are there any sub-groups that may accrue benefits from the Project?
  - Will intergenerational transfer of knowledge would be interrupted for an extended period of time and may not be reversed either in whole or in part.

The degree of severity of impacts on Aboriginal and Treaty Rights and Interests will be described by defining characteristics related to the appropriate criteria for Indigenous communities and groups. An overview of some considerations that could inform the assessment of the severity of impacts (based on the suite of criteria that may be used) is provided in **Table 9-7**.

Table 9-7: Degree of Severity for Adverse Impacts on Aboriginal and Treaty Rights and Interests

Generic Severity Levels	Potential Considerations
Low Severity	■ Impacts are likely to be low in magnitude, short duration, infrequent, small in spatial extent, reversible or readily avoided or reduced ■ Cultural well-being is minimally disrupted ■ No or few effects to health and / or country foods ■ Few (or no) existing or proposed developments or historic impacts in group's territory ■ Project and activities in alignment with group's development, land or water use plans ■ Sub-groups of the population are resilient enough to sustain impacts and maintain exercise of rights ■ Mitigation should allow for the practice of the right to continue in the same of similar manner as before the impact

Generic Severity Levels	Potential Considerations
Moderate Severity	■ Impacts are likely to be moderate in magnitude, moderate duration, occasionally frequent, possibly/partially reversible, spatial extent affects preferred use areas or disrupts interconnectedness and / or knowledge transfer ■ Cultural well-being is impeded or altered ■ Impacts to individual and / or community holistic health, including perceptions of impacts ■ Project interacts with a few preferred areas where rights can be practiced, and some historic, existing or proposed development and / or disturbance ■ Project may not be compatible with aspects of land use plans or application of traditional laws and governance ■ Vulnerable sub-groups are likely to experience higher impact on ability to exercise rights ■ Mitigation may not fully ameliorate impact but should enable the Indigenous group to continue exercising its rights as before, or in a modified way
High Severity	■ Impacts are likely to be high in magnitude, permanent/long-term, frequent, possibly irreversible and over a large spatial extent or within an area of exclusive/preferred use ■ Cultural well-being is disrupted, impeded or removed ■ Project interacts with only area where a right may be exercised and many historic, existing or proposed developments and / or disturbance ■ Decision-making associated with governance and title adversely affected ■ Sub-groups will be disproportionately impacted by the Project and experience no to little benefit ■ Mitigation is unable to fully address impacts such that the practice of the right is substantively diminished or lost

As per the Agency's *Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples* (the Agency 2020c), MFFN will strive to complete the assessment in a collaborative and iterative manner with Indigenous communities and groups, where there is interest and where possible. The information provided in this Study Plan will serve as a starting point for dialogue with Indigenous communities and groups as the IA / EA proceeds, and may be iteratively refined or built on through ongoing consultation and engagement. Guiding questions included in the Agency's *Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples* (the Agency 2020c) will be used during consultation and engagement activities (see **Section 7.4** and **Appendix A**) to solicit the nature of information that is important to complete the assessment with sound conclusions.

9.7 Consideration of Sustainability Principles

The following provides a generic description of how sustainability principles will be considered in the effects assessment. The extent to which sustainability principles apply to a specific VC will vary depending on the nature of the VC and the potential for Project effects on the VC.

The effects assessment approach for the Project has included the consideration of the sustainability principles outlined in the Project TISG and the Agency's guidance on sustainability. The sustainability principles that have been considered include:

1. Consider the interconnectedness and interdependence of human-ecological systems;
2. Consider the well-being of present and future generations;
3. Consider positive effects and reduce adverse effects of the Project; and
4. Apply the precautionary principle by considering uncertainty and risk of irreversible harm.

The interconnectedness and interdependence of human-ecological systems will be considered through the assessment of potential indirect effects of each alternative. An indirect effect occurs when a change to one environmental discipline resulting from a Project activity causes a change to another environmental discipline (e.g., changes in vegetation could indirectly affect wildlife). A preliminary assessment of indirect effects has been included in **Section 9.3**.

The well-being of present and future generations will be considered in the effects assessment through the application of the long-term operations phase temporal boundary of 75 years (**Section 6.1**) and through the effects characteristics description of duration and reversibility for each residual effect predicted.

The consideration of positive effects and reducing adverse effects of the Project is fundamental to the effects assessment methodology through the identification of mitigation measures to reduce potential adverse effects and the identification of the preferred alternative through the evaluation of advantages (e.g., positive effects) and disadvantages (e.g., adverse effects).

The effects assessment will apply the precautionary principle by clearly describing and documenting all uncertainties and assumptions underpinning the analysis and identifying information sources. The effects assessment will consider risk of irreversible harm through the effects characteristics description of reversibility for each residual effect predicted and will describe any uncertainty associated with the assessment of residual effects.

The scope of the sustainability assessment will be defined by issues of importance identified by Indigenous communities and interested persons through consultation and engagement activities, while also ensuring to be inclusive of the diversity of views expressed. The selection of VCs that will be the focus of the sustainability assessment will be aligned with the issues of importance identified by Indigenous communities and interested persons, as well as residual effects identified through the effects assessment process. The

sustainability assessment will describe how the planning and design of the Project, in all phases including follow-up monitoring, considered the sustainability principles.

With respect to Aboriginal and Treaty Rights and Interests, as per Section 25 of the TISG, and as part of ongoing consultation and engagement activities with Indigenous communities and groups, measures and commitments to support the sustainability of Indigenous livelihoods, traditional use, culture and well-being will be identified and incorporated into the IS / EA Report, where possible.

9.8 Consideration of Identity and Gender-Based Analysis Plus in Effects Assessment

The Proponent recognizes that communities and sub-populations within those communities may be impacted differently by the Project with respect to VCs and indicators. As such, the Project aims to collect baseline information for the purpose of assessing differential effects and establishing relevant mitigation measures, as further elaborated on in **Section 4.3**. Gender-Based Analysis Plus will not be limited to community feedback; when offered or discussed in secondary texts, additional sub-population information as is applicable to the relevant assessment will be incorporated.

As noted previously in this Study Plan, the IK and Consultation and Engagement programs will consider a diverse range of perspectives from interested persons and interested Indigenous communities and their members identified in **Table 4-1** and the Agency's Public Participation Plan (refer to **Sections 4.3**, **5.1**, **7.1** and **7.3.2**). Where appropriate, information related to residual effects will be disaggregated by sex, gender, age and other community relevant identify factors to identify disproportionate residual effects for diverse subgroups. In addition, the IS / EA Report will describe how methodologies for follow-up and monitoring programs were informed by specifically impacted subgroups, where applicable. Further information on follow-up and monitoring programs is provided in **Section 9.9**.

9.9 Follow-up Programs

A follow-up program verifies the accuracy of the effects assessment and evaluates the effectiveness of mitigation measures. Potential follow-up programs for the Project are not described in this Study Plan as the information needed to determine environmental monitoring requirements is dependent on the outcome of the effects assessment and consultation with Indigenous communities, agencies and interested persons. Therefore, the Proponent will include information on follow-up programs, that address the requirements

outlined in Section 26 of the TISG, in the IS / EA Report and will identify the compliance and effects monitoring activities to be undertaken during all phases of the Project, as required.

Key considerations for follow-up programs and associated monitoring with respect to Indigenous peoples will include, but may not be limited to the following considerations identified in TISG Section 26:

- The nature of concerns raised by Indigenous communities and groups about the Project;
- Suggestions from Indigenous communities and groups regarding the design of, and involvement in, follow-up and monitoring programs;
- Incorporation of community and Indigenous knowledge;
- Intervention mechanism(s) used in the event that an unexpected deterioration of the environment or impacts on the exercise of rights of Indigenous peoples and cultures is observed or experienced;
- Identification of opportunities for participation of representatives from Indigenous communities and groups identified in Table 4-1;
- How the methodologies were informed by community and Indigenous knowledge or specifically impacted subgroups; and
- Plans, including funding options, to involve Indigenous groups and local communities in monitoring, where appropriate.

10. Assumptions

Any assumption used in the effects assessment, for example the assumed average daily traffic on the CAR, will be clearly identified and a rationale provided in the IS / EA Report.

Preliminary assumptions with respect to IK and Aboriginal and Treaty Rights and Interests include:

- The sharing, protection, access, use and publication of confidential and / or sensitive information, including IK, will be governed by Sharing Agreements between MFFN and the respective Indigenous communities and groups.
- Indigenous communities and groups interested in meaningfully participating in the IA / EA but not necessarily interested or able to participate in the IK Program will be provided with opportunities to participate through the Consultation and Engagement Program for the Project.
- All efforts made to consult and engage Indigenous communities and groups will be documented in the Record of Consultation and Engagement. If an Indigenous community or group chooses not to participate in the IA / EA, the Proponent will strive to understand / capture the rationale behind the lack of interest to participate, where possible, so that if new information comes up that may impact the lack of interest, the community or group can be re-engaged.
- Where an Indigenous community or group has chosen not to participate, MFFN will continue to share information and analyses of potential effects of the Project with the community or group.
- The effects assessment will be based on information that is available, including secondary and primary information. Where secondary information is available and required to support the IA / EA, MFFN will strive to work with the subject Indigenous community or group to review and validate or confirm acceptance of this information being used in the IA / EA.
- The IS / EA Report will indicate where input from Indigenous communities and groups, including IK, has been incorporated.
- The effects assessment approach described in this Study Plan is preliminary in nature given that the Project is in the early stages of the IA / EA. It is expected that the effects assessment approach used for each Indigenous community and group will developed based on interest to collaborate and / or participate, iterative dialogue, and contextual considerations including community / group perspectives and input.

11. Concordance with Federal and Provincial Guidance

This section provides the best information currently available on how federal and provincial requirements identified for the Project to date will be addressed, including preliminary comments provided by the Agency on the draft Study Plan in July, 2020. This is presented in **Table 11-1**. **Table 11-2** outlines proposed deviations from the TISG requirements.

The final concordance with federal and provincial requirements will be included in the IS / EA Report, and will be based on regulatory agency guidance, professional judgement and input received through the Project consultation and engagement process.

Table 11-1: Study Plan Federal and Provincial Concordance – Conformance with Requirements

ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response	Study Plan Reference
1	TISG Section 6 – Description of engagement with Indigenous groups	■ The proponent must provide Indigenous groups with an opportunity to: – provide Indigenous knowledge during baseline data collection; – comment on the list of valued components and indicators; – inform the effects assessment and review its conclusions; and – inform the development of mitigation measures and follow-up programs… ■ The Agency requires the proponent to engage with, at a minimum, the communities listed in the *Indigenous Engagement and Partnership Plan*.	■ All Indigenous communities and groups identified in **Table 4-1** will be consulted and have the opportunity to be engaged and participate in the IK Program. Through both the IK and Consultation and Engagement programs for the Project, all Indigenous communities and groups identified in **Table 4-1** will be provided with an opportunity to provide IK during baseline data collection, comment on the list of valued components and indicators, inform the effects assessment and review its conclusions, and inform the development of mitigation measures and follow-up programs.	■ Section 4.2 ■ Section 5 ■ Section 7.2 ■ Section 7.3 ■ Section 9.1 ■ Section 9.3 ■ Section 9.5 ■ Section 9.9 ■ Appendix A
2	TISG Section 6.2 – Analysis and response to questions, comments, and issues raised	■ The analysis in the Impact Statement must also include consideration of Indigenous knowledge provided by Indigenous groups. Indigenous knowledge where written consent has not been provided by the Indigenous group(s) should not be included. Permission from the Indigenous group should be sought before including Indigenous knowledge in the Impact Statement, regardless of the source of the Indigenous knowledge.	■ The IK Program was developed to enable the collection and / or sharing and consideration of IK in the IA / EA. The sharing and use of IK will be governed by IK Sharing Agreements established between MFFN and Indigenous communities. Where secondary sources of information are required to collect relevant IK, permission from Indigenous groups will be sought prior to use and inclusion.	■ Section 5 ■ Section 5.2 ■ Section 7.2 ■ Section 10
3	TISG Section 6.2 – Analysis and response to questions, comments, and issues raised	■ Indigenous knowledge is holistic and in IA, it can provide insights related to knowledge of the environment, social, cultural, economic, health, Indigenous governance and resource use. It is important that Indigenous knowledge be included for all of these aspects of the technical assessments, not only to look at potential impacts of the Project on Indigenous peoples.	■ The Study Plan has been updated to reflect that the IK Program and associated Guidance Document will strive to collect IK and inputs that are relevant to other technical aspects of the assessment. The Guidance Document includes information on how IK and other information shared through the IK Program can be used to inform the various technical aspects of the impacts assessment including baseline conditions (refer to Section 4 of the Guidance Document). It also includes questions that could be used to solicit information to inform technical aspects of the assessment, including the natural and socio-economic environments (e.g., questions about important fish and wildlife use areas, questions about country food consumption – refer to Appendices D and E in the Guidance Document. It is also important to note that soliciting IK to inform baseline conditions for other technical aspects of the assessment does not necessary come just from direct questions but can be gleaned from information on Indigenous land and resources use (e.g., where certain species are harvested and why).	■ Section 5 ■ Section 7 ■ Section 7.3 ■ Appendix B
4	TISG Section 6.2 – Analysis and response to questions, comments, and issues raised	■ The Impact Statement must also document how the proponent responded to questions, comments and issues raised by Indigenous groups, and how unresolved matters have been addressed.	■ Information on how questions, comments and issues raised by Indigenous groups will be documented and responded to is provided in the Consultation and Engagement Plan to Support the Environmental Assessment / Impact Statement (IS / EA Consultation Plan)	■ Appendix A
5	TISG Section 6.2 – Analysis and response to questions, comments, and issues raised	■ The proponent should discuss and, if requested, establish confidentiality agreements with any Indigenous group that share confidential information to inform the impact assessment.	■ The use and publication of sensitive and / or confidential information will be governed by Indigenous community-specific IK Sharing Agreements. The IK Sharing Agreements will be protected from public or third-party disclosure and will be established between the Proponent and Indigenous communities participating in the IK Program prior to the sharing and use of any sensitive information.	■ Section 5.2
6	TISG Section 6.3 – Record of engagement	■ The Impact Statement must provide a record of engagement that describes all efforts, successful and unsuccessful, taken to seek the views of each potentially affected Indigenous group with respect to the Project.	■ Information on the Record of Consultation and Engagement that will describe all efforts, successful and unsuccessful, taken to seek the views of each potentially affected Indigenous group with respect to the Project is provided in the IS / EA Consultation Plan. This Record of Consultation and Engagement will include all engagement activities undertaken prior to the submission of the Impact Statement during the planning phase and in the preparation of the Impact Statement.	■ Appendix A

ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response	Study Plan Reference
7	TISG Section 7.1 – Baseline conditions methodology	■ The application of GBA+ to baseline conditions for diverse subgroups is necessary to support the GBA+ of effects. GBA+ uses standard social science quantitative and qualitative data collection and analysis methods to describe baseline conditions across diverse subgroups.	■ The Study Plan has been updated to demonstrate how the MFFN CAR Project Team will strive to apply GBA+ to baseline conditions for diverse subgroups top support the GBA+ of effects, where possible. The IK Program is a community-led process, which means that the communities will ultimately identify participants directly. However, information on the importance of diversity and GBA+ considerations when selecting participants for the IK Program, including Project-specific studies, has been included in the Guidance Document in support of GBA+ (refer to Section 6.1 of the Guidance Document). The Guidance Document has been shared with all Indigenous communities and groups identified in **Table 4-1**.	■ Section 4.3 ■ Section 5.1 ■ Section 7.1 ■ Section 7.3.2 ■ Section 9.8 ■ Appendix B
8	TISG Section 7.1 – Baseline conditions methodology	■ The Impact Statement must establish appropriate study area boundaries to describe the baseline conditions. The study area boundaries need to encompass the spatial boundaries of the Project, including any associated project components or activities, and the anticipated boundaries of the Project's effects, including all potentially impacted local communities, municipalities and Indigenous groups.	■ The proposed LSA and RSA for the assessment on the Aboriginal and Treaty Rights and Interests VCs have been delineated based on the proposed study areas for relevant natural environment VCs given the interdependent nature of these VCs. The proposed spatial boundaries have also been informed by inputs from Indigenous communities received to date. The proposed spatial boundaries include the anticipated boundaries of the Project's effects.	■ Section 6.2.2 ■ Appendix C
9	TISG Section 7.3 – Consideration and methodology in selecting valued components	■ The list of valued components must be informed, validated and finalized through engagement with the public, Indigenous groups, …	■ A suite of potential consultation and engagement activities specific to Indigenous groups that may be employed to solicit inputs to inform the IA / EA (including VCs, indicators, and associated baselines and assessments) have been identified. In addition, the IK Program includes opportunities for Indigenous communities and groups to meet with MFFN to discuss the program, ask questions, and share concerns and interests related to the Aboriginal and Treaty Rights and Interests VCs. See Section 6.10 of Appendix B (the IK Program Guidance Document) for a more fulsome description of how IK will validate the VCs.	■ Section 5 ■ Section 7.4 ■ Section 9.1 ■ Appendix B ■ Section 6.10
10	TISG Section 7.3 – Consideration and methodology in selecting valued components	■ The Impact Statement must describe valued components, processes, and interactions that are identified to be of concern or that the Agency considers likely to be impacted by the Project and are included in the Guidelines.	■ The Study Plan has been updated to include potential Project-environment interactions and an overview of potential direct and indirect effects on Aboriginal and Treaty Rights and Interests. The potential effect pathways included in this Study Plan will be explored further and built on with Indigenous communities and groups, as needed, through ongoing discussions and activities as part of the IK and Consultation and Engagement programs.	■ Section 9.2 ■ Table 9-2
11	TISG Section 7.4.1 – Spatial boundaries	■ The Impact Statement must describe the spatial boundaries, including project, local and regional study areas, for each valued component included in assessing the potential adverse and positive environmental, health, social and economic effects of the Project and provide a rationale for each boundary. Spatial boundaries are defined taking into account the appropriate scale and spatial extent of potential effects and impacts of the Project; community knowledge and Indigenous knowledge; current or traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; and physical, ecological, technical, social, health, economic and cultural considerations.	■ See response for ID# 8. ■ The Study Plan includes the rationale for each of the proposed spatial boundaries. All Indigenous groups identified in **Table 4-1** were provided with an opportunity to provide input on the proposed study areas in August-September, 2020. Comments since received led to refinements in October, 2020 – specifically the expansion of the RSA to include additional quaternary watersheds. The revised RSA was provided to all Indigenous groups identified in **Table 4-1** when the Guidance Document was distributed in November 2020 (refer to Section 5 and Figure 1 of Appendix B of the Guidance Document).	■ Section 6.2.2 ■ Appendix A ■ Appendix C
12	TISG Section 7.4.2 – Temporal boundaries	■ The temporal boundaries of the impact assessment span all phases of the Project determined to be within the impact assessment….consider how elements of environmental, health, social and economic well-being that local communities, including municipalities, and Indigenous groups, identify as being valuable could change over time.	■ The Study Plan has been updated to provide a clear description of the proposed temporal boundaries for baseline information collection and the assessment, with associated rationale. MFFN has proposed temporal boundaries for baseline information on Indigenous land and resource use and practices that consider past, present and foreseeable future Indigenous land and resource use and cultural practices. These are included in the Guidance Document that was shared with all Indigenous groups identified in **Table 4-1** in November 2020 (refer to Section 6.5 of the Guidance Document). Temporal boundaries for the assessment span all phases of the Project.	■ Section 6.1 ■ Section 7.1 ■ Appendix B

ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response	Study Plan Reference
13	TISG Section 8.1 – Atmospheric, acoustic, and visual environment	■ The Impact Statement must: – provide current ambient noise levels at key receptor points to traditional land users and sensitive human receptors, including the results of a baseline ambient noise survey and permissible sound levels for each receptor – at a minimum, provide a map showing approximate locations of permanent residences, temporary land uses (e.g., cabins and traditional sites) and known locations of sensitive human receptors (e.g., schools, hospitals, community centres, retirement complexes or assisted care homes)	■ Relevant primary and secondary information collected through the IK Program will be shared with each relevant technical discipline team, as appropriate. Areas and sites documented through the IK Program will be shared to inform receptor sites used in the acoustic and atmospheric baselines and assessments, where possible. There are also opportunities for technical teams to engage with Indigenous communities to solicit perspectives and information relevant to the Project and the acoustic and atmospheric baselines and assessments. Also see response for ID #3.	■ Section 5 ■ Section 5.1 ■ Section 7 ■ Section 8 ■ Appendix B
14	TISG Section 8.6 – Groundwater and surface water	■ The Impact Statement must: – identify all springs and any other potable surface water resources within the local and regional project areas and describe their current use, potential for future use, and whether their consumption has Indigenous cultural importance – identify all domestic, communal, or municipal water wells within the local and regional project areas, including their screened hydrostratigraphic unit and piezometric level; describe their current use, potential for future use, and whether their consumption has any Indigenous cultural importance	■ Relevant primary and secondary information collected through the IK Program will be shared with each relevant technical discipline team, as appropriate. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in **Table 4-1** in November 2020 includes questions related to water sources that are culturally important (refer to Appendix E of the Guidance Document). There are also opportunities for technical teams to engage with Indigenous communities to solicit perspectives and information relevant to the Project and the surface and groundwater baselines and assessments. Also see response for ID #3.	■ Section 5 ■ Section 5.1 ■ Section 7 ■ Section 7.3 ■ Section 8 ■ Appendix B
15	TISG Section 8.7 – Vegetation	■ The Impact Statement must: – describe the use of local vegetation for medicinal or cultural purposes or as a source of country foods (traditional foods) – describe any other plant species of concern for consumption or where use has any Indigenous cultural importance	■ Relevant primary and secondary information collected through the IK Program will be shared with each relevant technical discipline team, as appropriate. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in **Table 4-1** in November 2020 includes questions related to vegetation used for subsistence, medicinal or cultural purposes and locations of important or sensitive vegetation (refer to Sections 6.6 and 6.7 and Appendix E of the Guidance Document). There are also opportunities for technical teams to engage with Indigenous communities to solicit perspectives and information relevant to the Project and the vegetation baseline and assessment. Also see response for ID #3.	■ Section 5 ■ Section 5.1 ■ Section 7 ■ Section 7.3 ■ Section 8 ■ Appendix B
16	TISG Section 8.8 – Fish and fish habitat	■ The Impact Statement must: – describe the use of fish and/or aquatic species…for consumption or where use has Indigenous cultural importance	■ Relevant primary and secondary information collected through the IK Program will be shared with each relevant technical discipline team, as appropriate. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in **Table 4-1** in November 2020 includes questions related to fish used for subsistence or cultural purposes and IK related to fish and fish habitat (e.g., spawning areas – refer to Sections 6.6 and 6.7 and Appendix E of the Guidance Document). There are also opportunities for technical teams to engage with Indigenous communities to solicit perspectives and information relevant to the Project and the fish and fish habitat baseline and assessment. Also see response for ID #3.	■ Section 5 ■ Section 5.1 ■ Section 7 ■ Section 7.3 ■ Section 8 ■ Appendix B
17	TISG Section 8.9 – Birds, migratory birds and their habitat	■ The Impact Statement must: – describe the use of (magnitude, timing) migratory and non-migratory birds as a source of country foods (traditional foods) or where use has Indigenous cultural importance	■ Relevant primary and secondary information collected through the IK Program will be shared with each relevant technical discipline team, as appropriate. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in **Table 4-1** November 2020 includes questions related to birds used for subsistence or cultural purposes and IK related to bird and bird habitat (e.g., nesting areas – refer to Sections 6.6 and 6.7 and Appendix E of the Guidance Document). There are also opportunities for technical teams to engage with Indigenous communities to solicit perspectives and information relevant to the Project and the bird and bird habitat baseline and assessment. Also see response for ID #3.	■ Section 5 ■ Section 5.1 ■ Section 7 ■ Section 7.3 ■ Section 8 ■ Appendix B

ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response	Study Plan Reference
18	TISG Section 8.10 – Terrestrial wildlife and their habitat	■ The Impact Statement must: – identify wildlife species…of ecological, economic or human importance (particularly to Indigenous peoples), within the study area (including moose, rabbit, beavers, otters, muskrat, and frogs), that are likely to be directly or indirectly effected and describe each species: biodiversity, distribution and location; abundance and population status; life cycle; seasonal ranges, migration and movements; habitat requirements; and sensitive periods (e.g., seasonal, diurnal and nocturnal) – describe the historic and current use of terrestrial wildlife as a source of country foods (traditional foods) or where use has Indigenous cultural importance – describe the use and harvesting of fur-bearing species and whether its harvesting has Indigenous cultural importance	■ Relevant primary and secondary information collected through the IK Program will be shared with each relevant technical discipline team, as appropriate. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in **Table 4-1** in November 2020 includes questions related to wildlife (including furbearers) used for subsistence, commercial or cultural purposes and IK related to wildlife and wildlife habitat (e.g., important wildlife use areas – refer to Sections 6.6 and 6.7 and Appendix E of the Guidance Document). There are also opportunities for technical teams to engage with Indigenous communities to solicit perspectives and information relevant to the Project and the wildlife and wildlife habitat baselines and assessments (including ungulates). Also see response for ID #3.	■ Section 5 ■ Section 5.1 ■ Section 7 ■ Section 7.3 ■ Section 8 ■ Appendix B
19	TISG Section 9 – Baseline conditions - Human health	■ To understand the community and Indigenous context and baseline health profile, the proponent must: – describe any context-specific definitions of health and well-being, including from the perspective of the relevant Indigenous cultures, including community and spiritual wellbeing – describe the consumption of country foods (traditional foods) outside of the commercial food chain, including food that is trapped, fished, hunted, harvested or grown for consumption, medicinal purposes or has cultural value. Specify which species are used, quantities, frequency, harvesting locations, and how the data were collected (e.g., site-specific consumption surveys)	■ Relevant primary and secondary information collected through the IK Program will be shared with each relevant technical discipline team, as appropriate. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in **Table 4-1** in November 2020 includes questions related to Indigenous resource use and the consumption of country foods (refer to Sections 6.6 and 6.7 and Appendices D and E of the Guidance Document). Information on the consumption of country foods and the species used, frequency, and harvesting locations collected through the IK Program will be shared for the Human Health and Community Safety Assessment, as appropriate. There are also opportunities for technical teams to engage with Indigenous communities to solicit perspectives and information relevant to the Project and the Human Health and Community Safety baselines and assessments. Also see response for ID #3.	■ Section 5 ■ Section 5.1 ■ Section 7 ■ Section 7.3 ■ Section 8 ■ Appendix B
20	TISG Section 10 – Baseline conditions - Social	■ To understand the community and Indigenous context, the proponent must describe: – the use of water-ways with Indigenous cultural importance (e.g., Albany River, Ogoki River and Attawapiskat Rivers)	■ Relevant primary and secondary information collected through the IK Program will be shared with each relevant technical discipline team, as appropriate. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in **Table 4-1** in November 2020 includes questions related to the use of waterways and waterways of cultural importance (refer to Section 6.6 and 6.7 and Appendix E of the Guidance Document). There are also opportunities for technical teams to engage with Indigenous communities to solicit perspectives and information relevant to the Project and the Social baselines and assessments. Also see response for ID #3.	■ Section 5 ■ Section 5.1 ■ Section 7 ■ Section 7.3 ■ Section 8 ■ Appendix B
21	TISG Section 12 – Baseline conditions - Indigenous peoples	■ Where possible, the Impact Statement should include contextual information, both historic and current, regarding an Indigenous group's history and cultural practices, land use, as well as the manner in which rights of Indigenous peoples are, or may be, exercised and impacted by the Project, as identified by the Indigenous groups.	■ The IK and Consultation Programs for the Project both serve to support the collection of Indigenous perspectives, values, and input on the Project, including in terms of historic and current contextual information. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in **Table 4-1** in November 2020 includes questions related to historic and current contextual information regarding a group's history and cultural practices and the manner in which Indigenous rights are or may be exercised and impacted by the Project (refer to Sections 6.3 and 6.8 and Appendices D, E and F in the Guidance Document).	■ Section 5 ■ Section 7 ■ Appendix B
22	TISG Section 12.1 – Physical and cultural heritage	■ The Impact Statement should include a description of the historical baseline conditions associated with Indigenous cultures. This description should give consideration to understanding historical baseline conditions associated with ability to transmit culture (e.g., through language, ceremonies, harvesting, teaching of sacred laws, traditional laws, stewardship laws, traditional knowledge). ■ Information with respect to Indigenous groups can include: – burial sites; – cultural landscapes; – oral histories; – cultural values and experiences of being on the land, including harvesting specific	■ The IK and Consultation Programs for the Project both serve to support the collection of Indigenous perspectives, values, and input on the Project, including in terms of physical and cultural heritage. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in **Table 4-1** in November 2020 includes questions related to historical baseline conditions associated with Indigenous cultures (refer to Sections 6.3 and Appendix D in the Guidance Document). The Guidance Document also includes considerations for burial sites, oral histories, cultural values and experiences of being on the land, Indigenous laws and governance systems, and culturally important sites and resources (refer to Sections 6.6 and	■ Section 5 ■ Section 7 ■ Section 9.3 ■ Appendix B ■ Cultural Heritage Study Plan

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		– resources; – Indigenous governance systems and Indigenous laws tied to the landscape; – sacred, ceremonial or culturally important places, plants, animals, objects, beings, or things; and – archaeological potential and/or artefact places.	6.7 and Appendices D and E in the Guidance Document). These considerations have also been factored into the identification of preliminary indicators for the assessment. ■ In addition, information related to historical baseline conditions associated with Indigenous cultures will also be collected for the Cultural Heritage Assessment. Baseline information on cultural landscapes and archaeological potential and / or artifact places will primarily be collected through the cultural heritage studies – refer to the Cultural Heritage Study Plan.	
23	TISG Section 12.2 – Current Use of Lands and Resources for Traditional Purposes	■ In general, the Impact Statement should consider: – traditional activities presently or historically practiced (e.g., hunting, fishing, trapping, gathering of plants or medicines, ceremonial or spiritual practices, passing on of Indigenous knowledge and/or language); – location of traditional uses, including hunting, trapping, and fishing camps, cabins, and gathering or teaching grounds; – types of traditional resources such as fish, wildlife, birds, plants, or other natural resources and their habitats of importance for supporting traditional use; – places where culturally important fish, wildlife, birds, plants, or other natural resources are harvested; – access and travel routes for conducting traditional practices; – frequency, duration, and/or timing of traditional practices; – where known, efforts of the groups to bring back traditional practices; – description of country foods (traditional foods); – the quality and quantity of resources (e.g., preferred species, perception of quality); – access to resources (e.g., physical access to harvest specific species, culturally important harvesting locations, timing, seasonality, distance from community); – the experience of the practice (e.g., connection to the landscape without artificial noise and sensory disturbances, air quality, visual landscape, perceived or real contamination, etc.); and – other current uses identified by Indigenous groups.	■ The IK and Consultation Programs for the Project both serve to support the collection of Indigenous perspectives, values, and input on the Project, including in terms of current use of lands and resources for traditional purposes. ■ The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in **Table 4-1** in November 2020 includes information and questions related to the considerations listed in Section 12.2 of the TISG (refer to Sections 6.6 and 6.7 and Appendix D in the Guidance Document). These considerations have also been factored into the identification of preliminary indicators for the assessment.	■ Section 5 ■ Section 7 ■ Section 9.3 ■ Appendix B
24	TISG Section 12.2 – Current Use of Lands and Resources for Traditional Purposes	■ Should this type of information be found through public sources, the proponent should advise the Indigenous group and offer a reasonable opportunity to review and comment before including it in the Impact Statement.	■ Where secondary sources of information are available and required to collect relevant IK, permission from Indigenous groups will be sought prior to use and inclusion.	■ Section 7.2 ■ Appendix E
25	TISG Section 12.4 – Conditions related to the rights of Indigenous peoples	■ This information related to rights may include, but is not limited to: – a general description of the section 35 rights exercised in the area of the Project, including the historic, regional and community context; – the quality and quantity of resources required to support exercise of rights (e.g., preferred species, level of health of preferred species, volume of preferred species); – access to the resources required to exercise rights (e.g., physical access to culturally important places, timing, seasonality, distance from community); – the experience associated with the exercise of rights (e.g., noise and sensory disturbances, air quality, visual landscape); – specific areas of cultural importance where rights are exercised; – landscape conditions that support the Indigenous group's exercise of rights (e.g., large, intact and diverse landscapes, areas of solitude; connection to landscape); – where possible, information about members within an Indigenous group, and their role in the exercise of rights (e.g., women, men, Elders, youth, people with disabilities);	■ The IK and Consultation Programs for the Project both serve to support the collection of Indigenous perspectives, values, and input on the Project, including Indigenous rights (i.e., Aboriginal and Treaty Rights) and Interests. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in **Table 4-1** in November 2020 includes information and questions related to the considerations listed in Section 12.4 of the TISG (refer to Sections 6.6 and 6.7 and Appendices D and E in the Guidance Document). These considerations have also been factored into the identification of preliminary indicators for the assessment.	■ Section 5 ■ Section 7 ■ Section 9.3 ■ Appendix B

ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response	Study Plan Reference
		– how the Indigenous group's cultural traditions, laws and governance systems inform the manner in which they exercise the rights (the who, what, when, how, where and why); – where they exist, identification of thresholds identified by the community that, if exceeded, may impair the ability to meaningfully exercise rights; – maps and data sets (e.g., overlaying the project footprint, places of cultural and spiritual significance, traditional territories, fish catch numbers); and – pre-existing (real or perceived) impacts and cumulative effects that are already interfering with the ability to exercise rights or to pass along Indigenous cultures and cultural practices (e.g., language, ceremonies, Indigenous knowledge).		
26	TISG Section 13.1 – Effects Assessment - Methodology	■ Effects may impact communities, Indigenous groups and stakeholders in different ways, and therefore they may respond differently to them. Determining and characterizing effects should be based largely on the level of concern expressed through engagement with the impacted Indigenous groups and community members. ■ The proponent is required to gather and consider Indigenous knowledge from potentially impacted Indigenous communities to inform the Project's effects assessment and to describe how Indigenous knowledge was considered in their Impact Statement.	■ Perspectives on potential effects and associated levels of concern expressed through engagement with Indigenous groups as part of the IK and Consultation and Engagement programs will be used to inform the characterization of the potential effects. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in **Table 4-1** in November 2020 includes questions related to the potential effects of the Project (refer to Sections 6.8 and Appendix F in the Guidance Document). Relevant primary and secondary information collected through the IK Program will be shared with each relevant technical discipline team, as appropriate. ■ Relevant IK from potentially impacted Indigenous communities will be collected through the IK Program and shared with each relevant technical discipline team, as appropriate. Also see response for ID #3. ■ A description of how IK was considered in the IA / EA and in each of the technical discipline areas will be included in the IS / EA Report.	■ Section 5 ■ Section 7.3 ■ Appendix B
27	TISG Section 13.2 – Interactions between effects and valued components	■ The Impact Statement must consider and describe the interactions between the environmental, health, social and economic effects as well as the interaction and interconnectedness of selected valued components taking into account values of local communities, including municipalities and Indigenous groups.	■ The guiding questions included in the Guidance Document are intended to provide community members with an opportunity to share their perspectives on the interconnectedness of the various valued components and how they or their community may be impacted by the Project (refer to Appendices E and F of the Guidance Document). Any information collected that is relevant to the various disciplines will be shared accordingly. However, it is important to note that while the IK and Consultation and Engagement programs will serve to support information collection for other technical aspects of the assessment, primary data collection for other disciplines (including human health and community safety, social and economic conditions) will be led by those technical disciplines.	■ Section 7.3 ■ Appendix B
28	TISG Section 15.1 – Fish and fish habitat	■ The Impact Statement must: – describe the effects of changes to the aquatic environment on fish and fish habitat, including: the anticipated changes in the composition and characteristics of the populations of various fish species, especially those of cultural significance to Indigenous communities with traditional land use practices in the area and provincially or federally listed aquatic species at risk	■ Information on fish species that are of cultural significance to Indigenous communities with traditional land use practices in the area will be collected through the IK Program and shared for inclusion in the effects assessment on fish and fish habitat. Also see response for ID #3 and #26.	■ Section 5 ■ Section 7 ■ Section 7.3 ■ Section 8
29	TISG Section 15.3 – Terrestrial wildlife and their habitat	■ The Impact Statement must: – describe the potential adverse effects of the Project on species noted as important to Indigenous groups and local communities and their habitat that are not currently listed under the Species at Risk Act or provincial statutes – describe changes to vegetation species important to Indigenous peoples	■ Information on wildlife species and vegetation that are important / of cultural significance to Indigenous communities will be collected through the IK Program and shared for the effects assessment on terrestrial wildlife and their habitat. Also see responses for ID #3 and #26.	■ Section 5 ■ Section 7 ■ Section 7.3 ■ Section 8

ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response	Study Plan Reference
30	TISG Section 17.6 – Culture	■ The Impact Statement must assess changes to: – structures, sites or things of historical, archaeological, paleontological or architectural significance and associated effects on other social and economic conditions, specifically burial sites; – describe any anticipated effects to language, such as the relative balance of speakers of local languages, English, and French, and the availability of public services in these languages; – traditional cultural activities (such as religious ceremonies, traditional hunting, etc.) that might be caused by the project; and – culturally significant plants or wildlife.	■ Information on burial sites, the use of Indigenous languages, traditional cultural activities, and culturally significant plants and wildlife collected through the IK and Consultation and Engagement programs will be used in the assessments on Aboriginal and Treaty Rights and Interests, and Cultural Heritage. Also see responses for ID #22. ■ The assessment of potential changes to language will be led by the socio-community assessment – refer to the Social Study Plan for more information. However, the IK and Consultation and Engagement programs will strive to support information collection to support the assessment on changes to language. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in **Table 4-1** in November 2020 includes questions related to language (refer to Section 6.8 Appendices D, E and F in the Guidance Document).	■ Section 5 ■ Section 7 ■ Section 7.3 ■ Appendix B
31	TISG Section 19 – Effects to Indigenous peoples and impacts on the exercise of Aboriginal and Treaty rights	■ The proponent must engage with all Indigenous groups identified in the Indigenous Engagement and Partnership Plan in order to identify and understand the potential impacts of their Projects on Indigenous peoples, and to include Indigenous knowledge into the impact assessment.	■ See responses for ID #1 and #26.	
32	TISG Section 19 – Effects to Indigenous peoples and impacts on the exercise of Aboriginal and Treaty rights	■ Engagement with Indigenous groups is required to inform the impact assessment and identify measures to avoid or minimize potential impacts on the exercise of rights of Indigenous peoples from the Project. This engagement may also identify potential positive outcomes, including measures that could improve the underlying baseline conditions that support the exercise of rights. Engagement should involve ongoing information sharing and collaboration between the proponent and other Indigenous groups potentially affected by the Project. This collaboration will help validate the assessment findings. The results of any engagement should be presented in the Impact Statement and, as best as possible, should reflect the perspective of the Indigenous peoples involved.	■ Ongoing engagement with Indigenous groups to inform the impact assessment and identify measures to avoid or minimize potential impacts on the exercise of Indigenous rights will be undertaken as part of the IK and Consultation and Engagement programs. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in **Table 4-1** in November 2020 includes questions related to the potential effects of the Project and how they could mitigated or enhanced (refer to Sections 6.8 and Appendix F in the Guidance Document). ■ The Study Plan has been updated to include information on the Project-specific engagement activities through the IK and Consultation and Engagement programs.	■ Section 4.2 Section 5 ■ Section 7 ■ Section 9.1 ■ Section 9.2 ■ Section 9.4 ■ Section 9.5 ■ Appendix A ■ Appendix B
33	TISG Section 19 – Effects to Indigenous peoples and impacts on the exercise of Aboriginal and Treaty rights	■ The proponent must provide an opportunity for Indigenous groups potentially impacted by the Project to review the information prior to submission of the Impact Statement. The Impact Statement must indicate where input from Indigenous groups has been incorporated, including Indigenous knowledge. Information should be specific to the individual Indigenous group(s) involved in the assessment, and describe contextual information about the members within an Indigenous group (e.g., women, men, Elders and youth). The proponent must analyze the community and Indigenous community knowledge across diverse subgroups where possible to identify differential effects highlighted by these groups.	■ See responses for ID #1, #7 and #26.	
34	TISG Section 19 – Effects to Indigenous peoples and impacts on the exercise of Aboriginal and Treaty rights	■ Ethical guidelines and relevant cultural protocols governing research, data collection and confidentiality must be adhered to.	■ Ethical guidelines and relevant cultural protocols governing research, data collection and confidentiality will be adhered to. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in **Table 4-1** in November 2020 includes information on confidentiality considerations, guiding principles related to cultural protocols, and the importance of participant informed consent (refer to Sections 3.3, 3.4 and 6.2 and Appendix C in the Guidance Document). Also see responses for ID #2 and #5.	■ Appendix B
35	TISG Section 19 – Effects to Indigenous peoples and impacts on the exercise of Aboriginal and Treaty rights	■ Where Indigenous groups do not wish to participate, the proponent is encouraged to continue sharing information and analysis with the Indigenous groups of the potential effects of the Project, and to use available public sources of information to support the assessment. The proponent must show evidence that effort to engage with all Indigenous groups potentially impacted was made.	■ Where Indigenous groups do not wish to participate, MFFN will continue information sharing so if new information comes up that may impact lack of interest, they can be re-engaged. MFFN will strive to collect information on an Indigenous group's lack of interest. All related communications will be documented in the Records of Consultation. Where required due to a lack of interest, publicly available secondary sources of information for Indigenous groups will be used in the IA / EA. Also see responses for ID #6.	■ Section 4.2 ■ Section 5 ■ Appendix A

ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response	Study Plan Reference
36	TISG 9.1 – Effects to Indigenous Peoples	■ The potential effects to consider assessing include both adverse and positive effects…including interferences of the Project with the following: – quantity and quality of resources available for harvesting (e.g., species of cultural importance, including traditional and medicinal plants); – access to culturally important harvesting areas or resources of importance; – experiences of being on the land, including ability to pass on Indigenous knowledge and language (e.g., impacted from: changes in air quality, noise exposure, effects of vibrations from blasting and other activities); – current and future availability and quality of country foods (traditional foods); – increased reliance on country foods as a result of the Project due to increased food prices, including any change to the required hunting quotas of impacted communities; – the use of travel ways, navigable waterways and water bodies; – commercial and non-commercial fishing, hunting, trapping and gathering and cultural or ceremonial activities and practices; – commercial, non-commercial and trade economies; and, – cultural heritage, and structures, sites or things of historical, archaeological, paleontological or architectural significance to groups, including, but not limited to: • the loss or destruction of physical and cultural heritage; • changes to access to physical and cultural heritage; • changes to the cultural value, spirituality, or importance associated with physical and cultural heritage; • sacred, ceremonial or culturally important places, objects, or things, including languages, stories and traditions; and • visual aesthetics over the life of the Project and post-Project abandonment or decommissioning.	■ The IK and Consultation Programs for the Project both serve to support the collection of Indigenous perspectives, values, and input on the Project, including effects to Indigenous peoples. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in **Table 4-1** in November 2020 includes guiding question to support baseline information collection and perspectives on the potential effects of the Project on Indigenous peoples (refer to Sections 6.3, 6.6, 6.7, and 6.8 and Appendices D, E and F in the Guidance Document). ■ The considerations in terms of Project interferences listed in Section 19.1 of the TISG have also been factored into the identification of preliminary indicators for the assessment on Aboriginal and Treaty Rights and Interests. ■ Some aspects of the effects assessment on cultural heritage will be undertaken in the cultural heritage studies – refer to the Cultural Heritage Study Plan. ■ Given the interrelated nature of Indigenous peoples VCs and the many other VCs and the influence of indirect effects on Aboriginal and Treaty Rights and Interests, the effects assessments completed for other VCs will serve to inform the effects assessment on Aboriginal and Treaty Rights and Interests.	■ Section 5 ■ Section 7, ■ Section 9.2 ■ Section 9.3 ■ Section 9.4 ■ Appendix B
37	TISG Section 19.2 – Impacts on the Exercise of Aboriginal and Treaty rights	■ The Impact Statement should describe the level of engagement with Indigenous groups regarding potential impacts of the project on the exercise of rights, and where possible, the Project's potential interference with the exercise of rights… Proponents are encouraged to discuss with Indigenous groups their views on how best to reflect the assessment of impacts on the exercise of rights in their Impact Statement. This may include supporting Indigenous-led studies that are to be provided publicly and to the Government of Canada….The proponent and Indigenous groups may consider: – how the Project may contribute cumulatively to any existing impacts on the exercise of rights of Indigenous peoples, as identified by the Indigenous groups; – the interference of the Project on the quality and quantity of resources available for the exercise of rights; – the interference of the Project on the access to areas important to the exercise of rights (including through effects to navigable waterways); – the interference of the Project on the experience associated with the exercise of rights; – the interference of the Project on Indigenous traditions, laws and governance; and, – the severity of the impacts on the exercise of rights of Indigenous peoples, as identified by the Indigenous groups.	■ The updated Study Plan describes the level of engagement with Indigenous groups and the approach to the effects assessment on Aboriginal and Treaty Rights and Interests VCs. The specific considerations for the effects assessment for each of the Indigenous groups will be customized based on Indigenous group-specific discussions through consultation and engagement activities.	■ Section 9.1 ■ Section 9.2 ■ Section 9.3 ■ Section 9.4 ■ Section 9.5 ■ Section 9.6

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38	TISG Section 19.2 – Impacts on the Exercise of Aboriginal and Treaty rights	■ The Impact Statement should detail: – any measures identified in an attempt to avoid, minimize, offset or otherwise address potential adverse impacts of the Project on the exercise of rights ; – where measures are proposed by Indigenous groups, the proponent should respond with its intent to implement them, as appropriate; and, – with respect to mitigation measures proposed by the proponent, the Impact Statement should include perspectives of the potentially impacted Indigenous groups, on the effectiveness of particular mitigation measures on such impacts. ■ Where no mitigation measures are proposed or mitigation is not possible, the Impact Statement should identify potential level of severity of the adverse impacts on the exercise of Aboriginal and Treaty rights, as identified by the Indigenous group(s).	■ An overview of potential avoidance, mitigation and enhancement measures that may be employed in the IA / EA based on the current understanding of potential effects is included in the updated Study Plan. These measures are considered very preliminary and should be viewed as examples of potential mitigation measures that may be identified through the IA / EA. It is expected that ongoing consultation and engagement through the IK and Consultation and Engagement programs will directly inform and influence the development of mitigation measures to be employed. Specific suggestions raised by each Indigenous community and group for avoiding, mitigating, or otherwise accommodating the potential Project direct and indirect effects on Indigenous peoples will be documented, and a description of how measures were incorporated into the Project design will be included in the IS / EA Report. ■ Where mitigation is not possible, the potential severity of the adverse impacts on Aboriginal and Treaty Rights and Interests will be characterized. The approach to the effects assessment on Aboriginal and Treaty Rights and Interests VCs is included in the updated Study Plan.	■ Section 9.5 ■ Section 9.6
39	TISG Section 20 – Mitigation and enhancement measures	■ The Impact Statement must: – describe mitigation measures that are specific to identified effects to Indigenous peoples – describe mitigation measures proposed by Indigenous peoples and the consideration of those in the Project – document specific suggestions raised by each Indigenous group for avoiding, mitigating or otherwise accommodating the Project's environmental, health, social and economic effects, including potential effects and impacts on the exercise of rights of Indigenous peoples and: • for those mitigation measures intended to address effects of changes to the environmental, health, social and economic conditions of Indigenous peoples or impacts on the exercise of rights of Indigenous peoples, provide a description of the consultation with Indigenous groups regarding the residual effects; and • describe whether and how these measures will be incorporated in the Project design.	■ See response for ID # 38.	
40	TISG Section 21 – Residual Effects	■ Impacts may affect the communities and stakeholders in different ways, and therefore they may respond differently to them. Characterizing effects should be based largely on the level of concern expressed through engaging with the affected Indigenous groups and community members.	■ See responses for ID #26 and #37.	
41	TISG Section 22 – Cumulative Effects	The cumulative effects assessment must include consideration of cumulative effects to rights of ■ Indigenous peoples and cultures, for all potentially impacted groups including those located in the areas which will be impacted by increased access to the region by exploration and mineral development projects. Both the content and means of presenting this information is to be developed in consultation with each potentially impacted Indigenous group. Proponents must engage with and clearly document and incorporate the views of Indigenous groups in the cumulative effects assessment. Where Indigenous groups do not wish to participate in the cumulative effects assessment with the proponent, the proponent is to share a preliminary draft of the cumulative effects assessment on an Indigenous group's exercise of rights and culture with them in order to receive feedback prior to submitting the Impact Statement to the Agency. The Impact Statement must… also assess the cumulative effects to rights of Indigenous peoples and their cultures.	■ Although likely residual effects are currently unknown, in accordance with the TISG, the cumulative effects assessment will include the consideration of cumulative effects to the rights of Indigenous peoples and cultures. The Proponent will strive to respectively collaborate with Indigenous communities on how Aboriginal and Treaty Rights and Interests may be impacted cumulatively. MFFN will engage with Indigenous communities through the IK Program and the Consultation and Engagement Program. Where Indigenous communities do not wish to participate in the cumulative effects assessment, a preliminary draft of the assessment will be provided for review and feedback prior to submitting the IS / EA Report to the Agency and the MECP.	
42	TISG Section 25 – Description of the Project's contributions to sustainability	■ The Impact Statement must characterize the Project's contribution to sustainability. The Impact Statement should also characterize the Project's contribution to "sustainability", as defined by ■ Indigenous groups, such as "Seven Generations Teachings" and "Seven Generation Stewardship". In addition, the Impact Statement must… describe engagement with potentially affected Indigenous groups and describe measures and commitments to ensuring the sustainability of Indigenous livelihood, traditional use, culture and well-being.	■ As part of ongoing consultation and engagement activities with Indigenous groups, measures and commitments to *support* the sustainability of Indigenous livelihoods, traditional use, culture and well-being will be identified and incorporated into the IA / EA, where possible. Also see response for ID #2 in Table 11-2.	■ Section 9.7

ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response	Study Plan Reference
43	TISG Section 26 – Follow-up programs	■ Considerations for developing a follow-up program for environmental, health, social or economic ■ effects, as applicable, include: – the nature of concerns raised by the public and Indigenous groups about the Project – suggestions from Indigenous groups and local communities regarding the design of, and – involvement in, follow-up and monitoring programs – incorporation of community and Indigenous knowledge	■ The follow-up program will be developed with consideration for the requirement of this section of the TISG.	■ Section 9.9
44	TISG Section 26.1 – Follow-up program framework	■ The Impact Statement must present a follow-up program that includes: – intervention mechanism used in the event that an unexpected deterioration of the environment or impacts on the exercise of rights of Indigenous peoples and cultures is observed or experienced; – opportunity for the proponent to include the participation of Indigenous groups and stakeholders on the affected territory during the development and implementation of the program – involvement of local and regional Indigenous organizations in the follow-up program design and implementation, evaluation of the follow-up results, as well as any updates, including a communication mechanism between these organizations and the proponent	■ The follow-up program will be developed to include the requirements of this section of the TISG.	■ Section 9.9
45	TISG Section 26.2 – Follow-up program monitoring	■ The Impact Statement must present an outline of the preliminary environmental, health, social and economic monitoring program, including, but not limited to the: – identification of opportunities for participation of representatives from Indigenous groups identified in the Indigenous Engagement and Partnership Plan in monitoring programs – description of the methodology for tracking environmental, health, social and economic issues, including how these methodologies were informed by community and Indigenous knowledge or specifically impacted subgroups – plans, including funding options, to involve Indigenous groups and local communities in monitoring, where appropriate	■ The follow-up program will be developed with consideration for the requirement of this section of the TISG.	■ Section 9.9
46	Draft Study Plan – General Comment	■ In addition to the required actions detailed below, other required actions to be addressed in the update to this study plan are detailed in a separate table titled “2020-07-02–IAAC to Marten Falls First Nation -General Comments on MFCAR Draft Study Plans”. The Agency has provided these other required actions to highlight common sections of the Tailored Impact Statement Guidelines (the Guidelines) where requirements were not met in the draft study plans submitted to the Agency. These additional actions must be addressed in the updated study plans.	■ We have reviewed the relevant comments and incorporated where appropriate. Please refer to the General Comments Table Response submitted separately to the Agency for specific responses.	■ Various Sections
47	Draft Study Plan – Agency Required Action #1	■ Update the study plan to include the list of all Indigenous groups that will be engaged, at a minimum the Indigenous groups listed in the IEPP, as part of the baseline data collection and effects assessment analysis. The list should be consistent throughout the study plan.	■ See response to ID #1.	
48	Draft Study Plan – Agency Required Action #2	■ Update the study plan to demonstrate how GBA+ has been integrated into all aspects of data collection methodology and the assessment of effects and impacts.	■ See response to ID #7.	
49	Draft Study Plan – Agency Required Action #3	■ Update the study plan to demonstrate that the preliminary LSA and RSA are appropriate for the Project and how the requirements of Section 7.1 of the Guidelines will be met.	■ See response to ID #8.	
50	Draft Study Plan – Agency Required Action #4	■ In consideration of the ongoing COVID-19 pandemic and that some Indigenous groups are presently in a state of emergency, provide a rationale for the short timeframe extended to Indigenous groups for the review of the LSA / RSA.	■ See response to ID #11. ■ Communities that requested additional time beyond the 30-day period to comment on the preliminary study areas were provided with an extension. As noted in the updated Study Plan, MFFN will continue to provide opportunities for Indigenous communities to provide input and inform the effects assessment, including the study areas.	■ Section 6.2.2

ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response	Study Plan Reference
51	Draft Study Plan – Agency Required Action #5	■ Taking into consideration that the Project-specific studies are to be carried out over the fall and winter seasons when many community members are out on the land or unavailable, provide a rationale for the short timeframe extended to Indigenous communities to complete the Project-specific studies.	■ The Project IA / EA schedule is currently being revised to reflect the reality of constraints posed by various factors, including the ongoing pandemic and the timelines for provincial funding agreements with Indigenous communities and groups. It is expected that as part of these revisions, the schedule for completing Project-specific studies will also be revised and as a result, are expected to no longer coincide with the fall and winter seasons.	
52	Draft Study Plan – Agency Required Action #6	■ Update the study plan to provide a clear description of the proposed methods for the establishment of temporal boundaries for the baseline and effects assessment of Indigenous cultural sites, features and practices, Indigenous use of land and resources for traditional purposes, and exercise of section 35 rights.	■ See response to ID #12.	
53	Draft Study Plan – Agency Required Action #7	■ Update the study plan to provide information on which Indigenous groups from those identified in the IEPP have been invited to participate in the IK/ILRU program and the rationale for including them while excluding others.	■ See response to ID #1.	
54	Draft Study Plan – Agency Required Action #8	■ Update the study plan to describe the specific information to be solicited from participating Indigenous groups. If sample questionnaires, interview questions, or other data collection tools exist, identify them in an appendix to the study plan, and describe how they relate to physical and cultural heritage, current use of lands and resources, and exercise of section 35 rights criteria identified in Sections 12.1, 12.2, 12.4, 17.6, 19.1, and 19.2 of the Guidelines.	■ A Guidance Document has been developed to support collecting and reporting on Indigenous Knowledge and information relevant to the Aboriginal and Treaty Rights and Interest VCs (e.g., physical and cultural heritage, current use of lands and resources for traditional purposes, section 35 rights). A set of guidance questions were developed based on the TISG requirements and included in the Guidance Document. The guidance questions will also support the collection of Indigenous Knowledge and information relevant to other Project VCs (e.g., wildlife, surface water, cultural heritage). The guidance document was also designed to be flexible, wherever possible, to adapt to the needs and interests of each specific Indigenous community or group. The Guidance Document was shared with all Indigenous communities and groups identified in **Table 4-1** in November 2020. ■ Also see responses to ID # 22, #23, #25, #30, #36, #37 and #38.	■ Section 5.1 ■ Section 7 ■ Section 7.3 ■ Appendix B
55	Draft Study Plan – Agency Required Action #9	■ Update the study plan to describe how the IK/ILRU program will identify the ways in which project components, activities, and effects could interact with the exercise of section 35 rights by Indigenous peoples, as required by section 19.2 of the Guidelines.	■ See response to ID #37.	
56	Draft Study Plan – Agency Required Action #10	■ Update the study plan to ensure that the approach to IK studies solicits knowledge on technical aspects of the impact assessment including the environment and health, social and economic conditions, in addition to soliciting information related to rights and current use of lands and resources.	■ See response to ID #3 and #27.	
567	Draft Study Plan – Agency Required Action #11	■ Regarding primary information collection the study plan requires additional detail on how the collection methodology would meet the expectations of the Guidelines, including: – Specify types of engagement activities (surveys, questionnaires, community sessions, chief and council sessions, workshops, etc.). – Describe how GBA+ has been applied to the consideration of engagement activities. Identify any specific methods targeted to specific subgroups. – Specify participants in engagement activities (reflecting the Indigenous groups listed in the IEPP) including rationale for how the selection of participants meets the objectives of the study and demonstrates accessibility considerations (e.g., language requirements) and GBA+. – Describe the approach the proponent intends to take to encourage or attract participation, including how opportunities to participate will be planned and advertised. – Describe how Indigenous knowledge will be used to inform types of engagement activities and participant selection. – If sample questionnaires, interview questions, or other data collection tools exist, identify them in an appendix to the study plan, and provide clear links to how they relate to physical and cultural heritage. – Identify past public or Indigenous engagement activities that have taken place and are being used to inform this study plan.	■ See responses to ID # 1, #7 and #22. ■ A general Project-specific study approach is included in the Guidance Document, which includes considerations for selecting study participants and the various approaches to collecting information (e.g., interviews, workshops). ■ The sharing of the Guidance Document and other IK Program-related materials with all Indigenous communities and groups identified in **Table 4-1** is intended to encourage participation in the IK Program. Ongoing Indigenous community and group engagement as part of the IK and Consultation and Engagement programs will serve to continue to encourage participation in the IK Program and the IA / EA Process.	■ Section 7.3 ■ Section 7.3.2 ■ Section 7.4 ■ Appendix A ■ Appendix B ■ Appendix C

ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response	Study Plan Reference
58	Draft Study Plan – Agency Required Action #12	■ For secondary information collection provide specific information sources to be used, and for which indicators they apply. Provide detail on how the proponent has considered GBA+ requirements in the identification of secondary information sources.	■ Information on how secondary information relevant to Indigenous communities that are being engaged for the Project, as well as sources related to emerging practices for cultural impact assessment, have informed the identification of valued components and indicators and is included in the updated Study Plan. Note that the sources of secondary information are generally relevant to all of the VCs and indicators. Secondary sources of information included in the Desktop Assessment and that may be used to inform the IA / EA Report will be reviewed through the lens of ability to disaggregate relevant information to support the GBA+ analysis.	■ Section 7.2 ■ Section 9.3 ■ Appendix E
59	Draft Study Plan – Agency Required Action #13	■ Update the study plan to describe the methodology or approach that will be used to identify detailed and measurable indicators related to non-material aspects cultural heritage and culturally significant plants and wildlife, as outlined in Sections 12.1, 17.6 and 19.1 of the Guidelines.	■ The Study Plan has been updated to include indicators related to non-material aspects of cultural heritage and culturally significant plants and wildlife.	■ Section 9.3
60	Draft Study Plan – Agency Required Action #14	■ Update the study plan to identify how and when Indigenous groups will be provided opportunities to validate the list of valued components and indicators related to Indigenous cultural sites, features, and practices as required by Section 6 of the Guidelines.	■ The Study Plan has been updated to identify how and when Indigenous groups will be provided opportunities to validate the list of valued components and indicators related to Indigenous cultural sites, features, and practices. Also see response to ID #1.	■ Section 4 ■ Section 7.4 ■ Section 9.3 ■ Appendix A
61	Draft Study Plan – Agency Required Action #15	■ Update the study plan to describe the methodology or approach that will be used to identify detailed and measurable indicators related to the location and timing of traditional practices and the quality of resources, as outlined in Sections 12.2 and 19.1 of the Guidelines.	■ The Study Plan has been updated to include indicators related to the location and timing of traditional practices and the quality of resources.	■ Section 9.3
62	Draft Study Plan – Agency Required Action #16	■ Update the study plan to identify how and when Indigenous groups will be provided opportunities to validate the list of valued components and indicators related to Indigenous cultural sites, features, and practices as required by Section 6 of the Guidelines.	■ See response to ID # 60.	
63	Draft Study Plan – Agency Required Action #17	■ Update the study plan to describe the methodology or approach that will be used to identify detailed and measurable indicators related to section 35 rights, as outlined in Sections 12.4 and 19.2 of the Guidelines.	■ The Study Plan has been updated to include indicators related to section 35 rights. Also see response to ID # 25 and #36.	■ Section 9.3
64	Draft Study Plan – Agency Required Action #18	■ Update the study plan to identify how and when Indigenous groups will be provided opportunities to validate the list of valued components and indicators related to Indigenous cultural sites, features, and practices as required by Section 6 of the Guidelines.	■ See responses to ID #60.	
65	Draft Study Plan – Agency Required Action #19	■ Update the study plan to include details on how the effects assessment methodology for the assessment of impacts on physical and cultural heritage, current use of land and resources for traditional purposes, and the exercise of section 35 rights would meet the expectations of Section 13.1 of the Guidelines. Ensure that the effects assessment considers the effects of each of the project components and physical activities, in all phases, and that it is based on a comparison to the proposed baseline work.	■ The Study Plan has been updated to include details on the effects assessment methodology to meet expectations of Section 13.1 of the TISG. The IS will describe in the detail the potential adverse and positive effects in relation to each phase of the Project, Preliminary potential effects have been included in the updates Study Plan. Also see responses to ID #36 and #37.	■ Section 9.1 ■ Section 9.2 ■ Section 9.4
66	Draft Study Plan – Agency Required Action #20	■ Update the study plan to identify how and when Indigenous groups will have opportunities to define VC scoping and inform effects analysis, including the identification of VCs and the effects pathways that Indigenous groups have identified as likely to contribute to an impact on section 35 rights.	■ See responses to ID #1, #9, #10, #25, #26, #27, #32, #36.	
67	Draft ToR Comments from various review agencies and Indigenous communities (ID #'s 16, 103, 105, 108, 118, 193, 211, 213, 226, 255, 385, 551, 565, 566, 574, 580, 632)	■ Comments related to the importance of and need for Indigenous Knowledge to: serve as a source of information for all disciplines; and to inform all aspects of the EA, including the characterization of existing conditions (baselines), criteria and indicators, effects assessment, and the development of mitigation measures.	■ See responses to ID #1, #2, #3, #9, #26 and #38	

ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response	Study Plan Reference
68	Draft ToR Comments from various review agencies and Indigenous communities (ID #'s 103, 105, 193, 211, 256, 259, 548, 608, 613, 614)	■ Comments related to the need for and importance of Indigenous Knowledge Sharing Agreements to enable Indigenous Knowledge to be incorporated into the EA while also being protected from unauthorized disclosure and inappropriate use.	■ See responses to ID #2 and #5	

Table 11-2: Study Plan Federal and Provincial Concordance – Requirement Deviations

ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response (Rationale for not meeting requirement)	Justification (for not complying with requirement including for example scientific research, precedence)	Proposed TISG Amendment
1	TISG Section 6.2	■ "In the Impact Statement, the proponent is required to describe the type of confidential information provided by each Indigenous group without compromising stipulations in the confidentiality agreements and state how that information impacted the project design, baseline data, effects assessment or mitigation measures. The proponent is required to provide evidence to the Agency in the form of a letter from the Indigenous group that provided confidential information confirming that: – the Indigenous group that provided confidential information is satisfied with the way the Impact Statement was informed; – the Indigenous group that provided confidential information is satisfied with the way the issue was solved or addressed."	■ MFFN is concerned about the requirement to provide evidence to the Agency in the form of a letter from each participating Indigenous group. ■ As indicated in Section 5.2 of the Study Plan, permission from the Indigenous community will be sought before including IK in the IS / EA Report, regardless of the source of the IK. Sensitive and / or confidential information will be specifically collected through the IK Program to inform the IS / EA Report, and its use and publication will be governed by Indigenous community-specific IK Sharing Agreements. The IK Sharing Agreements will be protected from public or third-party disclosure and will be established between the Proponent and Indigenous communities participating in the IK Program prior to the sharing and use of any sensitive information.	■ The IK Sharing Agreements will govern how IK and confidential information is used in the IS / EA Report. All Indigenous communities and groups identified in the IEPP will be provided with an opportunity to review the IS / EA Report and provide comment on whether they are satisfied with how the IS / EA Report was informed. MFFN will work with each Indigenous community and group to address any concerns or issues related to the use of confidential information. While MFFN can strive to secure letters from each participating community or group, MFFN cannot guarantee that each community and group will be comfortable providing a letter to the Agency.	■ Replace with this statement: – "In the Impact Statement, the proponent is required to describe the type of confidential information provided by each Indigenous group without compromising stipulations in the confidentiality agreements and state how that information impacted the project design, baseline data, effects assessment or mitigation measures. The proponent will strive to provide evidence to the Agency in the form of a letter from the Indigenous group that provided confidential information confirming that: • the Indigenous group that provided confidential information is satisfied with the way the Impact Statement was informed; • the Indigenous group that provided confidential information is satisfied with the way the issue was solved or addressed."
2	TISG Section 25	■ "In addition, the Impacts Statement must: – describe engagement with potentially affected Indigenous groups and describe measures and commitments to ensuring the sustainability of Indigenous livelihood, traditional use, culture and well-being."	■ MFFN is concerned about the expectation that proponents describe measures and commitments to ensuring the sustainability of Indigenous livelihood, traditional use, culture and well-being.	■ It is not reasonable to ask that a proponent describe measures and commitments to *ensuring* the sustainability of Indigenous livelihood, traditional use, culture and well-being given the many factors that influence the sustainability of these lifeways beyond and separate from the Project.	■ Replace with this statement: – "describe engagement with potentially affected Indigenous groups and describe measures and commitments to support the sustainability of Indigenous livelihood, traditional use, culture and well-being."

12. References

AECOM Canada Ltd., 2020:
Marten Falls First Nation Proposed Terms of Reference Marten Falls Community Access Road – Environmental Assessment, Appendix B: Consultation & Engagement Plan to Support the Environmental Assessment / Impact Statement.

Canadian Environmental Assessment Agency, 2015:
Technical Guidance for assessing the Current Use of Lands and Resources for Traditional Purposes under the Canadian Environmental Assessment Act, 2012. Draft for Public Comment, December, 2015.

Impact Assessment Agency of Canada, 2019:
Impact Assessment Act. https://laws-lois.justice.gc.ca/eng/acts/I-2.75/

Impact Assessment Agency of Canada, 2020:
Public Participation Plan for the Marten Falls Community Access Road Project Impact Assessment.

Impact Assessment Agency of Canada, 2020a:
Indigenous Partnership and Engagement Plan for the Marten Falls Community Access Road Project Impact Assessment.

Impact Assessment Agency of Canada, 2020b:
Glossary of Terms for the impact assessment of designated projects under the IAA. https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/glossary-of-terms.html

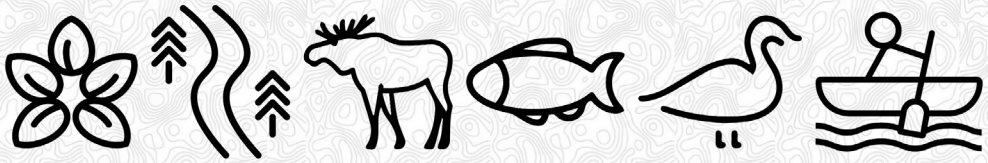
Impact Assessment Agency of Canada, 2020c:
Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples.

Impact Assessment Agency of Canada, 2020d:
Tailored Impact Statement Guidelines for the Marten Falls Community Access Road Project. https://iaac-aeic.gc.ca/050/documents/p80184/133937E.pdf

Ontario Government, 1990:
Environmental Assessment Act. https://www.ontario.ca/laws/statute/90e18

Appendix A

Consultation and Engagement Plan to Support the Environmental Assessment / Impact Statement



AECOM Imagine it. Delivered.

Marten Falls First Nation

Consultation and Engagement Plan to support the Environmental Assessment / Impact Statement

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Appendices

Appendix A. Project-specific Environmental Assessment Government Review Team List

List of Acronyms and Abbreviations

EA ..... Environmental Assessment
EAA ..... *Environmental Assessment Act*
ENDM..... Ministry of Energy, Northern Development and Mines
GBA+ ..... Gender-Based Analysis Plus
IA..... Impact Assessment
IS..... Impact Statement
MECP..... Ministry of the Environment, Conservation and Parks
MFFN ..... Marten Falls First Nation
MOU..... Memorandum of Understanding
PIC ..... Public Information Centre
RoC ..... Record of Consultation
The Agency..... Impact Assessment Agency of Canada
ToR ..... Terms of Reference

1. Introduction

1.1 Background and Project Overview

Marten Falls First Nation (MFFN) is a remote First Nation community in northern Ontario, located at the junction of the Albany and Ogoki rivers (**Figure 1-1**). MFFN is currently accessible year-round by air transportation out of Thunder Bay and Nakina, and by a winter access road constructed on an annual basis if conditions permit. Neither mode of transportation to the MFFN community is ideal. MFFN's winter access road is not reliable and is typically only useable about six to eight weeks annually between February and March, making transportation of goods and people difficult. The alternative means of transportation (i.e., air) is expensive for MFFN community members. Given the unreliability of the winter road and the expense of air travel, an all-season access road connecting MFFN to the existing provincial highway network is needed to improve the well-being of the MFFN community. The Community Access Road will serve MFFN community access and industrial supply needs for both the MFFN community (e.g., fuel, construction supplies, water treatment supplies) and industrial proponents (e.g., mining, forestry). The Project, therefore, will be for a multi-purpose road built to meet industrial use specifications. MFFN has started a provincial Environmental Assessment (EA), a federal Impact Assessment (IA) and a Preliminary Design Study to assess the potential effects and benefits related to the proposed Community Access Road.

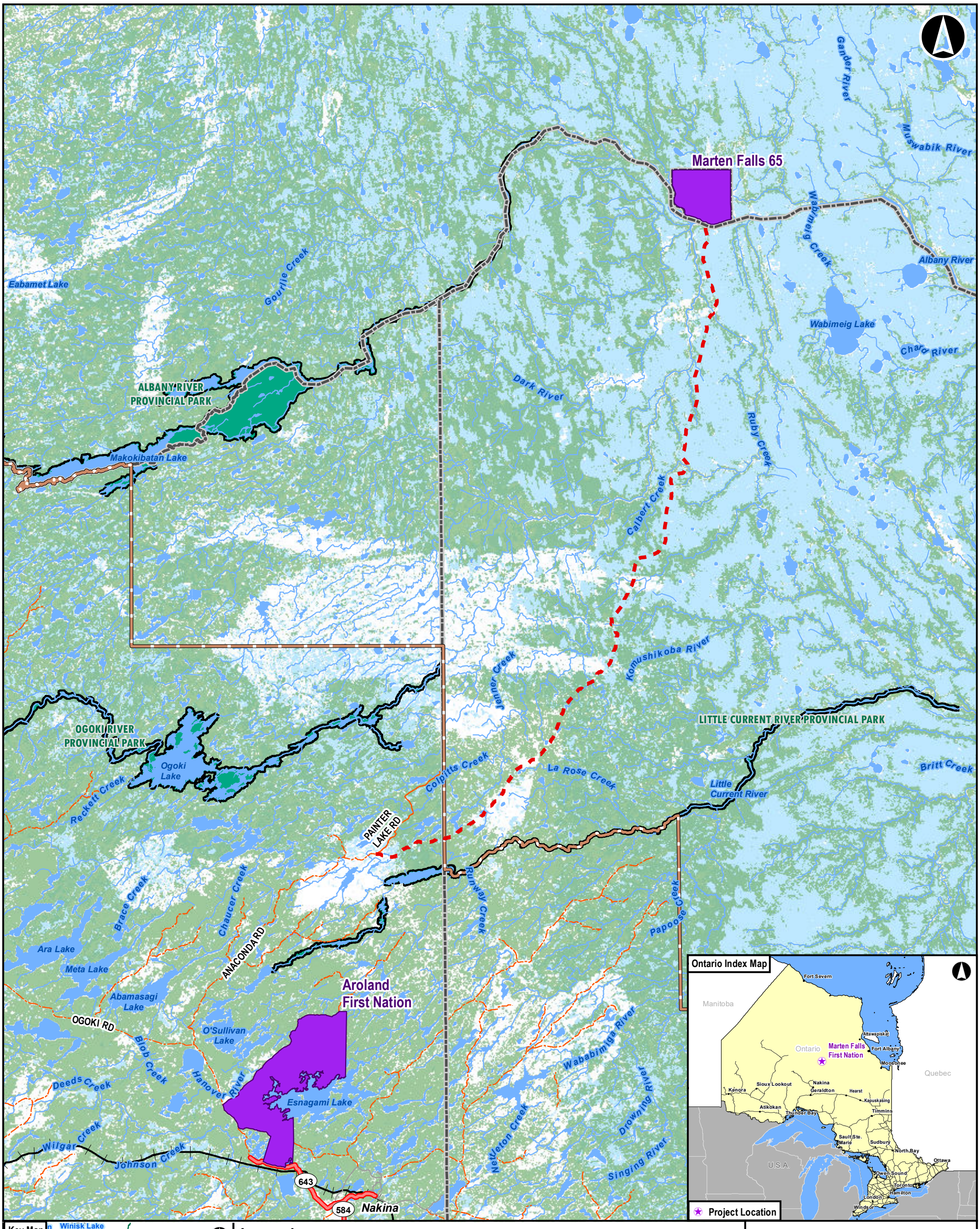
Since the 1990s, MFFN has received provincial funding to maintain 140 kilometres of winter road to the MFFN community. In addition, MFFN has received provincial funding since 2014 to maintain 79 kilometres of the Anaconda and Painter Lake Road systems which connect the winter road to the provincial highway system.

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

1.2 Regulatory Context

In April 2018, MFFN signed a voluntary agreement with the Ontario Ministry of Environment, Conservation and Parks (MECP) to prepare a provincial Individual EA, and in November 2019 the Impact Assessment Agency of Canada (the Agency) confirmed that a federal IA would be required for the Project. As part of the provincial EA process, the Proponent is required to submit an EA report to the MECP for review and a decision. As part of the federal IA process, the Proponent is required to submit to the Agency an Impact Statement (IS), for the Agency to determine whether it satisfactorily contains all the information and studies outlined in the Tailored Impact Statement Guidelines. The Project is undertaking a coordinated provincial and federal assessment resulting in one body of Proponent documentation related to the assessment, referred to as the EA / IS. The EA / IS will be submitted to both MECP and the Agency. MFFN's current understanding of the coordinated assessment process is based upon the Impact Assessment Agency of Canada – Ontario Ministry of the Environment, Conservation and Parks Cooperation Plan for the Marten Falls Community Access Road Project Impact Assessment (IAAC 2020a) [1]. To support the coordinated assessment, MFFN has prepared one Consultation and Engagement Plan to meet the requirements of the EA / IA processes.

1. Refer to Section 3.3. of the ToR for further details on the coordinated process.



Marten Falls First Nation
All Season Community Access Road

Project Location

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

Jul, 2020	1:600,000 * when printed 11"x17"	Data Sources: MNRF, MMAH, NRCAN
P#:60593122	Rev:00	

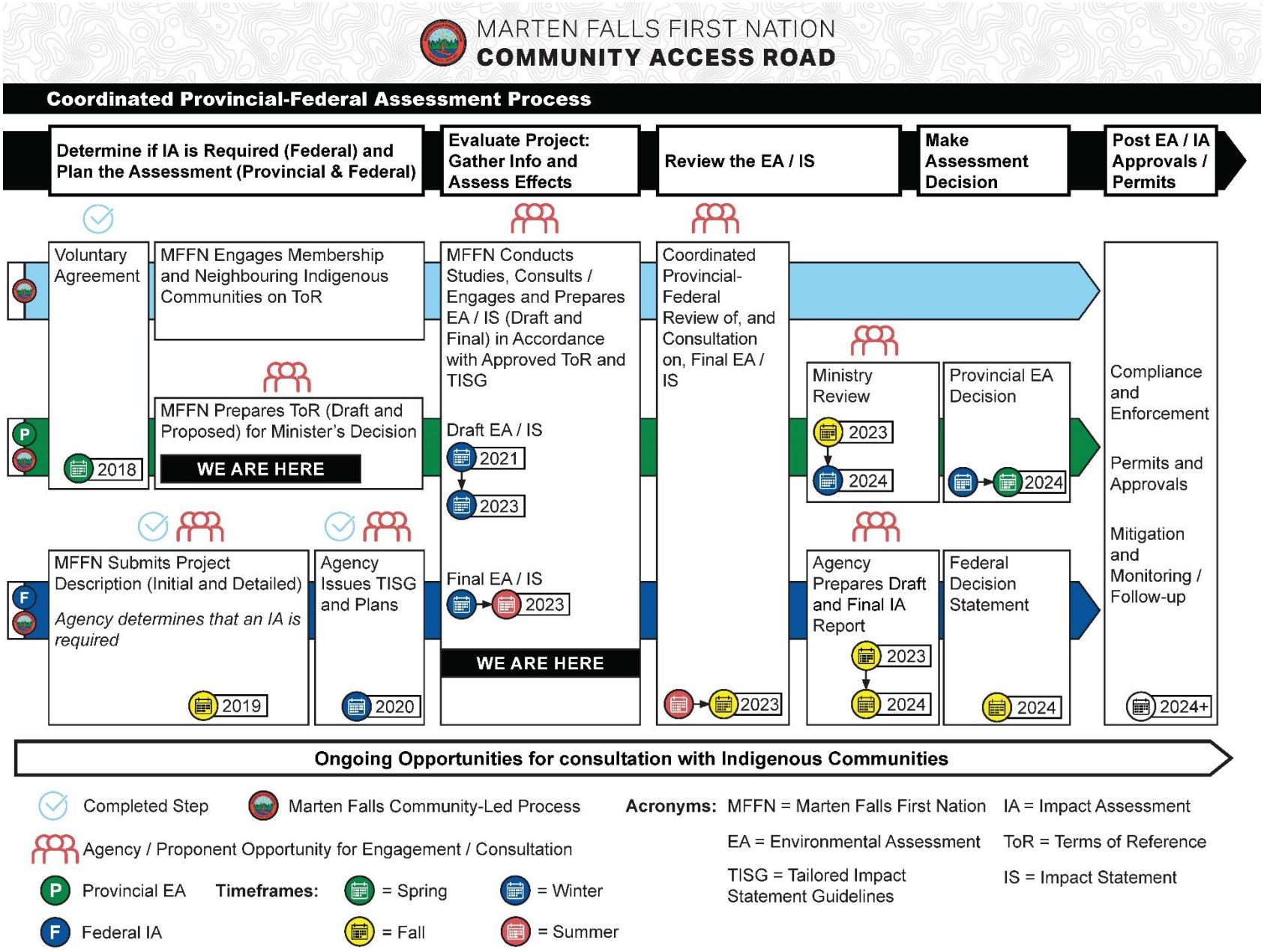
AECOM

Figure 1-1

Contains information provided by Ontario Ministry of the Environment, Conservation and Parks or by Ontario Ministry of Natural Resources and Forestry (Copyright: Queen's Printer of Ontario 2020), through a Sensitive Data License Agreement. This drawing has been prepared for use of AECOM's 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's express written consent. The use of Sensitive Data in this drawing does not constitute an endorsement by the Ministry for this drawing or by AECOM of the Sensitive Data.

Map location: P:\60593122\900-CAD_GIS\920-929 (GIS-Graphics)\Design\01_Reports\TOR\20200716_Updates\MXD_2020-07-16_Fig1_ProjectLocation_R1_60593122.mxd
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Figure 1-2: Coordinated Provincial-Federal Assessment Process



1.2.1 Consultation and Engagement Terminology

The following consultation and engagement terminology was written and provided by the Agency and Ontario (MECP and ENDM):

In the provincial context, the terms consultation and engagement are used to describe activities with Indigenous communities and other interested persons[2] to fulfill the requirements of the provincial EA process. Consultation and engagement activities are described in the MECP's Codes of Practice: Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario (MECP 2019a) and Consultation in Ontario's Environmental Assessment Process (MECP 2014b), as well as the Marten Falls-Ontario (MECP & ENDM) Memorandum of Understanding (MOU) on Shared Consultation Responsibilities developed for the provincial EA for the proposed Marten Falls Community Access Road.

These activities have included, and will continue to include, relationship-building activities that extend beyond the statutory and procedural requirements of consultation. It is noted that consultation and engagement activities conducted within a provincial EA process may be relied on by Ontario towards fulfilling its constitutional Duty to Consult with Aboriginal peoples.

In the federal context, the term engagement is used to describe activities undertaken by the proponent with Indigenous communities and other interested persons to fulfill the requirements of the federal IA process. Federal requirements for engagement and associated activities by the proponent are outlined in the federal Tailored Impact Statement Guidelines. In addition, Agency-led engagement activities are outlined in the Public Participation Plan.

The Agency does not delegate procedural aspects of consultation. In the federal context, the term consultation is used to describe activities undertaken by the Agency to fulfill its Duty to Consult. Consultation activities by the Agency are outlined in the Indigenous Engagement and Partnership Plan. The proponent may be invited to participate in these Agency-led activities.

1.3 About This Consultation and Engagement Plan

This Consultation and Engagement Plan was developed by the Proponent for consultation and engagement activities that are planned to be led by the Proponent during preparation of the EA / IS. The plan is referred to as a "Consultation Plan" to be consistent with provincial *Environmental Impact Assessment Act* terminology. The plan outlines activities that MFFN, as the Project proponent, will undertake to support the preparation of the EA / IS and includes information sharing, relationship building, engagement and consultation activities to be undertaken with Indigenous communities, government agencies and interested persons.

While this Consultation Plan is focused on the consultation and engagement efforts of MFFN during preparation of the EA / IS, Ontario (MECP and ENDM) and the Agency may also undertake consultation and engagement activities while MFFN prepares the EA / IS to satisfy their own obligations. Input received from these government activities and provided to MFFN will be considered in the preparation of the EA / IS.

The Agency's expectation of MFFN for the completion of it's IS, including requirements for Indigenous and public consultation and engagement activities are outlined in the Agency's Tailored Impact Statement Guidelines. Engagement activities to be led by the Agency during the completion of the IA are outlined in the Agency's Project-specific Public Participation Plan (IAAC 2020b) and Indigenous Engagement and Partnership Plan (IAAC 2020c),

2. *Throughout the Consultation Plan, the phrase "interested persons" is used and defined as individuals and groups (e.g., associations, non-governmental organizations, industry and academia) who could have an interest in the Project, including but not limited to communities in the region, those with commercial interests (e.g., forestry, trappers, outfitters, other mineral tenure holders in the area) and recreational users or those with recreational interest (e.g., campers, hunters and environmental groups).s*

respectively. The Agency expects MFFN to participate in Agency-led consultation and engagement activities. More information related to the both the provincial and federal assessment processes (i.e., EA and IA, respectively) is available in **Section 3** of the Terms of Reference (ToR).

The Agency IAAC and / or Ontario may be organizing their own consultation efforts that are not covered in this Plan. Input received from these government efforts and provided to MFFN will be considered in development of the EA / IS. Regarding the federal IA process, once the IS is submitted to the Agency, consultation and engagement will be led by the Agency to support completion of the IA process.

This Consultation Plan:

- Guides the collection of input / feedback from Indigenous communities and interested persons (i.e., any person or body that has an interest in the Project) to help inform the preparation of the EA / IS;
- Outlines the methods that will be used to consult and engage during preparation of the EA / IS;
- Identifies key milestones when consultation and engagement will occur, timing and targeted input;
- Provides an issue resolution process;
- Provides information about how correspondence and input will be recorded and tracked; and
- Provides details on assessing the effectiveness of consultation and engagement efforts.

This Consultation Plan may be revised based on input received on the Proposed ToR and future consultation and engagement during the preparation of the EA / IS, including input from Indigenous communities, government agencies and interested persons.

The Marten Falls First Nation Community Access Road Supporting Document – Proposed Terms of Reference Record of Consultation (AECOM 2020) has been prepared to document consultation and engagement activities during preparation of the Proposed ToR. A similar Record of Consultation (RoC) will be prepared to document the results of consultation and engagement undertaken during the EA / IA processes. Feedback from Indigenous communities, government agencies and interested persons gathered will be considered throughout the processes and tracked in the RoC. In addition, instances where Indigenous Knowledge sharing has taken place (e.g., meetings, reports) will be recorded in the RoC, including where Indigenous Knowledge was incorporated into Project decisions and into the EA / IS (with direct reference to the appropriate section). Given the confidentiality required for Indigenous Knowledge sharing and use, the sharing and inclusion of Indigenous Knowledge will be guided by the community-specific Indigenous Sharing Agreements (i.e., specifics will not be included in public documentation but will be tracked separately in a confidential Project file).

Although not a requirement of the provincial EA process, in December 2019 MFFN voluntarily chose to circulate a Draft ToR (AECOM 2019) for review and comment by Indigenous communities and interested persons. The Draft ToR (AECOM 2019) was prepared in accordance with the *Environmental Assessment Act* (EAA) and the Code of Practice for Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario (Code of Practice; MECP 2019a). A 63-day review period was provided (to February 7, 2020) which included.) an 18-day extension, and several Indigenous communities responded with their feedback on the Draft ToR (AECOM 2019). Feedback has been incorporated into the ToR, including this Consultation Plan, and will be submitted to the Minister of MECP for review and a decision. Furthermore, this Consultation Plan was informed by the Agency's Indigenous Engagement and Partnership Plan (IAAC 2020b) and Public Participation Plan (IAAC 2020c) that was issued with the Agency's Tailored Impact Assessment Guidelines (IAAC 2020d) for this Project.

The Consultation Plan has been prepared using provincial terminology, however, the respective federal terminology has been provided in **Table 1-1** for reference. The terms can be used interchangeably.

Table 1-1: Provincial and Federal Terminology Comparison

Provincial Term	Federal Term
Criteria	Valued Component
Impact Management Measures	Mitigation
Net effects	Residual effects
Record of Consultation	Record of Engagement

1.4 The Proponent

The Proponent of the proposed Project is MFFN, a remote Indigenous community in northern Ontario located at the junction of the Albany and Ogoki rivers, approximately 430 kilometres from Thunder Bay, Ontario. MFFN will design and permit the proposed Community Access Road, while options for road ownership, maintenance activities and liability are being considered in discussion with the Province.

1.4.1 Community-Led Process

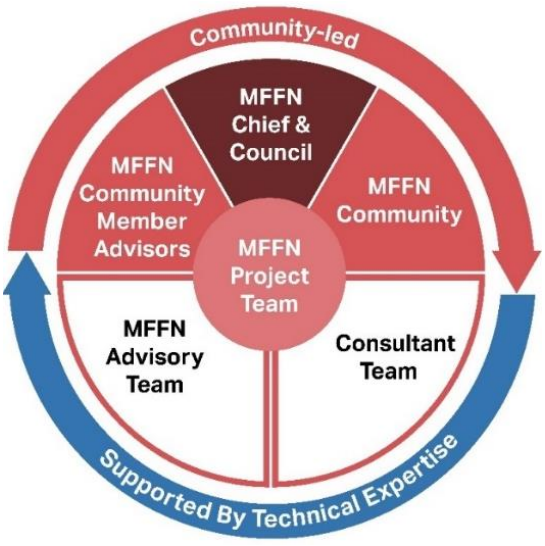
The Project is community-led; meaning MFFN community membership will help develop solutions and advance decisions on the Community Access Road. MFFN, as the Proponent of the Project, has formed a Project Team that includes MFFN community members. The MFFN Project Team acts with guidance, direction and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

- Manage the Project to meet the requirements of the EA / IA processes;
- Keep MFFN community membership, as the Proponent, up-to-date of plans and progress, and to gather direction and input to enable decisions by MFFN Chief and Council related to the Community Access Road; and
- Consult and engage members of MFFN and neighbouring Indigenous communities; see **Table 3-1** for a full list of communities to be engaged.

Neighbouring Indigenous Communities:

The MECP and the Agency identified the Aboriginal Rights-Based and Interest-Based communities who may be interested in the MFFN Community Access Road and should be consulted as part of the EA / IA processes. The term 'neighbouring' is used to identify any Indigenous community being engaged with respect to the Project and is not in reference to proximity.

Figure 1-3: Community-led Process



MFFN community membership have two distinct roles: 1) involvement in the community-led process as Proponent of the Project; and 2) an Indigenous community potentially affected by the Project. Although not every MFFN community member is part of the MFFN Project Team, input from community members—in addition to direction from Chief and Council and Community Member Advisors—helps guide the Project. Proponent consultation and engagement activities used to gather this input and direction during the EA / IA processes are included in **Table 4-2**.

Figure 1-3 depicts the structure of the community-led process established to guide the Project through the EA / IS.

1.5 Importance of Consultation

Consultation and engagement are significant components of any project and are a means to gather input to inform the decision-making process, including for this Project preparation of the EA / IS. The most meaningful consultation and engagement occurs when individuals have input on how they want to be consulted and engaged, and this Consultation Plan provides the framework to create unique and flexible approaches and activities that can be tailored to the needs of neighbouring Indigenous communities, government agencies and interested persons.

This Consultation Plan has been designed to meet consultation requirements outlined in section 5.1 of the EAA, the Code of Practice for Consultation in Ontario's Environmental Assessment Process (MECP 2014a) and Code of Practice on Preparing and Reviewing Environmental Assessments in Ontario (MECP 2014b). It is also designed to meet the Agency's requirements as outlined in the Tailored Impact Statement Guidelines (IAAC 2020d) issued for this Project. The Draft Guidelines for Consultation with Indigenous Peoples related to Aboriginal Rights and Treaty Rights (Government of Ontario 2019) and the Nishnawbe Aski Nation Handbook on Consultation in Natural Resource Development (Nishnawbe Aski Nation 2007) were also used for guidance where appropriate. The following sections on the Agency's website (IAAC 2020e; https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act.html) will continue to provide guidance during the federal IA process: Indigenous Participation in Impact Assessment, Indigenous Knowledge under the Impact Assessment Act: Procedures for Working with Indigenous Communities and Public Participation in Impact Assessments.

Input received to date from Indigenous communities, government agencies and interested persons has helped shape the planned approach to consultation and engagement proposed during the EA / IA processes. The approach described in this document will evolve as time progresses. A previous version of this Consultation Plan was included in the Draft ToR (AECOM 2019) and Indigenous communities, government agencies and interested persons were encouraged to provide feedback so that the Consultation Plan could evolve for inclusion in the ToR. Comments and responses on the draft version of this Consultation Plan are available in Appendix E of the RoC. This Consultation Plan, distributed with the ToR, will also be revisited regularly and updated accordingly.

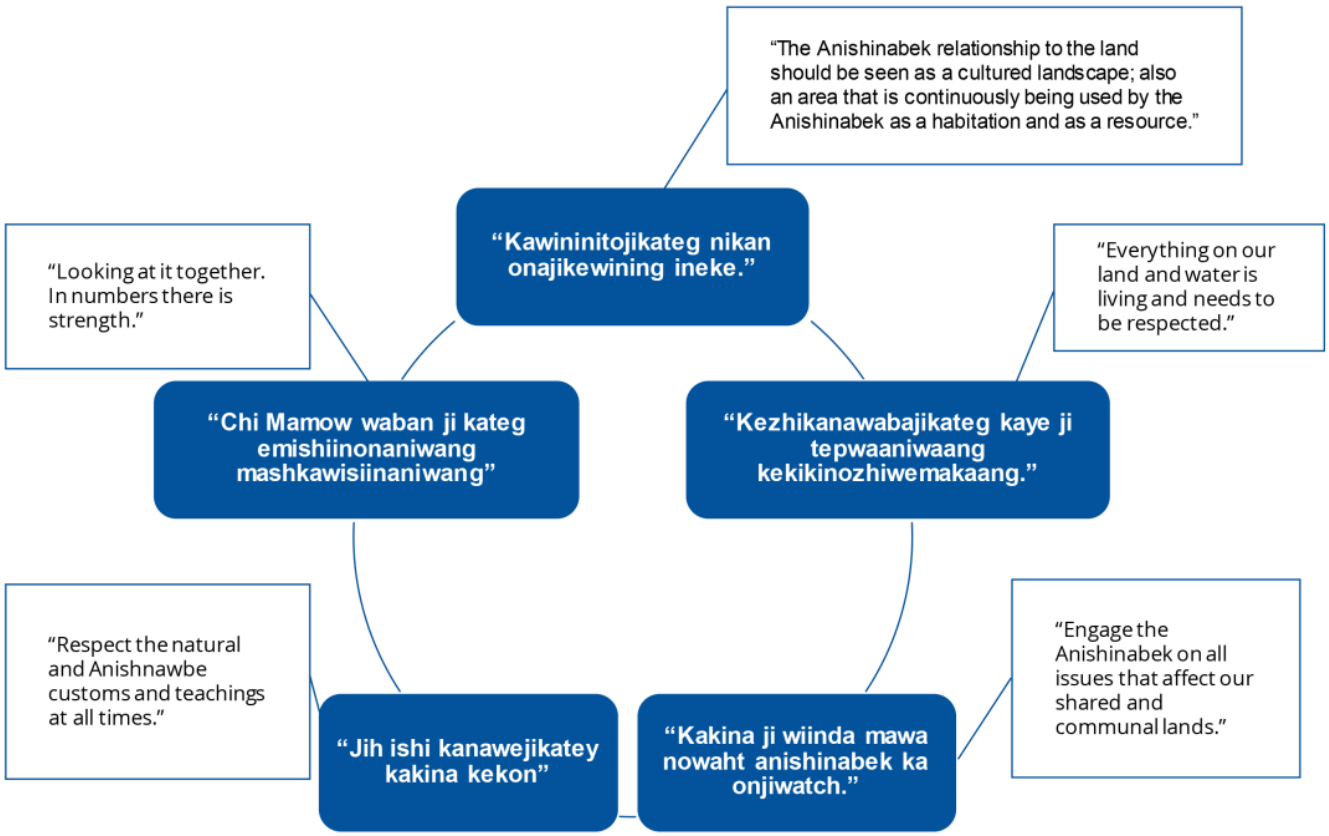
2. Principles and Approach

2.1 Principles of Consultation

A primary objective of the EA / IA processes is to effectively communicate information about the proposed Community Access Road, and provide opportunities for neighbouring Indigenous communities and interested persons to provide input and inform the effects assessment, impact management measure and follow-up as required by the federal IAA and provincial EAA. MFFN is committed to creating and sustaining constructive dialogue and relationships with neighbouring Indigenous communities, government agencies and interested persons, to support the environmental, social and economic sustainability of the proposed Community Access Road.

To honour the traditional lands that the MFFN Community Access Road is proposed to be developed on and to respect MFFN traditional teachings[3], the Guiding Principles presented in **Figure 2-1,** and endorsed by the MFFN Chief and Council, will be followed throughout all Project-related consultation and engagement activities and the EA / IA processes; from preparation of the ToR to preparation of the EA / IS.

Figure 2-1: Guiding Principles



3. Guiding Principles of the Marten Falls First Nation Community Based Land Use Planning Team for Project Planning and Engagement.

The Guiding Principles will be put into action by providing meaningful opportunities for input throughout the EA / IA processes, and by:

- Ensuring early and ongoing communication and dialogue throughout the EA / IA processes with Indigenous communities, government agencies, and interested persons;
- Working with neighbouring Indigenous communities to confirm existence of, align with and respect protocols and policies for Anishinabek Knowledge[4] and Indigenous Knowledge and / or leading collection of Indigenous Knowledge;
- Customizing Consultation Plans to meet neighbouring Indigenous community needs;
- Delivering Project-related information in a timely and culturally sensitive manner, using plain language, translations (i.e., Oji-Cree and other traditional languages as needed) and visual aids to enable understanding;
- Facilitating multiple and ongoing opportunities for dialogue and conversations, and encouraging participation of relevant subgroups self-identified by those being engaged or consulted with (e.g., women, youth, elders);
- Providing sensitivity to cultural practices, events and activities of neighbouring Indigenous communities and considering these when planning and scheduling events;
- Facilitating an understanding of both the Indigenous Knowledge and western science and engineering principles that form the basis of the EA / IA processes;
- Providing interested persons and potentially affected Indigenous communities listed in **Table 3-1**, ongoing opportunities to share their concerns, questions and opinions on potential effects of the Project, their knowledge of the local environment, input on the effects assessment and its conclusions, the development of impact management measure follow-up and management strategies; and
- Demonstrating how feedback was considered and / or incorporated into decision making, including providing direction as to where feedback is included in the EA / IS.

2.2 Nishnawbe Aski Nation Consultation Policy

In addition to the Guiding Principles, the Nishnawbe Aski Nation's Consultation Policy, as outlined in A Handbook on Consultation in Natural Resource Development (2007), will be used to guide consultation and engagement efforts. This document includes a plan for meaningful consultation between a proponent (MFFN), Indigenous communities and government, particularly on projects or decisions that have a potential to impact Aboriginal and Treaty Rights.

The key elements for meaningful consultation referenced in the Nishnawbe Aski Nation's Consultation Policy include:

- A continuous process;
- Exchanging information;
- Building relationships;
- Getting feedback on the understanding and adequacy of information, and exchanging more information if required;

4. The term Anishinabek Knowledge is used to describe Indigenous Knowledge associated specifically with Anishinabek communities including MFFN, while the term Indigenous Knowledge is used when referring to knowledge from Indigenous communities that may include non-Anishinabek communities. For the purpose of this plan, Indigenous Knowledge is used throughout.

- Identifying issues;
- Accommodation and reconciliation;
- Fairness; and
- Negotiating with the right attitude.

Consultation protocols of individual communities (should they be available) will also be respected. At this stage in the ToR, Aroland First Nation, Long Lake #58 First Nation and Neskantaga First Nation have provided their community consultation and engagement protocols to the MFFN Project Team.

2.3 Duty to Consult

Aboriginal and Treaty rights of Aboriginal peoples[5] in Canada are recognized and affirmed under section 35 of the *Constitution Act, 1982.*

The MECP (in a letter dated December 19, 2018) identified 22 neighbouring Indigenous communities to be consulted and engaged on the basis that they have or may have constitutionally protected Aboriginal or Treaty Rights that may be impacted by the proposed Project, or that they may be interested in the Project. The Agency, in their 'Preliminary List of Indigenous Communities for Proponent Engagement on the Marten Falls Access Road', also identified neighbouring Indigenous communities to be consulted; their list of 15 communities included all communities identified by the MECP plus one additional community, Mishkeegogamang First Nation. Although Mishkeegogamang First Nation has not yet expressed interest in the Project, they are being provided information in conjunction with neighbouring Indigenous communities who might be impacted by or have an interest in the proposed Project. See **Section 3.1** for a list of communities that are to be consulted and engaged with.

Ontario (MECP and ENDM) has delegated some procedural aspects of Ontario's Duty to Consult to MFFN (the Proponent) and has developed a Marten Falls-Ontario MOU on Shared Consultation Responsibilities to set out how the responsibilities will be shared through the EA process. The Marten Falls-Ontario MOU on Shared Consultation Responsibilities (available in Appendix D in the ToR) was signed on January 7, 2020 and defines the roles and responsibilities of both parties regarding the consultation and engagement of neighbouring Indigenous communities whose Aboriginal or Treaty Rights may be adversely affected by the proposed Project and interested persons.

5. *The term, Aboriginal, is used rather than Indigenous to reflect the definitions provided in the Constitution Act, 1982 and specifically s.35 (2), including Indian, Inuit and Métis people in Canada.*

3. Neighbouring Indigenous Communities, Government Agencies and Interested Persons

3.1 Identification of Neighbouring Indigenous Communities

The Project is located within James Bay Treaty–Treaty No. 9 (made in 1905 and 1930) and adhesions made in 1929 and 1930 area.

Aligning with its Guiding Principles and to help guide the Project, MFFN initiated early and ongoing communication and dialogue with neighbouring Indigenous communities prior to the commencement of the EA. In December 2018, MFFN extended those consultation and engagement efforts and is currently engaging with neighbouring Indigenous communities identified to-date by the MECP and the Agency; MFFN will continue to do so throughout the EA / IA processes at the level of interest expressed by each community. MFFN will also work with interested communities considered directly impacted by the Project to collect Indigenous Knowledge, regarding traditional land and resource use and cultural practices, for incorporating into the EA / IS. The EA / IS will also include land use information (where applicable) shared by Indigenous communities including land use information documented in a Community Based Land Use Plan, and / or other community-specific land use planning initiatives.

Listed below in **Table 3-1** are, according to the MECP (in a letter dated December 2018), the neighbouring Indigenous communities who should be consulted on the basis that they have (or may have) constitutionally protected Aboriginal or Treaty Rights that may be adversely affected by the Project, and / or who may be interested in the Project. MECP will notify MFFN if there are changes to the list of neighbouring Indigenous communities that should be consulted and engages with. Mishkeegogamang First Nation was added based on the Agency's 'Preliminary List of Indigenous Communities for Proponent Engagement on the Marten Falls Access Road'.

Table 3-1: Identified Neighbouring Indigenous Communities, including their Provincial Territorial Organizations and / or Tribal Council Affiliations

Tribal Council Affiliation	Indigenous Community or Organization	
Matawa First Nations (Nishnawbe Aski Nation)	▪ **Marten Falls First Nation** (Proponent and potentially affected Indigenous community) ▪ Aroland First Nation ▪ Constance Lake First Nation ▪ Eabametoong First Nation	▪ Ginoogaming First Nation ▪ Neskantaga First Nation ▪ Nibinamik First Nation ▪ Webequie First Nation
Matawa First Nation and the Union of Ontario Indians (Nishnawbe Aski Nation)	▪ Long Lake #58 First Nation**	
Mushkegowuk Council (Nishnawbe Aski Nation)	▪ Attawapiskat First Nation ▪ Fort Albany First Nation	▪ Kashechewan First Nation
Shibogama First Nations Council (Nishnawbe Aski Nation)	▪ Kasabonika Lake First Nation ▪ Kingfisher Lake First Nation ▪ Wapekeka First Nation	▪ Wawakapewin First Nation ▪ Wunnumin Lake First Nation
Independent First Nations Alliance (Nishnawbe Aski Nation)	▪ Kitchenuhmaykoosib Inninuwug First Nation	
Independent First Nations (Nishnawbe Aski Nation)	▪ Mishkeegogamang First Nation ▪ Weenusk First Nation	
Nokiiwin Tribal Council	Animbiigoo Zaagi'igan Anishinaabek First Nation (AZA)*	
Métis Nation of Ontario	▪ Métis Nation of Ontario; Region 2*	
Independent Métis Nation	▪ Red Sky Independent Métis Nation*	

*Notes: * Indigenous communities or organizations identified by MECP who should be consulted on the basis that they may be interested in the Community Access Road.*
*** MECP indicated in a letter to MFFN that Long Lake #58 First Nation was moved from interest-based to rights-based.*

Those Tribal Councils, Nations and Alliances listed above, as well as the Chiefs of Ontario and Union of Ontario Indians, have also been identified as potentially interested in the Project, and will be provided with information and the opportunity to meet throughout the EA / IA processes.

To help achieve an appropriate level of consultation and engagement related to the proposed all-season Community Access Road (i.e., frequency and depth of consultation and engagement), the list of identified neighbouring Indigenous communities was considered against the following:

- Expressed interest (to-date) in the proposed MFFN Community Access Road, including applying to Ministry of Energy, Northern Development and Mines and the Agency for capacity funding;
- Aboriginal or Treaty Rights, including any rights that neighbouring Indigenous communities themselves have identified, may be adversely affected by the Project;
- Geographical distance or proximity to the study area;
- Situated downstream of the Project and with a potential to experience effects to water courses as a result of the Project;
- Traditional and / or current land use within the study area or of lands potentially affected by the Project;
- Potential for effects on the environmental, health and social and economic conditions of neighbouring Indigenous communities; and,
- Provided comments on the EA / IA processes.

The neighbouring Indigenous communities, therefore, expected to have the highest level of interest in the Community Access Road related to its development follow; it is expected that these communities will request the most frequent and deepest level of consultation and engagement:

- Aroland First Nation;
- Attawapiskat First Nation;
- Constance Lake First Nation;
- Eabametoong First Nation;
- Fort Albany First Nation;
- Ginoogaming First Nation; and
- Kasabonika Lake First Nation
- Kashechewan First Nation;
- Long Lake #58 First Nation;
- Marten Falls First Nation;
- Neskantaga First Nation;
- Nibinamik First Nation; and
- Webequie First Nation.

The above list of communities expected to have a heightened interest in the Project is preliminary, and it is expected that the list will evolve as new information becomes available and more neighbouring Indigenous communities engage in the consultation and engagement opportunities provided.

In addition to receiving all statutory notices and being provided with comprehensive information related to the Project throughout the EA / IA processes and the full opportunity to review and comment on key EA / IS documents, these communities will also be encouraged to meet (in-person, by phone or online), more often and as needed, to discuss the Project and gather feedback from the community (see **Table 4.2** for a list of the input that will be sought). As it is understood that the level of a community's interest may change as the EA / IA processes progress and new information becomes available, this list will be reconsidered regularly. Both verbal and written confirmation of interest from a community is acceptable to demonstrate interest in the Project.

The remaining neighbouring Indigenous communities (of the list of 23 communities identified by the MECP and the Agency) will be consulted and engaged similarly in that they will receive all statutory notices, and will be provided with comprehensive information related to the Project throughout the EA / IA processes and the full opportunity to review and comment on key EA / IS documents. These communities will also be offered in-person consultation and engagement; however, it is anticipated that these will be requested less frequently than with the initial list of 13 neighbouring Indigenous communities identified as expected to have the highest level of interest above.

3.2 Crown Government Agencies

3.2.1 Provincial and Federal Agencies

The MFFN Project Team has discussed the Project with provincial and federal government agencies during conference calls and meetings on various aspects of the EA / IA processes, including timing for reviews of the ToR and Project Description, data availability, alternatives selection process and consultation and engagement activities (particularly as they relate to Indigenous communities).

For EAs, the MECP provides an EA Government Review Team Master Distribution List (MECP 2019b). This list was reviewed to identify the provincial and federal agencies who may have an interest in the Project, which has been included in **Appendix A** for reference. Where there was any uncertainty regarding applicability of an agency to the Project, the agency was included in the Project Contact List unless the agency indicated they would like to be removed.

It is anticipated that the EA Government Review Team will provide information and guidance for MFFN to consider in preparation of the EA / IS and will contribute to the review of EA / IS documentation by providing comments from their mandated areas of responsibility. Considering the Project components and the potential environmental effects, provincial and federal agencies are expected to participate in the EA / IA processes to varying levels.

The MFFN Project Team has bi-weekly interagency teleconferences with an EA Coordination Team that includes provincial agencies (MECP, ENDM, the Ministry of Natural Resources and Forestry and the Ministry of Transportation) and the Agency. It is expected that the MFFN Project Team will continue to provide updates, exchange information, consider opportunities and concerns, and discuss opportunities to progress and improve the EA / IA coordinated process with the EA Co-ordination Team throughout the EA / IA processes. These meetings will take place as bi-weekly interagency teleconferences.

3.2.2 Municipalities

The City of Thunder Bay, the Municipality of Greenstone and the Municipality of Sioux Lookout will be consulted and engaged on the Project during the EA / IA processes.

3.3 Interested Persons

An initial list of interested persons was developed based on discussions and Project development prior to the initiation of the EA / IA processes, and during preparation of the ToR and Project Description. Interested persons are individuals and groups (e.g., associations, non-governmental organizations, industry and academia) who could have an interest in the Project, including but not limited to communities in the region, those with commercial interests (e.g., forestry, trappers, outfitters, other mineral tenure holders in the area) and recreational users or those with recreational interest (e.g., campers, hunters and environmental groups). Many of the interested persons within the area meet frequently (monthly) as part of the Geraldton Area Natural Resource Advisory Committee; this group has been and will continued to be consulted and engaged throughout the EA / IA processes.

Additionally, MFFN will consult and engage with, at a minimum, the members of the public listed in the Agency's Public Participation Plan (https://iaac-aeic.gc.ca/050/evaluations/proj/80184). The stakeholders identified are all currently on the Project Contact List except for one, and that organization will be added. These members of the public will be consulted and engaged by MFFN throughout the EA / IA processes.

4. Consultation and Engagement Activities During Preparation of the Environmental Assessment / Impact Statement

MFFN's primary objective is to effectively communicate information about the proposed Community Access Road, and to consult with or engage those who may be potentially affected by, or have an interest in, the Project or the lands potentially affected by the Project. MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities, government agencies, and interested persons, to support the environmental, social, and economic sustainability of the Project.

Communication, consultation and engagement will be planned and executed to align with the Guiding Principles and key elements introduced in **Section 2.1,** and to provide MFFN community members, neighbouring Indigenous communities and interested persons with opportunities to learn about and understand the proposed Community Access Road, and provide input to help identify potential effects and impact management measures (see **Table 4.2** for a list of topics neighbouring Indigenous communities will be consulted on).

Consultation and engagement efforts undertaken during the provincial ToR and federal planning phase will continue through the EA / IA processes. Any feedback received during from these efforts related to the consultation and engagement approach, activities, milestones and scheduling will also be taken into consideration during the EA / IA processes.

The following milestones throughout the EA / IA processes, described in further detail in **Section 4.1.6**, will help guide efforts to consult and engage Indigenous communities government agencies and interested persons:

- Notice of Commencement for Provincial EA;
- Effects Assessment Methods;
- Identification of Preferred Alternatives;
- Review of Draft EA / IS; and
- Review of Final EA / IS.

4.1 Activities

4.1.1 Indigenous Communities

Participation of neighbouring Indigenous communities during preparation of the EA / IS is intended for MFFN to identify, consider and respond to potential concerns and issues of interested and potentially affected Indigenous communities, including its own community membership, and to share information with those communities and receive their input into the EA / IA processes. It is MFFN's intent throughout preparation of the EA / IS to engage and consult neighbouring Indigenous communities and organizations at a level that considers interest and potential effects related to the proposed access road (see **Section 3.1**). We recognize that the level of consultation and engagement desired by each community will vary and could evolve through ongoing discussions and are accepting of these changes.

Underpinning each planned consultation and engagement activity related to all milestones is a commitment to work towards providing technical information that is easy to understand, encourages feedback and inputs and is provided in a timely manner that allows for sufficient review time. The MFFN Project Team commits to following up with

communities to confirm they received and understand the information provided, confirm that their feedback has been interpreted appropriately and to demonstrate how feedback has been considered and may inform the EA / IS.

It is not the MFFN Project Team's intent to dictate the form of consultation and engagement to be offered to each community, although effort has been made to predict the appropriate level of consultation and engagement using established criteria (see **Section 3.1**). The activities outlined in this Consultation Plan will be used as the foundation for consultation and engagement with neighbouring Indigenous communities. Once discussions are held with each interested community, more focused consultation and engagement efforts will be developed and uniquely applied as needed and will align with the community's own consultation and engagement process and documents.

In the consultation and engagement of interested communities, the following factors have been and will continue to be considered throughout the Project:

- **The Land**:
  Where possible, meetings, activities and workshops will be hosted in the community, providing women, elders, youth, other community members and land users the opportunity to be in-place when discussing the Project and reflecting on Indigenous Knowledge.
- **Translation**:
  Notices, meetings, information panels, newsletters, radio ads and other materials including plain language documents may be translated into traditional languages such as Oji-Cree and possibly others (as requested / required) to show respect to the people of the territory. MFFN will work with Indigenous communities to identify community members to fulfil the role of a live translator for meetings, if appropriate.
- **Country Foods**:
  Where possible, local caterers will be hired in the communities and we support the use of country foods for community meals.
- **Cross-Cultural Orientation**:
  If appropriate, MFFN will respectfully ask each neighbouring Indigenous community to provide the Project Team with a cultural and community orientation. This orientation will help the MFFN Project Team consider cultural practices and customs while planning for consultation and engagement, and will provide an opportunity to develop a series of Guiding Principles on how to work together based on respect, trust and mutual-learning.
- **Observe Hunting and Cultural Periods:**
  MFFN will consult and engage with communities to find an appropriate timeframe for scheduling consultation and engagement events to help avoid conflicting schedules with traditional cultural periods.

All MECP / the Agency identified communities will continue to receive Project notices including notices of public meetings, key website updates, and draft documentation releases. Plain language summaries and updates will also be periodically prepared and distributed at key milestones during the EA / IA processes (e.g., identification of preferred alternatives). The information provided will clearly identify the MFFN contacts, should more information be desired and/ or to provide questions or concerns to.

A complete list of EA / IS consultation and engagement activities is outlined in **Section 4.1.5,** including those that could be undertaken with neighbouring Indigenous communities. Where possible, community-specific Consultation Plans will be developed and shared with Ontario (MECP and ENDM) as per the terms of the Marten Falls-Ontario MOU on Shared Consultation Responsibilities (see **Section 2.4**), and with the Agency if requested. Ontario (MECP and ENDM) will review and provide input to these community-specific Consultation Plans.

A Note on In-person Meetings

On March 11, 2020, the World Health Organization officially classified the COVID-19 outbreak as a pandemic. As a result, physical / social distancing measures have been recommended across the world, and specifically, many of the Indigenous communities identified in this Consultation Plan have had to close and / or limit access in and out of the community to achieve the safety of their members. MFFN recognizes that this evolving situation may require changes to the proposed schedule and activities described in this Consultation Plan. As the situation evolves, the MFFN Project Team is monitoring public health recommendations and reassessing the consultation and engagement approach accordingly. MFFN will offer alternatives to face-to-face meetings, such as teleconferences (that do not require an internet connection) and on-line consultation and engagement opportunities, and work with the community's preference in how they would like to be consulted and engaged. Online consultation and engagement opportunities will be provided in consideration of a neighbouring Indigenous community's knowledge of and access to technology and any broadband limitations. Should they be requested and / or needed, the MFFN Project Team has the required skills and knowledge to leverage digital tools and platforms. The MFFN Project Team will work with neighbouring Indigenous communities to understand their capacity to participate in the Project, and the manner(s) in which they would like to be consulted and engaged.

4.1.2 Indigenous Knowledge Program

Indigenous Knowledge refers to Indigenous systems of knowledge as well as cultural practices related to the production of knowledge based on traditional belief systems, relationships to the environment, and community practices. It is the accumulated and living knowledge built upon the historic experiences of Peoples living on the land and adapting to social, economic, environmental, spiritual and political change (Chiefs of Ontario, n.d.). It includes knowledge about the natural environment (e.g., locations of caribou seasonal use and calving areas), the relationships between environmental changes and species or ecosystems, and how potential effects to the environment can be avoided or minimized. Indigenous land and resource use, sometimes referred to as Traditional Land Use, refers to areas and resources used for traditional purposes when Indigenous Peoples learn and practice their Indigenous Knowledge (Garvin et al. 2001).

For this Project, an Indigenous Knowledge Program has been developed which aims to solicit and collect relevant Indigenous Knowledge, information on Indigenous land and resource use, and information on Indigenous cultural sites, features and practices from interested Indigenous communities to inform the EA / IS and Project planning. For the purpose of the EA / IS, the Indigenous Knowledge Program refers to how Indigenous Knowledge and information on Indigenous land and resource use in the Study Area will be collected and incorporated into the EA / IS. The Indigenous Knowledge Program for the EA / IS will occur in two concurrent phases:

1. Collecting existing Indigenous Knowledge and Indigenous land and resource use data (i.e., applicable Indigenous Knowledge and land and resource use information previously collected by communities for other purposes that they choose to share with MFFN); and
2. Completing Project-specific Indigenous Knowledge and Land and Resource Use studies.

While the Indigenous Knowledge Program is distinct from the Consultation Program, they are complementary and collectively serve to solicit Indigenous perspectives, values and inputs with the respect to Project planning and the EA / IS. A key differentiator is that sensitive and / or confidential information will be specifically collected through the Indigenous Knowledge Program and its use and publication will be governed by Indigenous community-specific Indigenous Knowledge Sharing Agreements.

Details regarding the Indigenous Knowledge Program are outlined in **Section 3.4.2** of the Proposed ToR.

4.1.3 Crown Government Agencies

The provision of information to provincial and federal agencies and other public agencies will provide transparency and accountability throughout the duration of the Project. The EA Government Review Team and other agencies included on the Project Contact List will be engaged as appropriate throughout the development and review of the EA / IS. See **Table 4-1** for more information about consultation and engagement activities for Crown Government Agencies.

Finally, as previously noted in this Consultation Plan both Ontario (MECP and ENDM) and the Agency may be undertaking their own consultation and engagement activities with neighbouring Indigenous communities to fulfill their mandates. It is understood that relevant input received from these activities will be shared with MFFN for consideration in the EA / IS.

The MFFN Project Team will work with Ontario (MECP and ENDM) to coordinate consultation and engagement activities and identify appropriate times for Ontario participation in Proponent-led activities. More information on the roles and responsibilities can be found in the Marten Falls-Ontario MOU on Shared Consultation Responsibilities (Appendix D of the ToR).

4.1.4 Interested Persons

The Project Contact List developed during the ToR and federal IA Planning Phase will be expanded throughout the EA / IA processes, and will be used to inform interested persons about the EA / IA and consultation and engagement activities. As previously noted, MFFN will consult and engage with, at a minimum, the members of the public listed in the Agency's Public Participation Plan (https://iaac-aeic.gc.ca/050/evaluations/proj/80184). The Project Contact List will also expand as additional interested persons indicate interest for being added to the list. During the EA / IA processes, three Project Information Centres (PICs) are planned to be held in Thunder Bay; other locations including the Municipality of Greenstone (Geraldton), Longlac and Sioux Lookout will also be considered. The PICs will be advertised through newspaper ads, email invitations and social media. More details about when the PICs will take place are outlined in **Table 4-2**.

The alternatives for the Project fall within Cochrane District, which is a French designated area under the *French Language Services Act.* Therefore, if there are public meetings in the Municipality of Greenstone—also a French designated area under the *French Language Services Act*—bilingual Project Team member(s) can be available to provide French translation of materials.

In addition to the PICs, it is anticipated that meetings will be held with key stakeholder groups that would include but not be limited to: municipalities, Geraldton Area Natural Resource Advisory Committee, forestry operators, outfitters, environmental organizations and mineral exploration and development members. These meetings will be held depending on the interest of these organizations.

See **Table 4-1** for more information about consultation and engagement activities.

4.1.5 Summary of Consultation Activities

A variety of communication, engagement and consultation tools will be used throughout the EA / IA processes to build positive, respectful relationships, share information with Indigenous communities, government agencies, and interested persons and obtain input on the Project. Input received through these activities, including how that input was considered, will be documented in the EA / IS.

The list of activities outlined in **Table 4-1** is a broad range of activities that will be considered; not all activities will necessarily be used through the EA / IA processes. Appropriate activities will be selected to best meet the objectives of the planned consultation and engagement, and through discussions with neighbouring Indigenous communities, government agencies and interested persons. As part of the consultation and engagement, information will be provided for review, materials will be presented, and questions will be asked by the MFFN Project Team. As per the Marten Falls-Ontario MOU on Shared Consultation Responsibilities, Ontario (MECP and ENDM) will work to coordinate consultation and engagement activities and identify appropriate times for Ontario's participation in Proponent-led activities and may review EA consultation and engagement-related materials.

Table 4-1: Consultation Activities

Consultation Activity / Tool
Indigenous Communities
Chief and Council and / or Community Meetings (in-person, by phone or online), are expected with the most potentially interested / affected communities (See **Section 3.1**), including MFFN. Three (3) visits for each of these communities are anticipated, to introduce the Project and gather feedback throughout the EA / IA processes. Communication materials will be developed to support these meetings, including: presentation decks; display boards; and fact sheets. These will be plain language and visually inviting. Note that the undertaking of in-person community meetings will depend on the communities being open to receiving visitors as a result of the COVID-19 pandemic. Alternative means of consultation and engagement may be required as outlined further below in this table. Community discussions with / visits to other neighbouring Indigenous communities will also be encouraged and planned on request.
Community Member Discussions with members of neighbouring Indigenous communities may be held to discuss the Project and obtain input, and will include applicable and relevant subgroups (e.g., women, youth, elders). These discussions will be coordinated with data gathering needs for preparation of the EA / IS.
Topic-Specific Community Member Discussions, potentially as an additional follow-up consultation and engagement activity for neighbouring Indigenous communities who would like to attend a focused conversation around a specific topic, for example Caribou. The meeting would be held in a central location that is easy for all interested groups to attend.
Social Media / Facebook will be leveraged to communicate more broadly with the MFFN community; MFFN's existing Facebook page will be used. Information related to Project notices and MFFN community meetings will be shared with the MFFN consultation and engagement co-ordinator for posting to the existing community site(s). Neighbouring Indigenous communities can also be provided with social media posts, if appropriate (e.g., to advertise a community meeting). Note: comments or private messages received through social media will not be tracked or used in consultation and engagement summary reports, unless requested by the individual. This tool is strictly for sharing information. Direction will be provided on how to formally submit comments to be tracked and considered.
Community Consultation Co-ordinators may be engaged to assist those communities with the highest potential to be affected by the Project and have a high level of Project interest (and therefore the highest level of consultation and engagement), coordinate in-community events, assist with Indigenous Knowledge programs and inform the MFFN Project Team of consultation and engagement requirements and cultural protocols.
Web conferencing (e.g., Microsoft Teams, Zoom or WebEx) will be leveraged to host Project discussions as an alternative to face-to-face meetings with Indigenous communities, decided at the preference and capacity of each neighbouring Indigenous community.
Local Radio Stations can be used to reach remote neighbouring Indigenous communities and share upcoming consultation and engagement opportunities, interviews with the MFFN Project Team or general Project promotion.
All (including Indigenous Communities, Government Agencies and Interested Persons)
Project Statutory Notices will be provided throughout the EA / IA processes at key milestones, via registered mail and email, and published in local newspapers and on the radio. Additional notices (e.g., Field Study notices) will be directed to appropriate audiences via email / mail and posted on social media. All Project Statutory notices will also be mailed and emailed to individuals on the Contact List.
A **Project Website** (www.martenfallsaccessroad.ca) will provide ongoing access to information, employment opportunities and planned consultation and engagement activities, and will serve as a method to receive feedback and comments. The website will be updated through the EA / IA processes to include all published information about the Project and be populated with Project updates at key Project milestones. The website will be maintained and updated in a way that allows for users with low bandwidth and slow internet connection to access information. Electronic versions of any newsletters / Project updates will also be available through the blog function of the website.

Consultation Activity / Tool
Project Hotline / Email Address and contact information (e.g., telephone number and email address) will be included on Project communication materials so that people know who to contact to solicit information or discuss Project activities and provide feedback.
Newsletters and Email Updates will be provided throughout the EA / IA processes to keep people informed and up-to-date on Project progress; distribution will be scheduled around the timing of planned PIC / off-reserve community meetings. Each update will be distributed to MFFN community members, neighbouring Indigenous communities and persons who have expressed an interest in the Project. Newsletters will also be made available at the MFFN Band Office, on the website and through the electronic mailing list. Paper copies of newsletters can also be provided to interested communities or interested persons, if requested.
Comment Forms / Questionnaires will be developed and used to gather feedback at PICs and community meetings.
Key Informant Interviews will be scheduled with select interested persons / organizations (e.g., Geraldton Area Natural Resources Advisory Committee, business operators and resource users) to gather information regarding key issues and possible concerns. Presentations to key groups will be an important component of soliciting feedback for decision-making.
Public Information Centres will be held at key Project milestones in Thunder Bay on three (3) occasions, with consideration of additional locations including the Municipality of Greenstone, Longlac and Sioux Lookout. These events will serve to discuss the Project and obtain input from interested persons. PICs will be advertised in local newspapers, and through the Project Contact List and website. Note that the undertaking of PICs will depend on the status of the COVID-19 pandemic and willingness of interested persons to come together for these types of events. An online PIC may be hosted as an alternative for one or more of these planned events.
Environmental Assessment / Impact Statement (Draft and Final) may be reviewed by interested persons during public review periods. These documents will be made available on the Project website (www.martenfallsaccessroad.ca), will be posted at select locations and provided to all Indigenous communities identified in Table 3.1 and any others that express an interest in receiving documents by mail, electronic copy and USB. Plain language and translated copies of the documents can be provided.

An **Indigenous Knowledge Program** has been developed for the Project (see **Section 4.1.2**) which will serve to collect and determine, in discussion with neighbouring Indigenous communities, how Indigenous Knowledge (e.g., natural environment information) and information on Indigenous land and resource use (e.g., harvesting, cultural sites) in the vicinity of the Project area will become part of the EA / IA processes and Project planning and design. The program has been structured to seek input and feedback from neighbouring Indigenous communities at the various stages of the EA / IA processes including valued components, baseline conditions, effects assessment and impact management measures. As noted in **Section 4.1.2**, the Indigenous Knowledge Program is complementary to the Consultation Plan. If Indigenous Knowledge is brought forward by a neighbouring Indigenous community during consultation and engagement activities, the community will be invited to participate in the Indigenous Knowledge Program.

In addition to the above listed activities / tools, consideration will be given to online (virtual) tools and / or physical-distancing approaches that are in keeping with the COVID-19 pandemic and associated regulations. Recognizing that in-person meetings may not be feasible, MFFN will consider the use of a variety of accessible online platforms such as WebEx, Microsoft Teams Live or Zoom. Virtual consultation and engagement will be designed to meet the objectives of face-to-face interactions and will mimic the experience of in-person discussions without participants having to leave the comfort and safety of their homes. Tools typically used for in-person meetings, such as like brain-storming and break-out rooms, can all be effectively used online to gain the insights needed to advance the Project. The actual online platform and tools used will be decided through consideration of the meeting objectives and discussions with neighbouring Indigenous communities and interested persons. Consideration will also be given to in-person consultation and engagement approaches that respect the need to physically-distance (e.g., small-group / physically separated in-person meetings), as well as low-technology options for telephones, without the need for internet.

Consideration will also be given to information that is considered confidential. Neighboring Indigenous communities will be part of the review process for meeting summaries and minutes and can clearly identify information that is not to be included in public-facing documentation.

The approach to consultation and engagement throughout the EA / IA processes is designed to provide flexibility and adaptability to evolving Project needs and may involve community-specific consultation and engagement plans.

As with any project, it is anticipated that there will be Indigenous communities and interested persons who may require additional consultation and engagement not reflected in this approach. In addition, communication and engagement tools will be regularly evaluated to gauge effectiveness and adjustments will be made as necessary for implementation of a robust and effective consultation and engagement program.

This Consultation Plan is subject to revision based on input received on the ToR and future consultation and engagement during the preparation of the EA / IS, including input from neighbouring Indigenous communities, government agencies and interested persons.

4.1.6 Considerations of Identity and Gender-Based Analysis Plus (GBA+) in Engagement

For the purposes of the IA process, the consultation and engagement program will consider a diverse range of perspectives from interested communities and their members identified in the Agency's Indigenous Engagement and Partnership Plan and the Public Participation Plan. This will include at a minimum engaging with:

- **Neighbouring Indigenous communities, including relevant subpopulations:**
  - Women;
  - Youth; and,
  - Elders.
- **Non-Indigenous communities including:**
  - Women
  - Youth; and,
  - Activity-based subgroups (e.g., recreationalists, snowmobilers, tourism establishment operators).

The Proponent will also consult and engage with other subpopulations identified by communities during consultation and engagement. The findings from these sessions and the additional identity groups identified by communities through consultation and engagement will be considered within the socio-economic assessments (i.e., Social, Economic, Land and Resource Use) and the Indigenous Knowledge Program for the purposes of data collection and considering disproportionate effects.

During consultation and engagement, these aforementioned groups will be consulted and engaged with on targeted input outlined in **Table 4-2.**

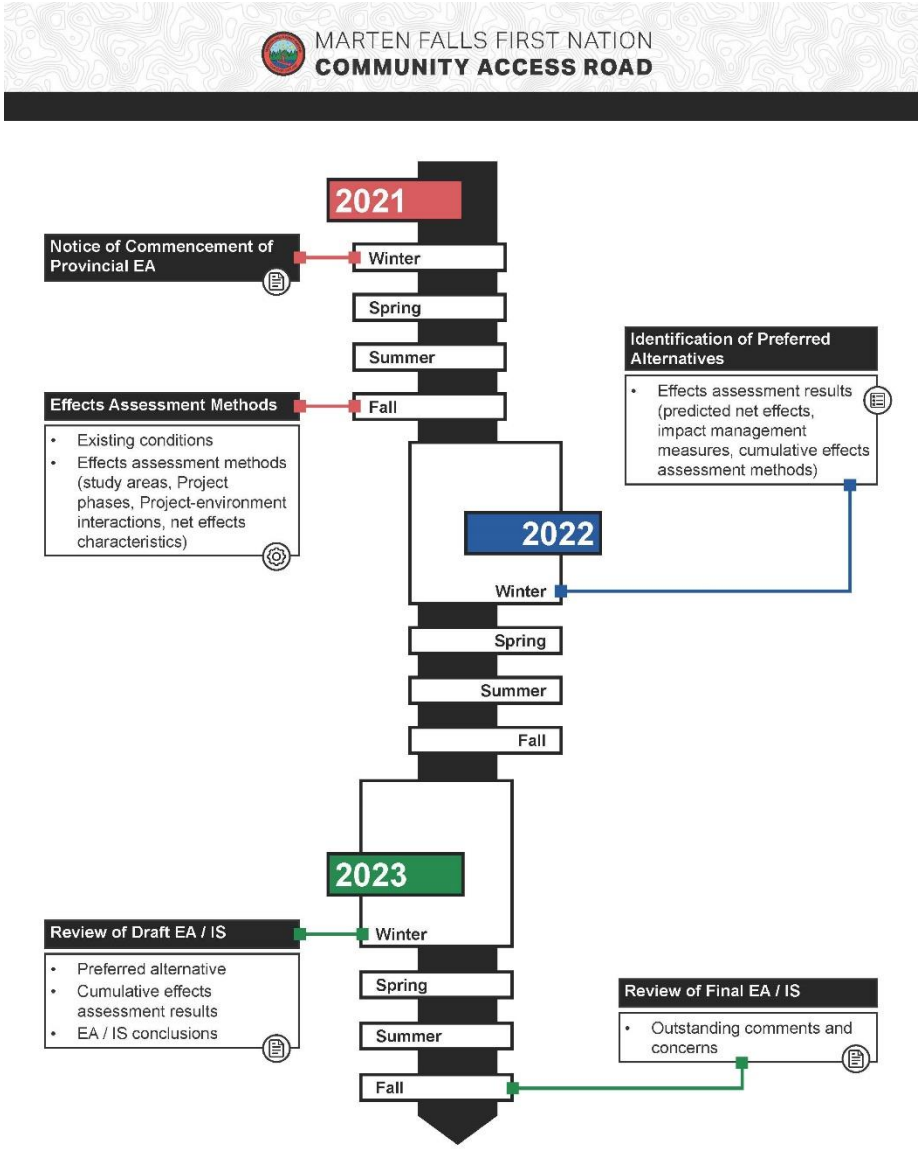
Consultation and engagement activities with these communities, subject to interest, will include subpopulation-specific community sessions. In addition to these activities, specialized knowledge will be gathered through other disciplines such as Social, Economic, Land and Resource Use and Aboriginal and Treaty Rights and Interests. The Socio-economic Data Collection Program is expected to include targeted interviews, focus groups, questionnaires and other niche tools to gather information from diverse populations to resolve gaps in socio-economic secondary data. These diverse populations include the identity groups referenced in this Consultation Plan and those identified by communities during consultation and engagement. Subject to interest, community-led primary data collection and secondary data sharing for Indigenous Knowledge and Indigenous land and resource use will be completed through the Indigenous Knowledge Program. Details on the Indigenous Knowledge Program are outlined in **Section 3.4.2** of the Proposed ToR.

When feedback is received from communities, issues, comments and questions will be tracked from all consultation and engagement activities as outlined above in **Section 4.1.5**. Specific to GBA+ objectives, this will include efforts to engage with diverse populations. It is expected this will include activities specific to subgroups and tabulation of consultation and engagement participation with respect to identity factors. This will provide summary statistics to demonstrate the diversity achieved in consultation and engagement. Where appropriate, findings from consultation and engagement will be validated by established leaders and representatives of these subpopulations.

4.1.7 Schedule

For each consultation and engagement milestone, the planned activities, targeted input and anticipated timing are identified in **Table 4-2**. The activities will be directed to MFFN community, neighbouring Indigenous communities, government agencies (including the EA Government Review Team) and other stakeholders who have expressed interest in the Project. Consultation at each milestone has been designed in a stepwise manner to receive feedback on targeted input prior to advancing to the next stage of the EA / IA processes. As the Project progresses, interested persons will be made aware of when Project-related decisions will occur and that can be influenced by their input. **Figure 4-1** provides the anticipated timeline on when key decisions will be made. Discussions and feedback shared during each milestone will be documented and recorded as described in **Section 6**.

Figure 4-1: Key Decision Timeline



The anticipated timing provided in **Table 4-2** may change during development of the EA / IS based on progress, input received on the ToR, the Minister's decision on the Proposed ToR, and input received throughout the EA / IA processes. The MFFN Project Team will provide regular updates to Indigenous communities, government agencies and interested persons on the timing of consultation and engagement throughout the Project.

Table 4-2: Consultation and Engagement Milestones, Schedule, Activities and Targeted Input

Milestone	Planned Activities	Targeted Input	Anticipated Timing
Notice of Commencement of Provincial EA	**Indigenous communities:** ▪ Circulate Notice of Commencement ▪ MFFN Website update ▪ Distribute Letter to Chief and Councils ▪ Engagement of Community Consultation Co-ordinators, as appropriate ▪ Hold discussions / meetings with interested Chiefs and Councils and / or Indigenous communities ▪ Newsletters and email updates ▪ Social media updates ▪ Follow-up communication to confirm information was received and the material(s) provided were understood	▪ **Request information to determine and identify:** – Level of interest in Project – Level of interest in meeting / discussions with Chiefs and Councils and / or Indigenous communities – How Indigenous communities would like to be kept informed during the EA / IA processes – Level of interest in creating Indigenous community-specific Engagement Plan(s) as they relate to the EA / IS	Winter 2021 – Spring 2021
	Government agencies and interested persons: ▪ Circulate Notice of Commencement ▪ MFFN Website update ▪ Newsletters and email updates		
Effects Assessment Methods	**Indigenous communities:** ▪ Circulate Notice of PIC#1 ▪ Engagement of Community Consultation Co-ordinators, as appropriate ▪ Hold discussions / meetings, considering applicable and relevant subgroups (e.g., women, youth, elders) ▪ PIC #1 (in-person / or virtual) ▪ Plain language Project updates (translated, as required) ▪ Key informant interviews ▪ Website update ▪ Newsletter and email update(s) ▪ Social media update(s) ▪ Follow-up communication to confirm information was received and the material(s) provided were understood	▪ **Obtain feedback on:** – Consultation and engagement approach – Planned baseline field studies – Existing conditions and results of baseline field studies completed – EA / IA processes – Local and regional study areas, Project phases, criteria and indicators, Project-environment interactions and net effects characteristics ▪ **Request information to identify:** – Indigenous community values and topics of interest – Potential effects and impact management measures to be considered – Impacts of Project on Aboriginal or Treaty Rights and potential impact management measures to avoid, mitigate and off-set the impact(s) ▪ Seek confirmation whether input and feedback provided during the previous milestone was captured appropriately	Summer 2021 – Fall 2021
	Government agencies and interested persons: ▪ Circulate Notice of PIC#1 ▪ PIC #1 (in-person / or virtual) ▪ Key informant interviews ▪ MFFN Website update ▪ Newsletter and email update(s)		Fall 2021

Table 4-2: Consultation and Engagement Milestones, Schedule, Activities and Targeted Input

Milestone	Planned Activities	Targeted Input	Anticipated Timing
Identification of Preferred Alternatives	**Indigenous communities:** ▪ Circulate Notice of PIC #2 ▪ Engagement of Community Consultation Co-ordinators, as appropriate ▪ Hold discussions / meetings, considering applicable and relevant subgroups (e.g., women, youth, elders) ▪ PIC #2 (in-person / or virtual) ▪ Plain language Project updates (translated, as required) ▪ Key informant interviews ▪ Website update ▪ Newsletter and email update(s) ▪ Social Media update(s) Follow-up communication to confirm information was received and the material(s) provided were understood	▪ **Obtain feedback on** effects assessment**:** – Identified potential effects, including impacts of Project on Aboriginal and Treaty Rights – Proposed impact management measures – Predicted net effects – Results of the comparative analysis of advantages and disadvantages – Preferred alternative selected – Preliminary road design, to the extent available – Cumulative effects assessment methods ▪ **Request information to identify:** – Potential follow-up program measures including monitoring measures and adaptive management – Potential projects and activities that could act cumulatively with the Project – How Indigenous communities can participate in the Project – Potential cumulative effects to be considered ▪ Seek confirmation (e.g., through early release of community-specific RoC) whether input and feedback provided during the previous milestone was captured appropriately	Fall 2021 – Winter 2022
	Government agencies and interested persons: ▪ Circulate Notice of PIC #2 ▪ PIC #2 (in-person / or virtual) ▪ Key informant interviews ▪ MFFN Website update ▪ Newsletter and email update(s)		Winter 2022
Review of Draft EA / IS	**Indigenous communities:** ▪ Circulate Notice of Draft EA / IS ▪ Post Draft EA / IS at Band Offices and participating municipal locations ▪ Distribute letters to Chiefs and Councils ▪ Engagement of Community Consultation Co-ordinators, as appropriate ▪ Hold Meeting / discussion, considering applicable and relevant subgroups (e.g., women, youth, elders) ▪ PIC #3 (in-person / or virtual) ▪ Plain language Project updates (translated) ▪ MFFN Website update ▪ Newsletter and email update(s) ▪ Social media update(s) ▪ Follow-up to confirm Indigenous communities received information, understand material(s) provided and to confirm their input was captured appropriately	▪ **Obtain feedback on:** – Draft EA / IS – Proposed impact management measures and follow-up program measures, including monitoring measures and adaptive management plan(s) – Cumulative effects assessment results – EA / IS conclusions ▪ Seek confirmation whether input and feedback provided during the previous milestone was captured appropriately	Fall 2022 – Winter 2022

Table 4-2: Consultation and Engagement Milestones, Schedule, Activities and Targeted Input

Milestone	Planned Activities	Targeted Input	Anticipated Timing
	Government agencies and interested persons: ▪ Circulate Notice of Draft EA / IS ▪ Post Draft EA / IS at participating municipal locations ▪ PIC #3 (in-person / or virtual) ▪ MFFN Website update ▪ Newsletter and email update(s)		
Review of Final EA / IS	**Indigenous communities:** ▪ Circulate Notice of Submission of Final EA / IS ▪ Post Final EA / IS at Band Offices and participating municipal locations ▪ Distribute letters to Chiefs and Councils ▪ Engagement of Community Consultation Co-ordinators, as appropriate ▪ Hold Meeting / discussion, considering applicable and relevant subgroups (e.g., women, youth, elders) ▪ Plain language Project updates (translated, as required) ▪ MFFN Website update ▪ Newsletter and email update(s) ▪ Social media update(s) ▪ Follow-up to confirm Indigenous communities received information	▪ Review of Final EA / IS	Fall 2023
	Government agencies and interested persons: ▪ Circulate Notice of Submission of Final EA / IS ▪ Post Final EA / IS at participating municipal locations ▪ MFFN Website update ▪ Newsletter and email update(s)		

5. Issue Resolution

Consultation and engagement is expected to bring to light issues that must be carefully addressed and considered in the EA / IA processes. Comments and input received throughout the EA / IA processes will be documented and included in a RoC for the EA / IS. Each issue or comment received will be considered and responded to by MFFN and documented in the EA / IS. If an issue persists, continued discussions, including face-to-face (or online) meetings (if possible), are proposed to explore potential solutions. If resolution cannot be reached, mediation by a neutral, mutually acceptable third party will be considered. Issues that cannot be resolved will be noted along with documentation of attempts to resolve the issue. Unaddressed issues will be reflected in the IS for the Agency's consideration including information on efforts made to address the issue even if attempts were unsuccessful.

If issues are raised outside of the mandate of the Proponent, the Marten Falls-Ontario MOU on Shared Consultation Responsibilities allows that these issues are referred to Ontario (MECP and ENDM) to address.

6. Record of Consultation

For successful completion of the EA / IS, it is essential that the consultation and engagement process be documented, to appropriately categorize and address feedback received. To support the ToR, a RoC has been developed to track all incoming and outgoing discussions, correspondence and meetings since the Notice of Commencement of the ToR. This RoC includes notes on how questions and concerns may have been addressed in the ToR or will be considered in the EA. This Record provides a detailed account of all communication exchanged with neighbouring Indigenous communities and interested persons. A similar RoC will be prepared that documents engagement and consultation undertaken during the EA / IA processes and will include the following:

- **Summary of Key Consultation Activities Undertaken During Preparation of the EA / IS:** An overview of key consultation and engagement activities, including when and where they happened, the number of participants, including any subpopulations represented, and a description of the associated information materials provided.
- **Summary of Feedback Received and Response / Action:** Identifies specific issues / comments raised, the corresponding topic, communication channel, response / action to the issue / comment and how it was addressed or considered in the EA / IS.
- **Consultation Log**: A detailed correspondence tracking table including date the correspondence occurred, method of consultation and engagement (e.g., email, phone call, letter, in-person meeting), whether it was incoming or outgoing, contact name and title, Project Team member involved (e.g., MFFN Leadership, MFFN Community Member Advisor, MFFN Project Team or MFFN Project Consultant) and a summary of the correspondence.
- **Appendices:** The Appendices will include notices, letters, meeting summaries / minutes, presentations and correspondence in the following sections:
  - Notices and Other Information Releases;
  - Neighbouring Indigenous communities;
    - Information distributed to all communities;
    - Community-specific information;
  - Interested Persons; and
  - Government Agencies.

As with the ToR RoC, the EA / IS RoC will describe engagement and consultation activities undertaken with each neighbouring Indigenous community.

Logistical correspondence (e.g., scheduling a meeting) is not included in the Appendices but is tracked in the appropriate consultation and engagement log. The only instance when logistical correspondence is included in the Appendices is when a meeting was not scheduled or postponed; this information is included to show level of effort.

A copy of the RoC will be provided to agencies. Each neighbouring Indigenous community will be provided with a copy of their community-specific record for their consideration and review before it is included in the public record. This is an opportunity for neighbouring Indigenous communities to comment on the contents of their community-specific record and review how their feedback was considered or may have been incorporated into the EA / IS, and where changes may have been made in specific documents. A final RoC including all incoming and outgoing Project correspondence will be provided as an appendix to the EA / IS. A section summarizing consultation and engagement efforts will be included in the body of the EA.

7. Consultation and Engagement Effectiveness

It will be necessary to gauge the effectiveness of the Consultation Plan throughout the EA / IA processes. The effectiveness of consultation and engagement activities may be assessed against the following means and could result in changes to the activities and efforts to implement them:

- Level of effort sending correspondences to neighbouring Indigenous communities to encourage input during key milestones;
- Level of effort sending correspondences to neighbouring Indigenous communities to set-up meetings (telephone, online or in-person) during milestones;
- Level of effort to schedule meeting at key milestones with neighbouring Indigenous communities;
- Level of correspondence following up with neighbouring Indigenous communities to confirm receipt and understanding of technical information;
- Execution of community-specific Indigenous Knowledge Sharing Agreements to confirm confidentiality of Indigenous Knowledge shared and incorporation of Indigenous Knowledge into the EA / IS in accordance with community-specific protocols;
- Level of comments received via the Project website, at PICs and other in-person events;
- Timeliness to responding to all comments and questions;
- Follow-up with neighbouring Indigenous communities to confirm receipt and understanding of information provided;
- Attendance at live or online consultation and engagement events in consideration of the level and coverage of the events;
- Number of requests to join the Project Contact List;
- Number of website hits on the Project website;
- Satisfaction with information provided, measured by comments received at live events, on comment forms, and via email and telephone; and
- Proponent responsivity (e.g., time to respond to Project correspondence).

Ideally, MFFN will hold discussion with / meet with all 23 neighbouring Indigenous communities identified by MECP and the Agency at least once during the EA / IA processes and communicate regularly during each milestone. At a minimum, the MFFN Project Team's goal is to meet virtually or in-person at least once with all 11 of the neighbouring Indigenous communities currently outlined in **Section 3.1** as 'heightened interest'. It is understood that this list of communities may change over time. If neighbouring Indigenous communities do not express an interest in meeting or providing input during key milestones, the MFFN Project Team commits to reaching out at least twice during each milestone to each neighbouring Indigenous community through different communication channels (e.g., email, phone call).

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Appendix A

Project-specific Environmental Assessment Government Review Team List

Project-specific Environmental Assessment Government Review Team

1. Provincial Agencies and Ministries

- Ontario Power Generation
- Ontario Provincial Police
- Ministry of Economic Development, Job Creation and Trade
- Ministry of Energy, Northern Development and Mines
- Ministry of the Environment, Conservation and Parks
- Ministry of Heritage, Sport, Tourism and Cultural Industries
- Ministry of Indigenous Affairs
- Ministry of Municipal Affairs and Housing
- Ministry of Natural Resources and Forestry
- Ministry of Solicitor General
- Ministry of Transportation

2. Federal Agencies

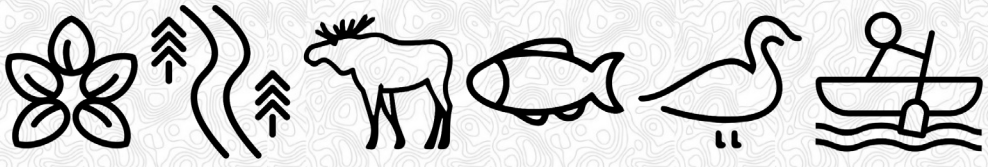
- Impact Assessment Agency of Canada
- Environment and Climate Change Canada
- Fisheries and Oceans Canada
- Health Canada
- Crown-Indigenous Relations and Northern Affairs Canada

3. Municipalities

- City of Thunder Bay
- Municipality of Greenstone
- The Corporation of the Municipality of Sioux Lookout

Appendix B

Indigenous Knowledge Program Guidance Document



MFFN Community Access Road Project

Indigenous Knowledge Program Guidance Document

November 2020



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1. Introduction

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

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

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

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

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

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

2. Overview of the Project

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

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

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

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

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

3. Overview of the IK Program

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

The primary objectives of the IK Program are to:

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

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

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

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

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

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

3.1 Sharing Existing Information

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

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

3.2 Indigenous Knowledge & Indigenous Land and Resource Use Study

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



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

3.3 Confidentiality

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

3.4 Indigenous Knowledge Program Guiding Principles

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



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



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



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



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



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



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

4. Indigenous Knowledge and the Assessment Processes

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

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

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

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

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

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

5. Study Areas for the Assessment

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

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

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

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

5.1. Study Areas for Aboriginal and Treaty Rights and Interests

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

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

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

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

A few important notes and considerations:

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

6. Guidance Materials for Project-Specific Studies

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

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

6.1. General Study Approach

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



1. Review existing information

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



2. Select study participants

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



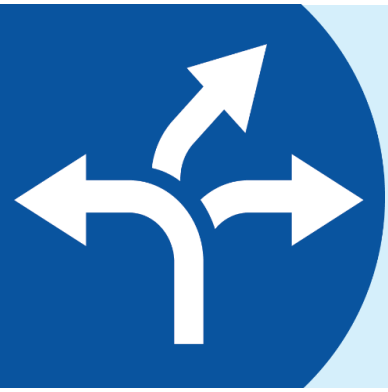
3. Prepare for information collection

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



4. Collect the information

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



5. Digitize spatial data

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



6. Validate the information

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

7. Report on the information

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



6.2. Confidentiality & Participant Informed Consent

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

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

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



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

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

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

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

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

6.4. Preparing Base Maps

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

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

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

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

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

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

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

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

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

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

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

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

6.6. Categories to Organize Information

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

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

Table 2. Categories to organize information collected

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

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





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

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

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

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

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

Features mapped during information collection sessions are recorded as:

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



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

6.8. Collecting Perspectives on Potential Project-related Impacts

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

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

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

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

6.9. Digitizing Data Collected

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

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

6.10. Data Validation

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

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

6.11. Reporting

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

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

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

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

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

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

7. Schedule

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

Table 3. Schedule for the IK Program

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

8. Next Steps

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

ongoing consultation and engagement activities and the identification of opportunities for collaboration as the assessment processes proceed.

9. References

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

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

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

Appendix A
Glossary



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Appendix A – Glossary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix B

Preliminary Aboriginal and Treaty Rights & Interests Study Areas Memo



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

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

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

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

Purpose of this Memo

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

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

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

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

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

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

IK Program Summary

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

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

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

What is a Study Area?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Preliminary Study Areas for Aboriginal and Treaty Rights and Interests

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

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

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

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

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

Next Steps

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

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

- Bob Baxter, MFFN Advisor at bbaxter48@gmail.com
- Larissa Mikkelsen, MFFN Advisor at larissa@lbsconsulting.ca

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

Sincerely,

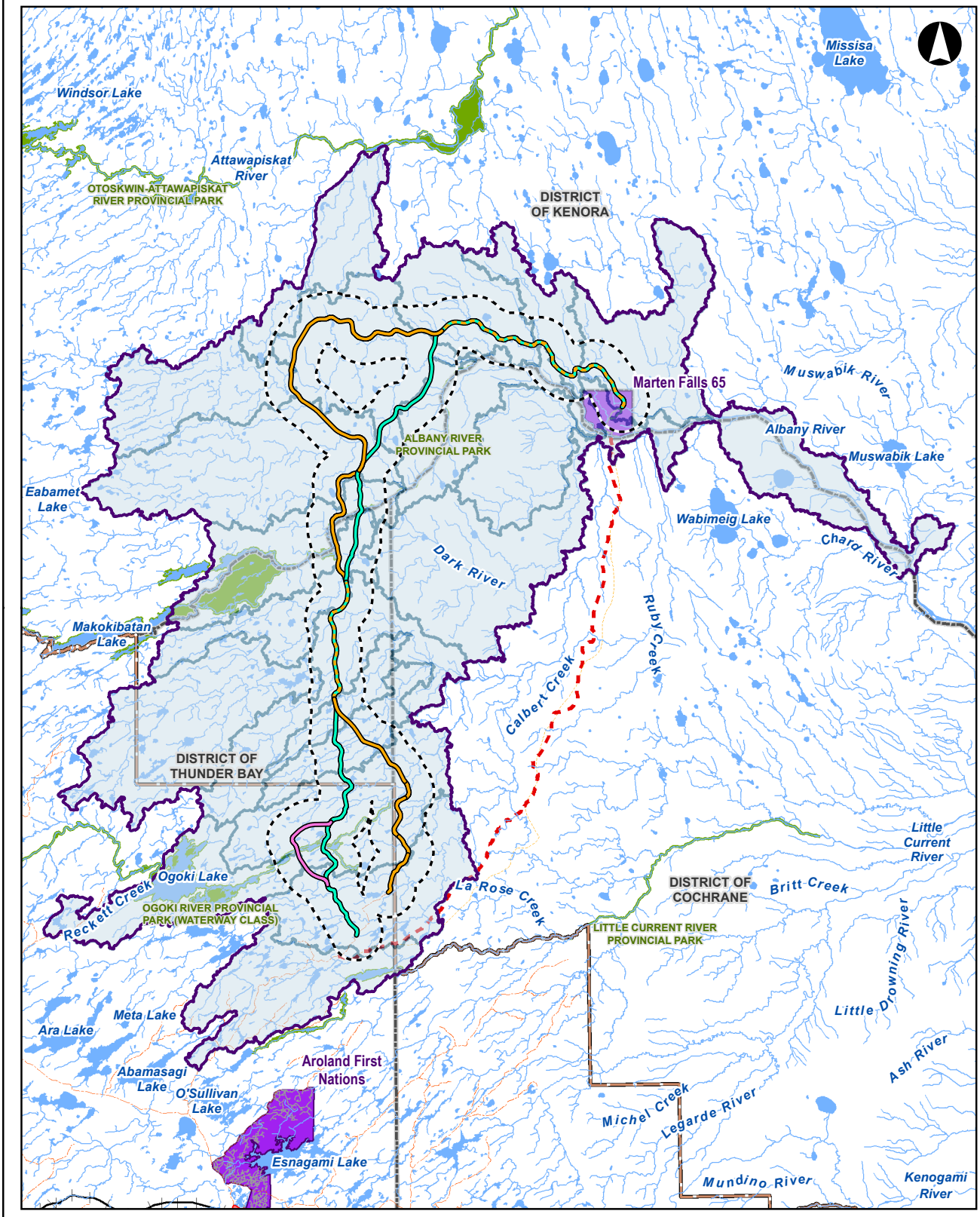
<Original signed by>

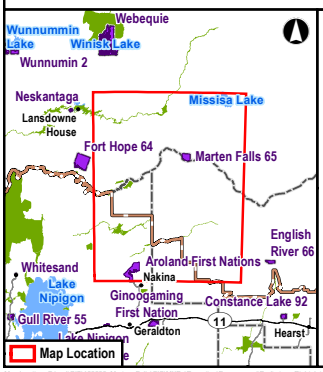
Qasim Saddique
Project Director

<Original signed by>

Lawrence Baxter
Senior Community Member Advisor

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





Legend

- Local Study Area
- Regional Study Area

Route Label

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

General Features

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

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

MARTEN FALLS FIRST NATION COMMUNITY ACCESS ROAD

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

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

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

DILLON CONSULTING

Figure 1 - Revised October 2020

Appendix C

Participant Informed Consent Form

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Appendix C – Participant Informed Consent Form

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

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

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

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

I understand that the information collected will be used to:

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

By signing below, I understand that:

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

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

Appendix D

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



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

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

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

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

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

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

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

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

Appendix E

IK/ILRU Question Guide

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Appendix E – IK/ILRU Question Guide

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

Introductory Script

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

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

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

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

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

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

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

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

Interview Guide

[Mark down the following as you begin the interview]

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

Background Information

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

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

Introductory Questions

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

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

Animal Harvesting – Hunting & Trapping

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

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

Site-Specific (Mapping) Questions for the Study Areas

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

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

Fish Harvesting

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

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

Site-Specific (Mapping) Questions for the Study Areas

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

Plant Harvesting

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

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

Site-Specific (Mapping) Questions for the Study Areas

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

Cultural/Spiritual/Sacred Sites

Site-Specific (Mapping) Questions for the Study Areas

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

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

Traditional Names/Place Names

Site-Specific (Mapping) Questions for the Study Areas

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

Habitation

Site-Specific (Mapping) Questions for the Study Areas

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

Travel

Site-Specific (Mapping) Questions for the Study Areas

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

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

Points of Interest

Site-Specific (Mapping) Questions for the Study Areas

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

Fish & Wildlife Use Areas

Site-Specific (Mapping) Questions for the Study Areas

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

Appendix F

Potential Impacts Question Guide



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Appendix F – Potential Impacts Question Guide

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

Potential Impacts & Cumulative Effects

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

Opportunities for Mitigation and/or Enhancement

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

Appendix G

Study Report Template



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Appendix G – Study Report Template

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

1. Introduction

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

1.1 Project Description

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

1.2 Regulatory Requirements

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

2. Study Methodology

2.1 Literature Review

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

2.2 Temporal and Spatial Boundaries

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

2.2.1 Temporal Boundaries

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

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

2.2.2 Spatial Boundaries

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

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

2.3 Data Collection Approach

2.3.1 Previously Collected Data

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

2.3.2 Participant Selection

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

2.3.3 Data Collection

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

2.4 Data Validation

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

3. [INSERT FIRST NATION] Lands

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

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

4. Community Culture and Lifestyle - Past and Present

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

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

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

5. IK/LRU Baseline Information

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

5.1 Animal Harvesting – Hunting & Trapping

5.1.1 Non Site-specific Information and Indigenous Knowledge

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

5.1.2 Information Specific to the Study Areas

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

5.2 Fish Harvesting (Fish and Fish Habitat)

5.2.1 Non Site-specific Information and Indigenous Knowledge

5.2.2 Information Specific to the Study Areas

5.3 Plant Harvesting (Vegetation)

5.3.1 Non Site-specific Information and Indigenous Knowledge

5.3.2 Information Specific to the Study Areas

5.4 Cultural/Spiritual/Sacred Sites

5.4.1 Non Site-specific Information and Indigenous Knowledge

5.4.2 Information Specific to the Study Areas

5.5 Traditional Names/Place Names

5.5.1 Non Site-specific Information and Indigenous Knowledge

5.5.2 Information Specific to the Study Areas

5.6 Habitation

5.6.1 Non Site-specific Information and Indigenous Knowledge

5.6.2 Information Specific to the Study Areas

5.7 Travel

5.7.1 Non Site-specific Information and Indigenous Knowledge

5.7.2 Information Specific to the Study Areas

5.8 Points Interest

5.8.1 Non Site-specific Information and Indigenous Knowledge

5.8.2 Information Specific to the Study Areas

5.9 Fish and Wildlife Use Area

5.9.1 Non Site-specific Information and Indigenous Knowledge

5.9.2 Information Specific to the Study Areas

6. Potential Project-Related Impacts

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

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

7. Recommendations

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

8. Summary of Impacts and Recommendations

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

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

9. Closure

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

10. References

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

Appendix C

Preliminary Aboriginal & Treaty Rights and Interests Study Areas Memo

Preliminary Aboriginal and Treaty Rights & Interests Study Areas Memo

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

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

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

Purpose of this Memo

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

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

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

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

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

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

IK Program Summary

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

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

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

What is a Study Area?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Preliminary Study Areas for Aboriginal and Treaty Rights and Interests

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

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

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

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

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

Next Steps

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

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

- Bob Baxter, MFFN Advisor at bbaxter48@gmail.com
- Larissa Mikkelsen, MFFN Advisor at larissa@lbsconsulting.ca

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

Sincerely,

<Original signed by>

Qasim Saddique
Project Director

<Original signed by>

Lawrence Baxter
Senior Community Member Advisor

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

Fishtrap Lake
Lake
Missisa Lake
Lake
Streatfeild Lake
Lake
OTOSKWIN-ATTAWAPISKAT
RIVER PROVINCIAL PARK
Burlaoskin
River
Lingen Lake
Lake
Marten
Falls 65
Albany River
Muswabik River
Muswabik Lake
Lake
Gourlie Creek
Wabimeig
Lake
ALBANY RIVER
PROVINCIAL PARK
Dark River
Ruby Creek
Makokibatan
Lake
Ogoki River
Dusey River
Little
Current River
Ogoki Lake
Peckett Creek
Colpitts Creek
OGOKI RIVER
PROVINCIAL PARK
(WATERWAY CLASS)
LITTLE CURRENT
RIVER PROVINCIAL
PARK
Pagoosa Creek
Meta Lake
Abamasagi
Lake
Aroland
First

Key Map
Wunnumin
Lake
Winisk
Lake
Windsor Lake
Missisa Lake
Lansdowne
House
Armstrong
Nakina
Lake Nipigon
Geraldton
Hornepayne
Manitouwadge
Map Location

Legend

Route Label

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

General Features

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

Marten Falls First Nation
All Season Community Access Road Project

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

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

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

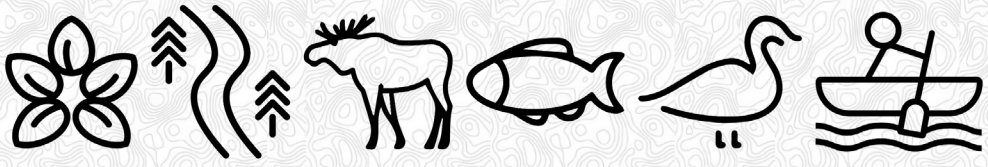
Figure 1

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Appendix D

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



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

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

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

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

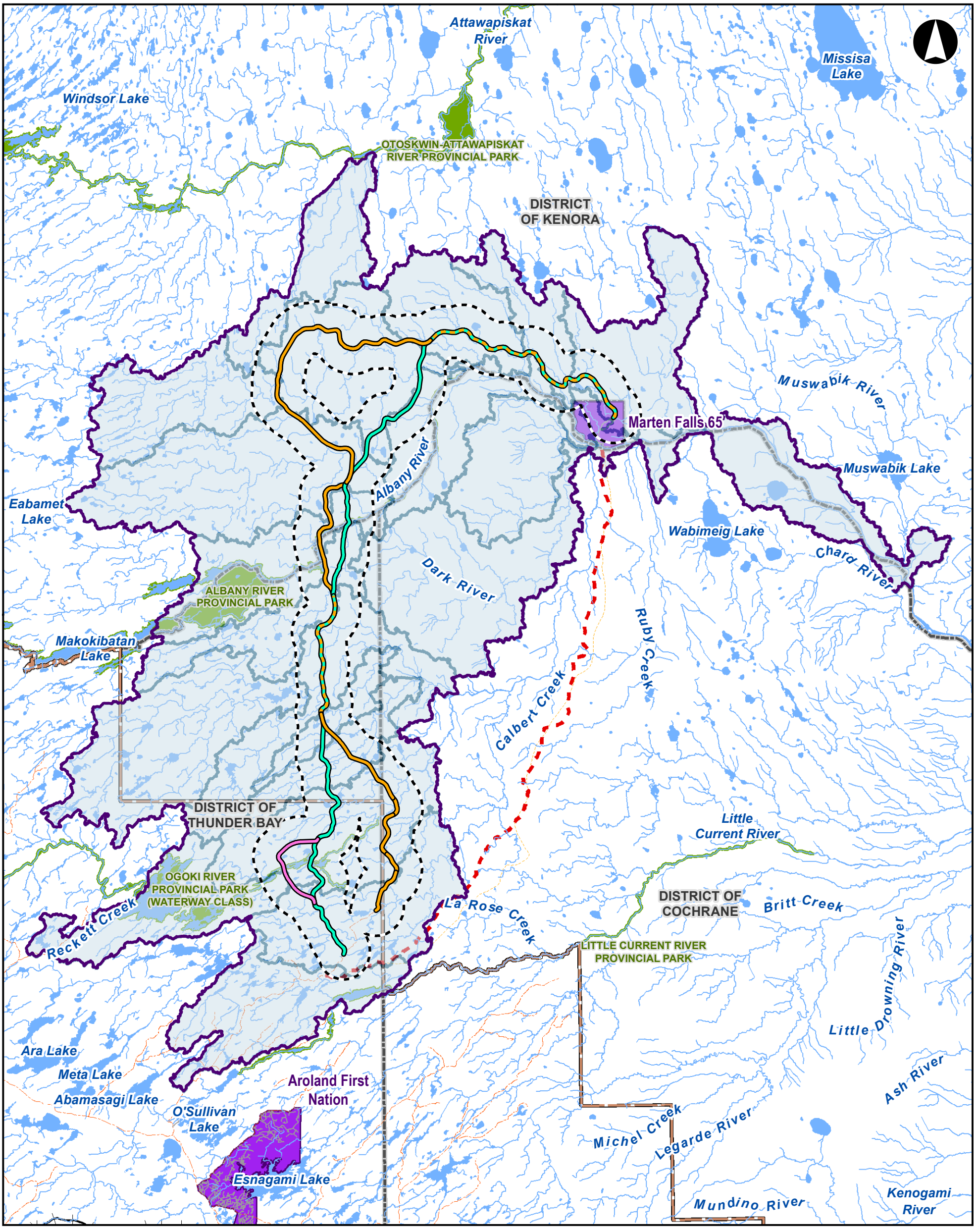
The MFFN Project Team has since received feedback on the preliminary study areas and updates to the study areas have been made accordingly. Specific responses have been provided to those communities who have provided comments in separate correspondence. Table 1 on the following page provides an overview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

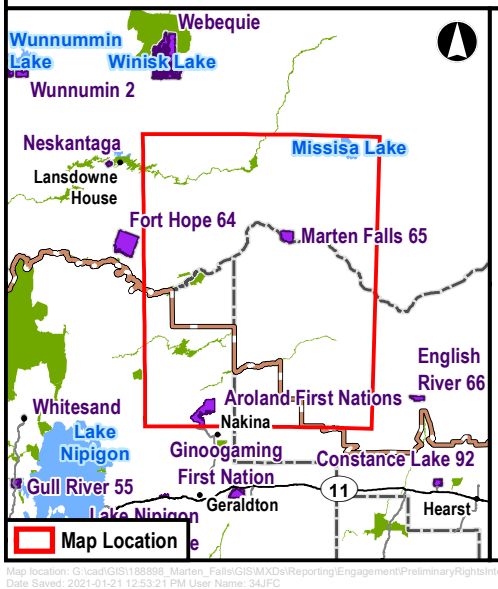
It is important to note that we are early in the environmental assessment processes and while a general location of the potential route alignments is shown in Figure 1, these locations are not considered final. It is expected that the route alignments will be refined (micro-sited) as the assessment processes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

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

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

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





Legend

- Local Study Area
- Regional Study Area

Route Label

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

General Features

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

Data Sources:

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

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

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Kilometres
Datum: NAD 1983 UTM Zone 16N

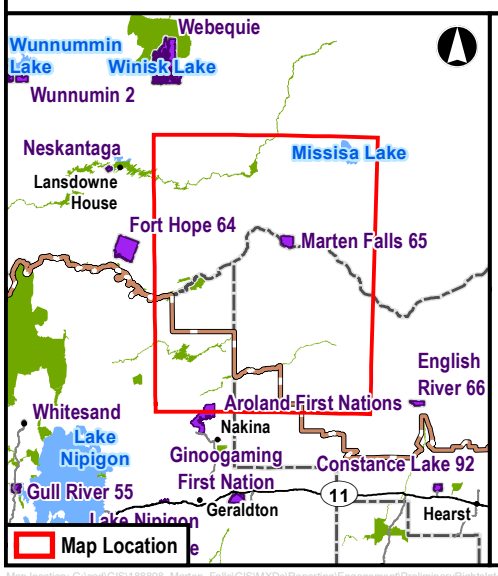
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"OUR RIVER, OUR LIFE"

Figure 1

Map location: G:\cad\GIS\188898_Marten_Falls\GIS\MXDs\Reporting\Engagement\PreliminaryRightsInterestsStudyAreasMemo\Indigenous_Peoples_Valued_Components_Oct2020.mxd
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Windsor Lake
Attawapiskat River
OTOSKWIN-ATTAWAPISKAT RIVER PROVINCIAL PARK
Streatfeild River
Missisa Lake
DISTRICT OF KENORA
Marten Falls 65
Muswabik River
Muswabik Lake
Albany River
Wabimeig Lake
Chard River
Dark River
ALBANY RIVER PROVINCIAL PARK
Makokibatan Lake
Ruby Creek
Calbert Creek
DISTRICT OF THUNDER BAY
DISTRICT OF COCHRANE
Little Current River
OGOKI RIVER PROVINCIAL PARK (WATERWAY CLASS)
Ogoki Lake
Britt Creek
La Rose Creek
LITTLE CURRENT RIVER PROVINCIAL PARK
Little Drowning River
Ara Lake
Meta Lake
Abamasagi Lake
O'Sullivan Lake
Aroland First Nations
Michel Creek
Ash River



Legend

- Local Study Area
- Regional Study Area

Route Label

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

General Features

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

Data Sources:

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MARTEN FALLS FIRST NATION COMMUNITY ACCESS ROAD

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

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Kilometres
Datum: NAD 1983 UTM Zone 16N

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Figure 2

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Appendix E

Preliminary List of Data Sources

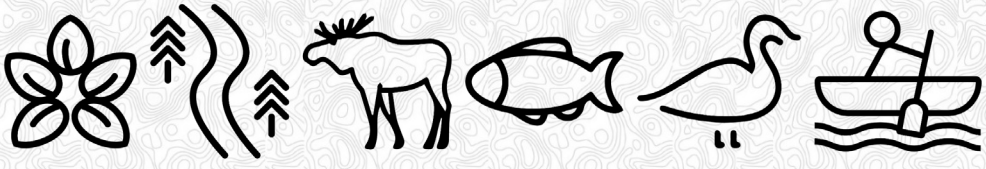
- Publicly available traditional land and resources use and / or cultural impact studies;
- Treaties and adhesions;
- Existing Community-Based Land Use Planning initiatives;
- Websites of Indigenous community and group identified in **Table 4-1**;
- Previously completed IS / EA Reports for projects (and associated publicly available studies) in in the vicinity of the Project area and/or involving relevant Indigenous communities and groups, including:
  - Nextbridge East-West Tie Transmission Project;
  - Wataynikaneyap Power Project;
  - Greenstone Gold Hardrock Mine Project;
  - Noront Eagle's Nest Project; and
  - Energy East Pipeline;
- Previous research projects or studies undertaken by or for Indigenous communities and groups identified in **Table 4-1**, including but not limited to:
  - Minkin, P.D. (2008). Cultural Preservation and Self-determination Through Land Use Planning: A Framework for the Fort Albany First Nation. (Masters Thesis). Queen's University, Kingston, Ontario;
  - Hlimi, T., et al., (2012). Traditional food consumption behaviour and concern with environmental contaminants among Cree schoolchildren of the Mushkegowuk territory. International Journal of Circumpolar Health, 71.
  - Robidoux, M. et al. (2012). Traditional Foodways in Two Contemporary Northern First Nations Communities. The Canadian Journal of Native Studies. 32, 59-77.
  - Restoule, J.-P., Gruner, S., & Metatawabin, E. (2013). Learning from Place: A Return to Traditional Mushkegowuk Ways of Knowing. Canadian Journal of Education/Revue Canadienne De l'éducation, 36(2), 68-86.
  - Shantz, J. (2018). Community Energy Planning in Remote Indigenous Communities: A Case Study with Eabametoong First Nation. (Masters Thesis). University of Guelph, Guelph, Ontario.
- Reference materials related to Indigenous culture and rights and associated assessments, including but not limited to:
  - Candler, C., et al., (2015). Wîyôw'tan'kitaskino (Our Land is Rich): A Mikisew Cree Culture and Rights Assessment for the Proposed Teck Frontier Project Update.

- Gibson, G. (2017). Culture and Rights Impact Assessment: A Survey of the Field. Prepared for Mikisew Cree First Nation.
- Mikisew Cree First Nation and the Canadian Environmental Assessment Agency (2018). Methodology for Assessing Potential Impacts on the exercise of Aboriginal and Treaty Rights of the Proposed Frontier Oil Sands Mine Project.

- Other publicly available documents (e.g., Land Claim documentation); and
- Consultation and engagement activities undertaken for the Project.

MFFN is aware of publicly available Indigenous / traditional land and resource use documents that are currently being reviewed to identify potentially relevant information. Out of respect, MFFN will work with the subject Indigenous communities to review and validate or confirm acceptance of this information being used in the IA / EA. MFFN will also solicit any available information or data references (i.e., information on identity and / or gender of participants) in support of Gender-Based Analysis Plus.

Phone: 1-800-764-9114 **Email:** info@martenfallsaccessroad.ca **Web:** http://www.martenfallsaccessroad.ca



Comments from the Federal Review Team on Marten Falls Community Access Road Project (Project) revised Aboriginal and Treaty Rights and Interests Study Plan – October 15, 2021

It is essential that the Impact Statement for the Marten Falls Community Access Road Project (the Project) address all requirements outlined in the Tailored Impact Statement Guidelines (the Guidelines), and that the study plans outline a clear approach to achieving these requirements. The Impact Assessment Agency of Canada (the Agency) has highlighted sections of the Guidelines where requirements for the Impact Statement may not be met, based on content of the draft study plan submitted to the Agency. Note that this table does not provide an exhaustive list of the requirements described in the Guidelines. The Guidelines should be reviewed in their entirety, including the sections identified below.

General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020					
#	**Guidelines Section[1]**	**Required Action for Proponent**	**Proponent Response**	**Final Study Plan Section Reference**	**Agency comments**
GC-02	**Section 6 - Description of Engagement with Indigenous Groups (including 6.1, 6.2, 6.3)**	Provide a clear description in the study plans of how all Indigenous groups listed in the Indigenous Engagement and Partnership Plan will have opportunities to provide Indigenous knowledge, including the validation of how information they provided was applied. The study plan should include a description of the proposed methods for data collection, management of confidentiality, and information storage. This should also include a methodology for tracking information that has been approved by the group, to demonstrate that the guidance outlined in Section 6.2 of the Guidelines has been incorporated into the study plans. Describe what engagement with all the Indigenous groups listed in the Indigenous Engagement and Partnership Plan has been done in the development of the study plans, and/or any planned engagement with Indigenous groups on the proposed study plans, particularly in relation to collection of Indigenous knowledge (i.e. develop the work plan in collaboration with those Indigenous groups that would need to provide knowledge).	In Section 4.2 it is noted that the Proponent will provide Project notices and opportunities for consultation and engagement with Indigenous communities identified in the Indigenous Partnership and Engagement Plan. A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input. Section 2.1.1 outlines the approach to handling confidential information, by means of permission from Indigenous communities to include Indigenous Knowledge in the IS / EA Report, regardless of the source of the Indigenous Knowledge. The study plans have recognized Indigenous community input received on the Project to date.	**Section 4.2** "…A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input…" "…Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process…"	Section 4.2 of the study plan also states that "*Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process*", however, it is unclear on which components of the study plans the project team plans to engage. It is also unclear whether Indigenous groups will be provided with a meaningful opportunity to provide input on a preliminary approach/method for baseline data collection, as required in Section 6 of the Guidelines, or if engagement will take place after the baseline data collection is complete. Provide details on the timeline for Indigenous engagement on the aboriginal and treaty rights study plan, including engagement relative to the schedule for baseline work, and spatial and temporal boundaries determinations, and particularly in relation to collection of Indigenous knowledge, and in consideration of the project team's timeline for the development of the Impact Statement. Demonstrate in the Impact Statement that comments provided by Indigenous groups on aboriginal and treaty rights and interests were taken into consideration. Comments provided to the Agency are available on the Canadian Impact Assessment Registry Internet site at: https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions
GC-03	**Section 6.2 - Analysis and response to questions, comments, and issues raised**	Revise the study plans to include an approach to handling confidential information that demonstrates adherence to the guidance provided in Section 6.2 of the Guidelines.	Section 2.1.1: Section has been updated to include information regarding both confidentiality and permission information on all collected Indigenous Knowledge, regardless of the source. This section also includes how information regarding the Indigenous Knowledge Sharing Agreements will be established by the Proponent and Indigenous community participating in the Program.	**Section 5.2** Sensitive and / or confidential information will be specifically collected through the IK Program to inform the IS / EA Report, and its use and publication will be governed by Indigenous community-specific IK Sharing Agreements. The IK Sharing Agreements will be protected from public or third-party disclosure and will be established between the Proponent and Indigenous communities participating in the IK Program prior to the sharing and use of any sensitive information. Instances where IK sharing has taken place during consultation activities (e.g., meetings) will be recorded in the Record of Consultation and Engagement, including where IK was incorporated into Project decisions and into the IS / EA Report (i.e., specifics will not be included in the Record of Consultation and Engagement given the	As required in Section 6 of the Guidelines, incorporate in the Impact Statement content that describes the confidential information provided by each Indigenous group. Present the content in sufficient detail to support understanding of the potential effects and impacts on rights, while also protecting confidential/sensitive specifics and respecting stipulations in the confidentiality agreements (e.g, use buffer areas instead of specific locations, etc.). Provide to the Agency, in the form of a letter from the Indigenous group that shared confidential information, a letter confirming that: • the Indigenous group that provided confidential information is satisfied with the way the Impact Statement was informed; • the Indigenous group that provided confidential information is satisfied with the way the issue was solved or addressed.

[1] Refer to complete sections of the Guidelines for more context.

General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020					
#	**Guidelines Section[1]**	**Required Action for Proponent**	**Proponent Response**	**Final Study Plan Section Reference**	**Agency comments**
				potential sensitivity and / or confidentiality of the information shared).	
GC-04	**Study plans spatial boundaries**	Describe the approach to be implemented to demonstrate how the definitions of the proposed study area boundaries: • encompass the anticipated boundaries of the Project's effects, including all potentially impacted local communities, municipalities and all Indigenous groups listed in the Indigenous Engagement and Partnership Plan; and • take into account community knowledge and Indigenous knowledge; current or traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and the size, nature and location of past, present and foreseeable future projects and activities.	Section 6.2: General information on study areas for the Project, including a detailed list of what was considered to develop the discipline-specific local and region study areas, is included in each study plan. Each study area has been proposed taking into consideration community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples, including cultural and spiritual practices, physical, ecological, technical, social, health, economic and cultural considerations available at this time. The proposed discipline-specific study areas are preliminary. The proposed study areas will be consulted and engaged on early in the IA / EA process. In addition, the Indigenous Knowledge Program provides additional opportunities for community knowledge and Indigenous Knowledge, current or traditional land and resource use by Indigenous communities, and the exercise of Aboriginal and Treaty Rights of Indigenous peoples to be shared in greater detail.	**Section 6.2.2, Table 6.1,** **Local Study Area/5 km buffer surrounding the PDA.** The Local Study Area allows the MFFN CAR Project Team to gather specific information that can be used to help Project design by avoiding or mitigating effects to sensitive features. It also corresponds to the outermost boundaries of the combined Local Study Areas for the fish and fish habitat, surface water, vegetation, general wildlife, moose, and air quality valued components. It has been defined based on the key components that may be relied on (surface water, fish, vegetation, general wildlife and moose) or considered to influence (air quality) Indigenous culture and / or land and resource use. **Regional Study Area/Combined area of the quaternary watersheds crossed by each of the road alignments.** It corresponds to the outermost boundaries of the combined Regional Study Areas for the fish and fish habitat, surface water, vegetation, and general wildlife valued components given that these components may be relied on by Indigenous peoples for cultural and land and resource purposes. Consistency with the Regional Study Areas for surface water and fish is also considered appropriate given key concerns related to potential effects on water, which all other natural components are reliant on, as described during consultation with Indigenous communities to date." **Section 6.2.2** An update on the revised Aboriginal and Treaty Rights and Interests study areas that includes an overview of the revisions to the RSA and associated rationale (i.e., nature of Indigenous community input) was shared with all Indigenous communities and groups identified in Table 4-1 in January 2021; this update is provided in Appendix D.	Section 7 of the Guidelines, states that "The size, nature and location of past, present and foreseeable future projects and activities are factors that should be included in the definition of spatial boundaries." It is unclear how a Local Study Area of approximately five kilometres from the centreline of the Project would be appropriate to assess direct effects on the Aboriginal and Treaty Rights and Interests. At a minimum, the upgrades to the Anaconda and Painter Lake forestry access roads, the Northern Road Link Road Project, the Webequie Supply Road Project, as well as winter roads, activities and communities connected through these roads should be included in the Local Study Area. Both the LSA and the RSA for the Aboriginal and Treaty Rights and Interests have been delineated based on the proposed study areas for natural environment VCs. It is unclear whether all the factors in Section 7 of the Guidelines were taken into account. Update the study plan to demonstrate that factors outlined in Section 7 of the Guidelines, including spiritual practices, social, health and economic considerations, were taken into account in defining preliminary spatial boundaries for the Project. As required in Section 7.4.1 of the Guidelines, provide information regarding how the following were/will be taken into account in defining the spatial boundaries: community knowledge and Indigenous knowledge; current and traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights, including cultural and spiritual practices; physical, ecological, technical, social, health, economic and cultural considerations; and the size, nature and location of past, present and reasonably foreseeable future projects and activities. Ensure that the Aboriginal and Treaty Rights and Interests Regional Study Area encompasses the spatial boundary of cumulative effects.

General Comments from the Impact Assessment Agency of Canada on the Marten Falls Community Access Road Draft Study Plans – July 2, 2020					
#	**Guidelines Section[1]**	**Required Action for Proponent**	**Proponent Response**	**Final Study Plan Section Reference**	**Agency comments**
GC-06		Provide further details in the study plans on how GBA+ has been integrated into all aspects of data collection methodology, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines	Section 4.3 has been updated to include the consideration of Identity and Gender-Based Analysis Plus (GBA+) including both Indigenous communities and their relevant subpopulations and non-Indigenous communities and their subpopulations. During consultation and engagement activities these groups (and any others defined during consultation) will be engaged with on targeted input.	**Section 4.3**	Describe how GBA+ has been or will be applied to the consideration of engagement activities. Identify specific methods targeted to specific subgroups. Provide detail on how GBA+ has been integrated into all aspects of data collection methodology, including for the definition of indicators, as per Section 7.1 of the Guidelines, and into the assessment of effects and impacts, as mentioned in Sections 13, 20, 21, and others, related to effects assessments of the Guidelines. It is not sufficient to mention that Gender-Based Analysis Plus will be applied to the assessment. Clear descriptions of how GBA+ was integrated (including to which variables, method, and how it influenced results' interpretation) are needed in the Impact Statement.
GC-07	**Section 13 - Effects Assessment (including 13.1, 13.2)**	Provide details to demonstrate how the Project's potential effects will be considered, as per the requirements in Sections 13 to 19 of the Guidelines. Ensure that the effects assessment considers the effects of each of the project components and physical activities, in all phases, and that it is based on a comparison to the proposed baseline work. Provide detail on how engagement with all Indigenous groups listed in the Indigenous Engagement and Partnership Plan and the public will inform the effects assessment and the selection of mitigation measures and follow-up program measures.	Project environmental interaction are separated into Project phases, and Project activities for each environmental discipline in their VC-specific study plan listed as Table 9-1. Information collected through the various activities (e.g., field studies and programs, effects assessments) of each discipline area (e.g., wildlife, vegetation, cultural heritage) will be shared with the Indigenous Knowledge Program leads. This will support the establishment of the existing environment and the effects assessment for the Aboriginal and Treaty Rights and Interests environmental discipline, as well as the identification of potential mitigation measures and monitoring programs.	**Throughout the study plan, Section 9**	As required in Sections 7 and 13 of the Guidelines, ensure that the effects assessment considers the effects of each of the project components (including but not limited to all alternative routes brought forward in the Impact Statement, all aggregates sources, access roads, etc.) and physical activities, in all phases, and that the assessment is based on a comparison to the data and information gathered during the proposed baseline work. Clarify the level of information that will be shared with, and explained to, the Indigenous Knowledge Program leads and whether study plans will be made available to all Indigenous groups listed in the Indigenous Engagement and Partnership Plan.
GC-08	**Section 13.1**	Provide clear descriptions of the rationale behind the assumptions, including but not limited to the assumed average daily traffic and vehicles composition during the construction and operation phases that will be considered for the effects assessment and the cumulative effects assessment.	Section 10: Current assumptions to be used in the effects assessment have been identified. Any additional assumptions will be identified and rationale will be provided in the IS / EA Report.	**Section 10**	As required by Section 13.1 of the Guidelines, ensure that the Impact Statement clearly outlines the assumptions used for the assessment of effects, including cumulative effects, on each valued component.
GC-09	**Section 19.2 - Impacts on the Exercise of Aboriginal and Treaty Rights**	Describe an approach for identifying the potentially impacted rights of Indigenous peoples of Canada that are recognized and affirmed by section 35 of the *Constitution Act, 1982*, and for integrating the potential impacts on those rights into the collection of baseline information and the effects assessment.	All study plans reference how potential effects on Indigenous rights will be assessed in the Aboriginal and Treaty Rights and Interests Study Plan. Impacts on Rights considerations are explained in the rationale for defining a Local Study Area and Regional Study Area for Aboriginal and Treaty Rights and Interests VCs. Further information for this is listed in Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan.	**Section 5, and Section 6.2.2 in the Aboriginal and Treaty Rights and Interests Study Plan** **Table 9-1 General Assessment Methodology for Aboriginal and Treaty Rights and Interests**	Feedback will be provided in the Federal Review Team's comments package on the Aboriginal and Treaty Rights and Interests Study Plan.
GC-11	**Section 25 – Description of the Project's contribution to sustainability**	Provide detail on the approach to meeting the requirements of Section 25 of the Guidelines regarding the description of the Project's contribution to sustainability.	Section 9: the sustainability assessment for the Project will be undertaken on the preferred alternative and will characterize the Project's contribution to sustainability incorporating the requirements set out in Section 25 of the TISG.	**Section 9.7**	Ensure that the Impact Statement provides a description of the method or approach followed to meet the requirements of Section 25 of the Guidelines.

Agency's Comments on the Marten Falls Community Access Road Project Draft Indigenous Peoples Valued Components Study Plan – July 10, 2020						
#	**Study Plan Section**	**Guidelines Section[2]**	**Required Action for Proponent**	**Proponent Response**	**Study Plan Section Reference**	**Federal Review Team Response**
ATRI-01	**General Comment**		Required Action # 1: Update the study plan to include the list of all Indigenous groups that will be engaged, at a minimum the Indigenous groups listed in the IEPP, as part of the baseline data collection and effects assessment analysis. The list should be consistent throughout the study plan.	All Indigenous communities and groups identified in **Table 4-1** will be consulted and have the opportunity to be engaged and participate in the IK Program. Through both the IK and Consultation and Engagement programs for the Project, all Indigenous communities and groups identified in **Table 4-1** will be provided with an opportunity to provide IK during baseline data collection, comment on the list of valued components and indicators, inform the effects assessment and review its conclusions, and inform the development of mitigation measures and follow-up programs.		Required action # 1 has been addressed.
ATRI-02	**General Comment**	Section 7.1 of the Guidelines states that "the application of GBA+ to baseline conditions for diverse subgroups is necessary to support the GBA+ of effects. GBA+ uses standard social science quantitative and qualitative data collection and analysis methods to describe baseline conditions across diverse subgroups".	Required Action # 2: Update the study plan to demonstrate how GBA+ has been integrated into all aspects of data collection methodology and the assessment of effects and impacts.	The Study Plan has been updated to demonstrate how the MFFN CAR Project Team will strive to apply GBA+ to baseline conditions for diverse subgroups top support the GBA+ of effects, where possible. The IK Program is a community-led process, which means that the communities will ultimately identify participants directly. However, information on the importance of diversity and GBA+ considerations when selecting participants for the IK Program, including Project-specific studies, has been included in the Guidance Document in support of GBA+ (refer to Section 6.1 of the Guidance Document). The Guidance Document has been shared with all Indigenous communities and groups identified in Table 4-1.	**Section 4.1.6 of the consultation plan** Consultation and engagement activities with these communities, subject to interest, will include subpopulation-specific community sessions. In addition to these activities, specialized knowledge will be gathered through other disciplines such as Social, Economic, Land and Resource Use and Aboriginal and Treaty Rights and Interests. The Socio-economic Data Collection Program is expected to include targeted interviews, focus groups, questionnaires and other niche tools to gather information from diverse populations to resolve gaps in socio-economic secondary data.	Required action # 2 was partially addressed. See comment GC-06 in the above table.
ATRI-03	**Section 3.2** of the study plan states that the preliminary Local Study Area (LSA) and Regional Study Area (RSA) were established by conducting a best practices literature review of "various publicly available Traditional Land	Section 7.1 of the Guidelines states that "study area boundaries need to encompass the spatial boundaries of the Project, including any associated project components or activities, and the anticipated boundaries of the Project's effects, including all potentially impacted local communities, municipalities and Indigenous groups".	Required Action # 3: Update the study plan to demonstrate that the preliminary LSA and RSA are appropriate for the Project and how the requirements of Section 7.1 of the Guidelines will be met.	The proposed LSA and RSA for the assessment on the Aboriginal and Treaty Rights and Interests VCs have been delineated based on the proposed study areas for relevant natural environment VCs given the interdependent nature of these VCs. The proposed spatial boundaries have also been informed by inputs from Indigenous communities received to date. The proposed spatial boundaries include the anticipated boundaries of the Project's effects.	**Section 6.2.2** Based on inputs received from Indigenous communities, the RSA was revised in October 2020 to include additional watersheds that the Project may interact with (e.g., at the southern terminus of the proposed Project and Painter Lake Road). These revisions were first communicated to the Indigenous communities that provided comments in October 2020. The LSA and revised RSA are shown in Figure 6-2. An update on the revised Aboriginal and Treaty Rights and Interests study areas that includes an overview of the revisions to the RSA and associated	Required action # 3 was partially addressed. See also comment GC-04 in the above table. The study plan indicates that the study boundaries have been informed by inputs from Indigenous groups received to date. Section 6.2 of the Guidelines states that "*The Impact Statement must document…* *- where and how Indigenous groups' knowledge, perspectives and input were integrated into or contributed to decisions regarding the Project (e.g., project design), including:* *o scoping, development and collection of baseline information;…*

[2] Refer to complete sections of the Guidelines for more context

Agency's Comments on the Marten Falls Community Access Road Project Draft Indigenous Peoples Valued Components Study Plan – July 10, 2020						
#	**Study Plan Section**	**Guidelines Section[2]**	**Required Action for Proponent**	**Proponent Response**	**Study Plan Section Reference**	**Federal Review Team Response**
	Use studies". Specifically, Section 3.2 states that the preliminary 5 kilometre-wide LSA and 25 kilometre-wide RSA were chosen for the Project as the majority of the publically available Traditional Land Use studies deemed these spatial boundaries sufficient to capture potential direct, indirect, and cumulative impacts of proposed projects.				rationale (i.e., nature of Indigenous community input) was shared with all Indigenous communities and groups identified in Table 4-1 in January 2021; this update is provided in Appendix D. **Appendix D** The MFFN Project Team has since received feedback on the preliminary study areas and updates to the study areas have been made accordingly. Specific responses have been provided to those communities who have provided comments in separate correspondence. The MFFN Project Team received comments on areas where the RSA is narrower than the LSA area and the need for the RSA to be inclusive of the LSA. The updated RSA is now wholly inclusive of the LSA. The MFFN Project Team received comments on the need the expand the RSA to more appropriately consider potential impacts to Indigenous communities associated with increased traffic flow onto Painter Lake Road. The RSA now includes a larger portion of Painter Lake Road to better capture potential indirect effects on Indigenous communities associated with vehicles accessing the MFFN Community Access Road. No further updates have been made as the extent of the RSA is considered good practice and sufficient to capture the potential downstream effects of the Project. The MFFN Project Team has received comments confirming this perspective.	Section 19 of the Guidelines states that "*The Impact Statement must indicate where input from Indigenous groups has been incorporated, including Indigenous knowledge. Information should be specific to the individual Indigenous group(s) involved in the assessment, and describe contextual information about the members within an Indigenous group (e.g., women, men, Elders and youth)."requires that information should be specific to the individual Indigenous group(s) involved in the assessment, and describe contextual information about the members within an Indigenous group (e.g., women, men, Elders and youth)."* Include in the Impact Statement further detail regarding the input received by Indigenous groups and members of the public to meet the requirements of Sections 6.2 and 19 of the Guidelines. Appendix D in the study plan indicates that "*the extent of the RSA is considered good practice and sufficient to capture the potential downstream effects of the project".* It is unclear if the potential pathways of effects on all relevant valued components (including social, economic, cultural, health and spiritual interests) have been included in this definition of the RSA. For example, effects to wildlife hunted by Indigenous people could also have adverse effects on health (food security, food sovereignty, mental health). Provide further detail to demonstrate how all relevant valued components, including social, health economic, cultural, and spiritual interests have been scoped into the definition of the RSA. Additionally, it is unclear how this statement could be made prior to conducting engagement with all the Indigenous groups listed in the Indigenous Engagement and Partnership Plan (IEPP) on all of the relevant valued components. Ensure that opportunities to comment on the study area boundaries for Aboriginal and Treaty Rights and Interests continue to be provided and that the study boundaries would be revised, as appropriate, based on new information arising or new concerns shared by the Indigenous groups listed in the IEPP.
ATRI-04	**Section 4.1**		Required Action # 4: In consideration of the ongoing COVID-19 pandemic and that some Indigenous groups are presently in a state of emergency, provide a rationale for the short timeframe extended to Indigenous groups for the review of the LSA/RSA.	The Study Plan includes the rationale for each of the proposed spatial boundaries. All Indigenous groups identified in **Table 4-1** were provided with an opportunity to provide input on the proposed study areas in August-September, 2020. Comments since received led to refinements in October,	Section 6.2.2	Required actions # 4 and #5 were partially addressed. Provide a workplan that outlines details on the timeline for Indigenous engagement on each study plan (including on the economic, socio-community, human health, cultural and aboriginal and treaty rights) including engagement relative to the schedule for baseline work, and spatial and temporal boundaries

Agency's Comments on the Marten Falls Community Access Road Project Draft Indigenous Peoples Valued Components Study Plan – July 10, 2020						
#	**Study Plan Section**	**Guidelines Section[2]**	**Required Action for Proponent**	**Proponent Response**	**Study Plan Section Reference**	**Federal Review Team Response**
			Required Action # 5: Taking into consideration that the Project-specific studies are to be carried out over the fall and winter seasons when many community members are out on the land or unavailable, provide a rationale for the short timeframe extended to Indigenous communities to complete the Project-specific studies.	2020 – specifically the expansion of the RSA to include additional quaternary watersheds. The revised RSA was provided to all Indigenous groups identified in **Table 4-1** when the Guidance Document was distributed in November 2020 (refer to Section 5 and Figure 1 of Appendix B of the Guidance Document). Communities that requested additional time beyond the 30-day period to comment on the preliminary study areas were provided with an extension. As noted in the updated Study Plan, MFFN will continue to provide opportunities for Indigenous communities to provide input and inform the effects assessment, including the study areas. The Project IA / EA schedule is currently being revised to reflect the reality of constraints posed by various factors, including the ongoing pandemic and the timelines for provincial funding agreements with Indigenous communities and groups. It is expected that as part of these revisions, the schedule for completing Project-specific studies will also be revised and as a result, are expected to no longer coincide with the fall and winter seasons.		determinations, and particularly in relation to collection of Indigenous knowledge, and in consideration of the project team's timeline for the development of the Impact Statement.
ATRI-05	**Section 4.1**	Section 7.4.2 of the Guidelines requires the study plan to consider how elements of environmental, health, social and economic well-being that local communities, including municipalities, and Indigenous groups, identify as being valuable could change over time.	Required Action #6 Update the study plan to provide a clear description of the proposed methods for the establishment of temporal boundaries for the baseline and effects assessment of Indigenous cultural sites, features and practices, Indigenous use of land and resources for traditional purposes, and exercise of section 35 rights.	The Study Plan has been updated to provide a clear description of the proposed temporal boundaries for baseline information collection and the assessment, with associated rationale. MFFN has proposed temporal boundaries for baseline information on Indigenous land and resource use and practices that consider past, present and foreseeable future Indigenous land and resource use and cultural practices. These are included in the Guidance Document that was shared with all Indigenous groups identified in **Table 4-1** in November 2020 (refer to Section 6.5 of the Guidance Document). Temporal boundaries for the assessment span all phases of the Project.	**Appendix B, Section 6.5**	Required action #6 has been addressed.
ATRI-06	**Section 4.3** of the study plan does not		Required Action # 7: Update the study plan to provide information on which Indigenous groups from those	All Indigenous communities and groups identified in **Table 4-1** will be consulted and have the opportunity to be engaged		Required actions # 7 and #8 were addressed.

Agency's Comments on the Marten Falls Community Access Road Project Draft Indigenous Peoples Valued Components Study Plan – July 10, 2020						
#	**Study Plan Section**	**Guidelines Section[2]**	**Required Action for Proponent**	**Proponent Response**	**Study Plan Section Reference**	**Federal Review Team Response**
	describe the Indigenous knowledge (IK) and Indigenous land and resource use (ILRU) studies in sufficient detail to understand how the IK/ILRU program will be carried out and to identify potential gaps in the IK/ILRU program design.		identified in the IEPP have been invited to participate in the IK/ILRU program and the rationale for including them while excluding others. Required Action # 8: Update the study plan to describe the specific information to be solicited from participating Indigenous groups. If sample questionnaires, interview questions, or other data collection tools exist, identify them in an appendix to the study plan, and describe how they relate to physical and cultural heritage, current use of lands and resources, and exercise of section 35 rights criteria identified in Sections 12.1, 12.2, 12.4, 17.6, 19.1, and 19.2 of the Guidelines.	and participate in the IK Program. Through both the IK and Consultation and Engagement programs for the Project, all Indigenous communities and groups identified in **Table 4-1** will be provided with an opportunity to provide IK during baseline data collection, comment on the list of valued components and indicators, inform the effects assessment and review its conclusions, and inform the development of mitigation measures and follow-up programs A Guidance Document has been developed to support collecting and reporting on Indigenous Knowledge and information relevant to the Aboriginal and Treaty Rights and Interest VCs (e.g., physical and cultural heritage, current use of lands and resources for traditional purposes, section 35 rights). A set of guidance questions were developed based on the TISG requirements and included in the Guidance Document. The guidance questions will also support the collection of Indigenous Knowledge and information relevant to other Project VCs (e.g., wildlife, surface water, cultural heritage). The guidance document was also designed to be flexible, wherever possible, to adapt to the needs and interests of each specific Indigenous community or group. The Guidance Document was shared with all Indigenous communities and groups identified in **Table 4-1** in November 2020.		
ATRI-07	**Section 4.3** of the study plan does not describe how the IK/ILRU program will identify the ways in which project components, activities, and effects could interact with the exercise of section 35 rights by Indigenous peoples.		Required Action #9: Update the study plan to describe how the IK/ILRU program will identify the ways in which project components, activities, and effects could interact with the exercise of section 35 rights by Indigenous peoples, as required by section 19.2 of the Guidelines.	The updated Study Plan describes the level of engagement with Indigenous groups and the approach to the effects assessment on Aboriginal and Treaty Rights and Interests VCs. The specific considerations for the effects assessment for each of the Indigenous groups will be customized based on Indigenous group-specific discussions through consultation and engagement activities.	**Table 9-1** Preliminary and potential pathways have been identified through background review (see Section 7.2), inputs from Indigenous communities and groups to date as part of the IK and Consultation and Engagement programs (see Sections 4, 5, 7.3, and 7.4), and the development of this Study Plan. The potential pathways included in this Study Plan will be explored further and built on with Indigenous communities and groups, as needed, through ongoing discussions and activities as part of the IK and Consultation **and** Engagement programs.	Required action #9 was addressed.

Agency's Comments on the Marten Falls Community Access Road Project Draft Indigenous Peoples Valued Components Study Plan – July 10, 2020						
#	**Study Plan Section**	**Guidelines Section[2]**	**Required Action for Proponent**	**Proponent Response**	**Study Plan Section Reference**	**Federal Review Team Response**
					□ Project-specific studies undertaken by Indigenous communities and groups may include information on of rights. Relevant information provided by Indigenous communities and groups will be used to inform pathways of impact. **Consultation plan, table 4-2** **Effects assessment:** Request information to identify: − Indigenous community values and topics of interest − Potential effects and impact management measures to be considered − Impacts of Project on Aboriginal or Treaty Rights and potential impact management measures to avoid, mitigate and off-set the impact(s) ▪ Seek confirmation whether input and feedback provided during the previous milestone was captured appropriately	
ATRI-08	**Section 4.3** of the study plan states that Indigenous knowledge (IK) and Indigenous land and resource use (ILRU) studies will involve the creation of a guidance document "to solicit specific information related to rights and current use of lands and resources for traditional purposes, as outlined in Section 12.2 and 12.4 of the Guidelines".	Section 6.2 of the Guidelines indicates, "Indigenous knowledge is holistic and in impact assessments, it can provide insights related to knowledge of the environment, social, cultural, economic, health, Indigenous governance and resource use. It is important that Indigenous knowledge be included for all of these aspects of the technical assessments, not only to look at potential impacts of the Project on Indigenous peoples." For example, baseline data on fish and fish habitat should include baseline information gathered through collection of Indigenous knowledge.	Required Action #10: Update the study plan to ensure that the approach to IK studies solicits knowledge on technical aspects of the impact assessment including the environment and health, social and economic conditions, in addition to soliciting information related to rights and current use of lands and resources.	The Study Plan has been updated to reflect that the IK Program and associated Guidance Document will strive to collect IK and inputs that are relevant to other technical aspects of the assessment. The Guidance Document includes information on how IK and other information shared through the IK Program can be used to inform the various technical aspects of the impacts assessment including baseline conditions (refer to Section 4 of the Guidance Document). It also includes questions that could be used to solicit information to inform technical aspects of the assessment, including the natural and socio-economic environments (e.g., questions about important fish and wildlife use areas, questions about country food consumption – refer to Appendices D and E in the Guidance Document. It is also important to note that soliciting IK to inform baseline conditions for other technical aspects of the assessment does not necessary come just from direct questions but can be gleaned from information on Indigenous land and resources use (e.g., where certain species are harvested and why). The guiding questions included in the Guidance Document are intended to provide community members with an opportunity to share their perspectives	**Section 5 study plan** The following provides a general description of how IK will be considered in the IA / EA process. The extent to which IK is considered by each specific VC will vary depending on the nature of the VC, the potential for Project effects on the VC and whether IK that relates to a VC is provided / obtained. As such, not all aspects of the general approach described below may apply to all VCs / study plans. There are two concurrent and complementary avenues for Indigenous communities and groups to be engaged with and provide input on the Project: the IK Program and the Consultation and Engagement Program. Both programs serve to support the collection of Indigenous perspectives, values, and input on the Project, including Indigenous rights (i.e., Aboriginal and Treaty Rights) and Interests and how they may be impacted by the Project, to be integrated throughout the IA / EA process There are also opportunities for technical teams to engage with Indigenous communities to solicit perspectives and information relevant to the Project, including information related to collection of existing information and the development of the IS / EA Report. The Proponent also invites feedback and	Required action #10 was addressed.

Agency's Comments on the Marten Falls Community Access Road Project Draft Indigenous Peoples Valued Components Study Plan – July 10, 2020						
#	**Study Plan Section**	**Guidelines Section[2]**	**Required Action for Proponent**	**Proponent Response**	**Study Plan Section Reference**	**Federal Review Team Response**
				on the interconnectedness of the various valued components and how they or their community may be impacted by the Project (refer to Appendices E and F of the Guidance Document). Any information collected that is relevant to the various disciplines will be shared accordingly. However, it is important to note that while the IK and Consultation and Engagement programs will serve to support information collection for other technical aspects of the assessment, primary data collection for other disciplines (including human health and community safety, social and economic conditions) will be led by those technical disciplines.	inputs throughout the Project via the Project website and ongoing communications with the Proponent. Relevant information collected through both the IK and Consultation and Engagement programs, including potential effect pathways on Aboriginal and Treaty rights and interests, will be shared with each of the relevant disciplines throughout the IA / EA to: guide and inform VCs; support characterization of the existing environment; identify the potential effects of the Project on VCs; help identify mitigation measures and potential monitoring programs; and ultimately guide Project planning.	
ATRI-09	**Section 4** of the study plan suggests that IK/ILRU studies will be carried out with interested Indigenous groups. However, the IK/ILRU program should not act as the sole source of information on baseline data as not all Indigenous groups may have interest or capacity to participate in the IK/ILRU program but may still expect to be meaningfully engaged on the Project, baseline data, valued components and indicators, and provide recommendation on mitigation and follow-up program measures. More		Required Action #11: Regarding primary information collection the study plan requires additional detail on how the collection methodology would meet the expectations of the Guidelines, including: • Specify types of engagement activities (surveys, questionnaires, community sessions, chief and council sessions, workshops, etc.). • Describe how GBA+ has been applied to the consideration of engagement activities. Identify any specific methods targeted to specific subgroups. • Specify participants in engagement activities (reflecting the Indigenous groups listed in the IEPP) including rationale for how the selection of participants meets the objectives of the study and demonstrates accessibility considerations (e.g. language requirements) and GBA+. • Describe the approach the proponent intends to take to encourage or attract participation, including how opportunities to participate will be planned and advertised. • Describe how Indigenous knowledge will be used to inform types of engagement activities and participant selection. • If sample questionnaires, interview questions, or other data collection tools exist, identify them in an	All Indigenous communities and groups identified in **Table 4-1** will be consulted and have the opportunity to be engaged and participate in the IK Program. Through both the IK and Consultation and Engagement programs for the Project, all Indigenous communities and groups identified in **Table 4-1** will be provided with an opportunity to provide IK during baseline data collection, comment on the list of valued components and indicators, inform the effects assessment and review its conclusions, and inform the development of mitigation measures and follow-up programs. The Study Plan has been updated to demonstrate how the MFFN CAR Project Team will strive to apply GBA+ to baseline conditions for diverse subgroups top support the GBA+ of effects, where possible. The IK Program is a community-led process, which means that the communities will ultimately identify participants directly. However, information on the importance of diversity and GBA+ considerations when selecting participants for the IK Program, including Project-specific studies, has been included in the Guidance Document in support of GBA+ (refer to Section 6.1 of the Guidance Document). The Guidance Document has been shared with all Indigenous communities and groups identified in **Table 4-1.**		Required actions #11 and #12 were addressed.

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	detail is required on the methodology of baseline information collection outside of the IK/ILRU Studies.		appendix to the study plan, and provide clear links to how they relate to physical and cultural heritage. • Identify past public or Indigenous engagement activities that have taken place and are being used to inform this study plan. Required Action #12 For secondary information collection provide specific information sources to be used, and for which indicators they apply. Provide detail on how the proponent has considered GBA+ requirements in the identification of secondary information sources.	The IK and Consultation Programs for the Project both serve to support the collection of Indigenous perspectives, values, and input on the Project, including in terms of physical and cultural heritage. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in **Table 4-1** in November 2020 includes questions related to historical baseline conditions associated with Indigenous cultures (refer to Sections 6.3 and Appendix D in the Guidance Document). The Guidance Document also includes considerations for burial sites, oral histories, cultural values and experiences of being on the land, Indigenous laws and governance systems, and culturally important sites and resources (refer to Sections 6.6 and 6.7 and Appendices D and E in the Guidance Document). These considerations have also been factored into the identification of preliminary indicators for the assessment. In addition, information related to historical baseline conditions associated with Indigenous cultures will also be collected for the Cultural Heritage Assessment. Baseline information on cultural landscapes and archaeological potential and / or artifact places will primarily be collected through the cultural heritage studies – refer to the Cultural Heritage Study Plan. A general Project-specific study approach is included in the Guidance Document, which includes considerations for selecting study participants and the various approaches to collecting information (e.g., interviews, workshops). The sharing of the Guidance Document and other IK Program-related materials with all Indigenous communities and groups identified in **Table 4-1** is intended to encourage participation in the IK Program. Ongoing Indigenous community and group engagement as part of the IK and Consultation and Engagement programs will serve to continue to encourage		

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				participation in the IK Program and the IA / EA Process. Information on how secondary information relevant to Indigenous communities that are being engaged for the Project, as well as sources related to emerging practices for cultural impact assessment, have informed the identification of valued components and indicators and is included in the updated Study Plan. Note that the sources of secondary information are generally relevant to all of the VCs and indicators. Secondary sources of information included in the Desktop Assessment and that may be used to inform the IA / EA Report will be reviewed through the lens of ability to disaggregate relevant information to support the GBA+ analysis.		
ATRI-10	**Section 5.1**	Sections 12.1, 17.6 and 19.1 of the Guidelines require the consideration of the following material and non-material aspects of physical and cultural heritage when defining indicators: • cultural values and experiences of being on the land, including harvesting specific resources (Section 12.1) • Indigenous governance systems and Indigenous laws tied to the landscape (Section 12.1); • anticipated effects to language, such as the relative balance of speakers of local languages, English, and French, and the availability of public services in these languages (Section 17.6); • traditional cultural activities (such as religious ceremonies, traditional hunting, etc.) that might be caused by the project (Section 17.6) • culturally significant plants of wildlife (Section 17.6); and • changes to the cultural value, spirituality, or importance associated with physical and	Required Action #13 Update the study plan to describe the methodology or approach that will be used to identify detailed and measurable indicators related to non-material aspects cultural heritage and culturally significant plants and wildlife, as outlined in Sections 12.1, 17.6 and 19.1 of the Guidelines. Required Action #14 Update the study plan to identify how and when Indigenous groups will be provided opportunities to validate the list of valued components and indicators related to Indigenous cultural sites, features, and practices as required by Section 6 of the Guidelines.	The Study Plan has been updated to include indicators related to non-material aspects of cultural heritage and culturally significant plants and wildlife. The Study Plan has been updated to identify how and when Indigenous groups will be provided opportunities to validate the list of valued components and indicators related to Indigenous cultural sites, features, and practices.	**Consultation plan** **Effects assessment methods** **Planned activities** "▪ Engagement of Community Consultation Co-ordinators, as appropriate ▪ Hold discussions / meetings, considering applicable and relevant subgroups (e.g., women, youth, elders) ▪ PIC #1 (in-person / or virtual) ▪ Plain language Project updates (translated, as required) ▪ Key informant interviews ▪ Website update ▪ Newsletter and email update(s) ▪ Social media update(s) ▪ Follow-up communication to confirm information was received and the material(s) provided were understood" **Target input** " Local and regional study areas, Project phases, criteria and indicators, Project-environment interactions and net effects characteristics" (summer 2021- fall 2021)	Required actions #13 was addressed. Required action #14 was partially addressed. Refer to comment **ATRI-23** in the table below.

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		cultural heritage (Section 19.1) Section 6 of the Guidelines requires the proponent to provide Indigenous groups with an opportunity to comment on the list of valued components and indicators.				
ATRI-11	**Section 5.1**	Sections 12.2 and 19.1 of the Guidelines, require: • a description of traditional activities presently or historically practised (e.g., hunting, fishing, trapping, gathering of plants or medicines, ceremonial or spiritual practices, passing on of Indigenous knowledge and/or language); • location of traditional uses, including hunting, trapping and fishing camps, cabins, and gathering or teaching grounds; • types of traditional resources such as fish, wildlife, birds, plants, or other natural resources and their habitats of importance for supporting traditional use; • frequency, duration, and/or timing of traditional practices; • where known, efforts of the groups to bring back traditional practices; • current and future availability and quality of country foods (traditional foods); and • the quality of resources (e.g., preferred species and perception of quality); Section 6 of the Guidelines requires the proponent to provide Indigenous groups with an opportunity to comment on the list of valued components and indicators.	Required Action #15 Update the study plan to describe the methodology or approach that will be used to identify detailed and measurable indicators related to the location and timing of traditional practices and the quality of resources, as outlined in Sections 12.2 and 19.1 of the Guidelines. Required Action #16 Update the study plan to identify how and when Indigenous groups will be provided opportunities to validate the list of valued components and indicators related to Indigenous cultural sites, features, and practices as required by Section 6 of the Guidelines.	The Study Plan has been updated to include indicators related to the location and timing of traditional practices and the quality of resources. The Study Plan has been updated to identify how and when Indigenous groups will be provided opportunities to validate the list of valued components and indicators related to Indigenous cultural sites, features, and practices.	**Table 9.3: Proposed Aboriginal and Treaty Rights and interests** Indigenous Current Use of Lands and Resources for Traditional Purposes -Alteration / change in or loss of sites and areas used for traditional activities (e.g., hunting, trapping, fishing, gathering). -Changes in the availability or quantity of resources (e.g., wildlife, fish, vegetation) for traditional activities (e.g., harvesting and gathering). -Changes in the quality or perceived quality of resources for traditional activities. -Changes in access to sites and areas used for traditional activities.	Required Action #15 was not adequately addressed. It is unclear where "timing of traditional practices" was included as an indicator. The list of indicators in Table 9.3 does not appear to include timing of traditional practices. Provide detail to demonstrate how the study plan was updated to include indicators related to the timing of traditional practices, as stated in the response. Required Action #16 was addressed.
ATRI-12	**Section 5.1**	Sections 12.4 and 19.2 of the Guidelines, require: • where possible, information about members within an Indigenous group, and their role in the exercise of rights (e.g., women, men, Elders, youth, people with disabilities); • how the Indigenous group's cultural traditions, laws and governance systems inform the manner in which they exercise the	Required Action #17 Update the study plan to describe the methodology or approach that will be used to identify detailed and measurable indicators related to section 35 rights, as outlined in Sections 12.4 and 19.2 of the Guidelines. Required Action #18 Update the study plan to identify how and when Indigenous groups will be provided opportunities to validate the	The Study Plan has been updated to include indicators related to section 35 rights. The Study Plan has been updated to identify how and when Indigenous groups will be provided opportunities to validate the list of valued components and indicators related to Indigenous cultural sites, features, and practices.		Required actions #17 and #18 were addressed.

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		rights (the who, what, when, how, where and why); • where they exist, identification of thresholds identified by the community that, if exceeded, may impair the ability to meaningfully exercise of rights; • pre-existing (real or perceived) impacts and cumulative effects that are already interfering with the ability to exercise rights or to pass along Indigenous cultures and cultural practices (e.g., language, ceremonies, Indigenous knowledge). Section 6 of the Guidelines requires the proponent to provide Indigenous groups with an opportunity to comment on the list of valued components and indicators.	list of valued components and indicators related to Indigenous cultural sites, features, and practices as required by Section 6 of the Guidelines.			
ATRI-13	**Section 5.2**		Required Action #19 Update the study plan to include details on how the effects assessment methodology for the assessment of impacts on physical and cultural heritage, current use of land and resources for traditional purposes, and the exercise of section 35 rights would meet the expectations of Section 13.1 of the Guidelines. Ensure that the effects assessment considers the effects of each of the project components and physical activities, in all phases, and that it is based on a comparison to the proposed baseline work. Update the study plan to identify how and when Indigenous groups will have opportunities to define VC scoping and inform effects analysis, including the identification of VCs and the effects pathways that Indigenous groups have identified as likely to contribute to an impact on section 35 rights.	The Study Plan has been updated to include details on the effects assessment methodology to meet expectations of Section 13.1 of the TISG. The IS will describe in the detail the potential adverse and positive effects in relation to each phase of the Project, Preliminary potential effects have been included in the updates Study Plan. See responses to ID #1, #9, #10, #25, #26, #27, #32, #36.		Required action #19 was addressed.

New comments from the Federal Review Team on the Aboriginal and Treaty Rights and Interests Study Plan submitted in June, 2021.				
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ATRI-14	**Table 4-1: Identified Neighbouring Indigenous Communities, including their Provincial Territorial Organizations and / or Tribal Council Affiliations** "Long Lake #58 First Nation** Animbiigoo Zaagi'igan Anishinaabek First Nation* * Indigenous communities or organizations identified by the MECP who should be consulted on the basis that they may be interested in the Community Access Road. ** The MECP indicated in a letter to MFFN that Long Lake #58 First Nation was moved from interest-based to rights-based." **Consultation Plan, Section 3.1** "…The above list of communities expected to have a heightened interest in the Project is preliminary, and it is expected that the list will evolve as new information becomes available and more neighbouring Indigenous communities engage in the consultation and engagement opportunities provided. In addition to receiving all statutory notices and being provided with comprehensive information related to the Project throughout the EA / IA processes and the full opportunity to review and comment on key EA / IS documents, these communities will also be encouraged to meet (in-person, by phone or online), more often and as needed, to discuss the Project and gather feedback from the community (see Table 4.2 for a list of the input that will be sought)..."	**Section 6** "…The Agency requires the proponent to engage with, at a minimum, the communities listed in the *Indigenous Engagement and Partnership Plan…"*	Animbiigoo Zaagi'igan Anishinaabek First Nation and Long Lake #58 First Nation are included in the Indigenous Engagement and Partnership Plan as Indigenous groups identified by the Agency for consultation, on the basis that the Project may adversely impact the exercise of Aboriginal and Treaty rights. Animbiigoo Zaagi'igan Anishinaabek First Nation indicated to the Agency that they exercise their rights on the land near the project area[3]. The Agency recommends engaging with Animbiigoo Zaagi'igan Anishinaabek First Nation to understand where and how they exercise their rights in the area surrounding the Project as well as assess potential impacts of the Project.	Section 6 of the Guidelines require that Animbiigoo Zaagi'igan Anishinaabek First Nation and Long Lake #58 First Nation be equitably engaged on the Project. Engage with Animbiigoo Zaagi'igan Anishinaabek First Nation to understand how they exercise their rights in the area surrounding the Project.
ATRI-15	**4.2 Indigenous Communities** "The Proponent will provide Project notices and opportunities for consultation and engagement with Indigenous communities identified in **Table 4-1**, which is inclusive of all Indigenous communities identified in the *Indigenous Partnership and Engagement Plan for the Marten Falls Community Access Road Project Impact Assessment* (the Agency 2020a) (referred to as the Indigenous Engagement and Partnership Plan). Indigenous communities will be provided the opportunity to be involved at critical decision-making points throughout the IS / EA Report so that the Proponent can consider and incorporate, where appropriate Indigenous Knowledge and Indigenous land and resource use information into the Project as it pertains to the existing environment, VCs, effects assessment methods, effects assessment results, and mitigation and follow-up program measures. A variety of activities will be offered so that Indigenous communities are informed of the IS / EA Report as it progresses and are aware of the opportunities, means and timelines to provide their input. The study plans have recognized Indigenous community input received on the Project to date. Indigenous communities will have the opportunity to comment on components of the	**Section 12** Proponents are required to engage with Indigenous groups in developing baseline conditions, in order to identify and understand the potential impacts of their projects on Indigenous peoples, the exercise of Aboriginal and Treaty rights and to incorporate Indigenous knowledge into the impact assessment. The results of any engagement should be presented in the Impact Statement, and, as best as possible should reflect the perspective of the Indigenous peoples involved. The proponent is required to provide an opportunity for Indigenous groups to review the information that pertains to them prior to submission of the Impact Statement. The Impact Statement must indicate where input from Indigenous groups has been incorporated, including Indigenous knowledge. To the extent possible, information should be specific to the individual Indigenous group(s) involved in the assessment, and describe contextual	A description of efforts to engage with individuals or groups who are not amongst 'interested persons' should be provided. Certain populations may be less likely to voluntarily express their views, and steps should be taken to remove barriers to ensure their participation.	Include in the Impact Statement detailed descriptions of the Indigenous groups that are being engaged and of those that do not wish to participate, and provide contextual information regarding historical and current trends. Describe actions taken to raise interest in the Project from potentially impacted Indigenous groups who chose not to participate in engagement activities.

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	study plans throughout the IS / EA Report consultation and engagement process."	information about the members within an Indigenous group (e.g., women, men, Elders and youth). Where Indigenous groups do not wish to participate, the proponent is encouraged to continue sharing information and analysis with the Indigenous groups of the potential effects of the Project, and to use available public sources of information to support the assessment.		
ATRI-16	**Throughout the study plan – including Sections 4.3, 7, 7.3, table 9-1**	**Section 5** "…a description of efforts made by the proponent to engage diverse populations, including groups identified by gender, age or other community relevant factors (e.g., recreational hunters) to support the collection of information needed to complete the GBA+;…" **Section 6** "…a description of efforts to engage diverse populations of each Indigenous group in culturally appropriate ways, including groups identified by gender, age or other community relevant factors (e.g., hunters, trappers, and other harvesters) to support the collection of information needed to complete the GBA+;…" **Section 7** "…The application of GBA+ to baseline conditions for diverse subgroups is necessary to support the GBA+ of effects. GBA+ uses standard social science quantitative and qualitative data collection and analysis methods to describe baseline conditions across diverse subgroups…" **Section 13.1** "…As applicable, the effects assessment must be sufficiently disaggregated and analysed to understand differences in norms, roles and relations for diverse subgroups; the different level of power they hold; their differing needs, constraints and opportunities, and the effects of these differences in their lives including consideration of disproportionate effects to surrounding communities…"	Although the proponent indicated intent to provide a detailed overview of the target population group(s) and local context, disaggregated baseline information will be essential to demonstrate changes over the life of the project and to provide a reference point for assessing gender equality results. This will allow clear identification of the segments of the population that will either benefit or be negatively impacted by the Project. Disaggregated data can provide a detailed description of how identity factors (gender, sex, age, ability, etc.) are,, for example, tied to specific places or areas, culturally significant ceremonies, and relationships and responsibilities to the land and to the community. The Proponent has not included how the data/information collected from project specific activities will be disaggregated to identify and monitor potential benefits and adverse impacts.	Provide details to demonstrate how information or data collected will be disaggregated to identify and monitor potential benefits and adverse impacts, as per the requirements in Sections 5, 6, 7 and 13 of the Guidelines. Provide details to demonstrate how engagement opportunities will be designed to gather disaggregated data from diverse groups and subgroups.
ATRI-17	**7.3.2 Project-specific Studies** "…Project-specific studies are intended to enable primary information and data collection to support the establishment of baseline conditions and the assessment for the Aboriginal and Treaty Rights and Interests VCs; these studies are also intended to support the collection of IK and perspectives	**Section 6.3** "…The Impact Statement must provide a record of engagement that describes all efforts, successful and unsuccessful, taken to seek the views of each potentially affected Indigenous group with respect to the Project. This record of	While the proponent highlights the importance of selecting a diversity of participants, there are opportunities to clarify how barriers will be reduced for individuals who may face challenges to participation. Consider what the barriers are to participation and what concretely can be done to reduce barriers. Inclusion may require deliberate efforts to remove	Add a commitment to inclusive ongoing consultation with non-Indigenous groups, Indigenous groups, and diverse sub-groups from those populations.

New comments from the Federal Review Team on the Aboriginal and Treaty Rights and Interests Study Plan submitted in June, 2021.				
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	relevant to the technical aspects of the IA / EA including environment, health, social and economic conditions, where possible. As described in Section 7.3, the Guidance Document and associated materials are intended to facilitate this… **…Select study participants:** this should be done with consideration for the importance of selecting a diversity of participants (women, Elders, youth) to support Gender-Based Analysis Plus; … **…Collect the information:** this could be done through workshops, focus groups, interviews, or a combination of these depending on what will work best for each community or group;…"	engagement is to include all engagement activities undertaken prior to the submission of the Impact Statement during the planning phase and in the preparation of the Impact Statement. The Impact Statement must include, at a minimum: …. a description of efforts to engage diverse populations of each Indigenous group in culturally appropriate ways, including groups identified by gender, age or other community relevant factors (e.g., hunters, trappers, and other harvesters) to support the collection of information needed to complete the GBA+;…"	potential barriers (e.g. transportation costs, accessible buildings, surveying in public and/or consumer spaces such as shopping malls, child-friendly or child-minding services during focus group sessions). Community engagement and consultation will support an understanding of the social and historical context of the community but to be meaningful, it must include diverse perspectives (and particularly of those who's voices are less often heard). Engagement and consultation should also be regular and ongoing.	
ATRI-18	**Table 9-1: General Assessment Methodology for Aboriginal and Treaty Rights and Interests** **Step 2:** Understand the context in which impacts on rights would occur. **General Description:** Identify the environmental and socio-economic conditions that support the community's meaningful exercise of their rights.	**Section 19.1** "…The potential effects, to consider assessing include both adverse and positive effects to the current use of land and resources for traditional purposes, physical and cultural heritage, and environmental, health, social and economic conditions of Indigenous peoples impacted by the Project, including interferences of the Project with the following…"	Section 19.1 of the Guidelines requires that the proponent assess the effects to environmental, **health**, social and economic conditions of Indigenous peoples impacted by the Project. Table 9-1 include environmental and socio-economic conditions but does not list health. Provide details to demonstrate that the effects to the health condition of Indigenous people will be considered as well as environmental, social and economic conditions.	Provide in the Impact Statement details to demonstrate that impacts of the Project to the health condition of Indigenous people will be considered in addition to environmental, social and economic effects, to meet the requirements of Section 19.1 of the Guidelines.
ATRI-19	**Table 11-1 Study Plan Federal and Provincial Concordance – Conformance with Requirements** "Information on how questions, comments and issues raised by Indigenous groups will be documented and responded to is provided in the Consultation and Engagement Plan to Support the Environmental Assessment / Impact Statement (IS / EA Consultation Plan)" "Information on the Record of Consultation and Engagement that will describe all efforts, successful and unsuccessful, taken to seek the views of each potentially affected Indigenous group with respect to the Project is provided in the IS / EA Consultation Plan. This Record of Consultation and Engagement will include all engagement activities undertaken prior to the submission of the Impact Statement during the planning phase and in the preparation of the Impact Statement."	**Section 6.2** "…The Impact Statement must provide an analysis of the input received from all Indigenous groups and sub-populations (e.g., Indigenous women and youth) that may be differentially impacted by the Project, with respect to the Project. This analysis is to include all input received by Indigenous groups prior to, and since commencing, the impact assessment process. This analysis is to include, and not be limited to, the identification of potential effects and impacts, including impacts on the exercise of Aboriginal and Treaty rights and the identification of specific valued components where appropriate…" "…The Impact Statement must also document how the proponent responded to questions, comments and issues raised by Indigenous groups, and how unresolved matters have been addressed. Any proposed mitigation measures are to be clearly linked, to the extent possible, to valued components in the Impact Statement as well as to specific project components or activities. The analysis and responses are to include…	The study plan seems to indicate that some engagement activities have taken place with Indigenous groups, however, no summary of the engagement activities that took place to date is provided in the study plan. The study plan indicates that the information was documented in the Record of Consultation. As per Sections 6.2 and 6.3 of the Guidelines, the Impact Statement must provide information on where and how Indigenous groups' knowledge, perspectives and input were integrated into or contributed to decisions regarding the Project and document how the proponent responded to questions, comments and issues raised by Indigenous groups, and how unresolved matters have been addressed.	Provide in the Impact Statement the necessary information to meet the requirements of Sections 6.2 and 6.3 of the Guidelines.

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		- where and how Indigenous groups' knowledge, perspectives and input were integrated into or contributed to decisions regarding the Project…" **Section 6.3** "…The Impact Statement must provide a record of engagement that describes all efforts, successful and unsuccessful, taken to seek the views of each potentially affected Indigenous group with respect to the Project. This record of engagement is to include all engagement activities undertaken prior to the submission of the Impact Statement during the planning phase and in the preparation of the Impact Statement…"		
ATRI-20	Through out document	**Section 7.3** "…Considerations in assigning appropriate study areas or boundaries would include, but not be limited to: • areas of known Indigenous land, cultural, **spiritual** and resource use;…" **Section 7.4.1** "…The Impact Statement must describe the spatial boundaries…including cultural and **spiritual** practices; and physical, ecological, technical, social, health, economic and cultural considerations..."	The cultural valued component is referenced inconsistently throughout the study plan. For example, in Section 6.6 of the study plan there is a general category of 'Cultural, Spiritual and Sacred' and in Appendix E, question guide, there are questions specific to Cultural/Spiritual/Sacred Sites. However, there are other sections that only describe Cultural items and it is unclear what is meant by 'Cultural'.	Provide in the Impact Statement further clarity regarding the "cultural valued component", adding, as appropriate, 'spiritual' and/or 'sacred' to ensure these distinction are clearly indicated. Clarify the use of the term "cultural" in the study plan, perhaps by adding the meaning of the term for the study plan in the glossary. If appropriate, consider also clarifying the distinction between spiritual and/or sacred cultural valued component.
ATRI-21	Table 4-2: Consultation and Engagement Milestones, Schedules, Activities and Targeted Input Milestone: Notice of Commencement of the Provincial EA	**Section 3.2** "…The Impact Statement must include a schedule including time of year, frequency, and duration for all project activities…"	The first milestone in Table 4-2 references the provincial process only. However, the "targeted input" references both the EA and IS. For clarity, it is recommended that the federal Impact assessment process be referenced as well.	Include in the consultation plan clear references to the milestones of the federal impact assessment process, as appropriate.
ATRI-22	**Section 5 Consideration of Indigenous Knowledge in the IS / EA Report** "All Indigenous communities and groups identified by the MECP and the Agency (see Table 4-1) have the opportunity to participate in the IK Program. The IK Program provides interested Indigenous communities with an opportunity to: share existing IK and information on Indigenous land and resource use and cultural values that may be relevant to the Project, and / or complete Project-specific studies to collect and share IK and information on Indigenous land and resource use and cultural values. The IK Program includes opportunities for Indigenous communities and groups to meet with the Proponent to discuss the program, ask questions, and share concerns and interests. The IS / EA Consultation Plan outlines the process for obtaining information and feedback about the Project from Indigenous communities (i.e., the	**Section 8.6** "…The Impact Statement must: − identify all springs and any other potable surface water resources within the local and regional project areas and describe their current use, potential for future use, and whether their consumption has Indigenous cultural importance − identify all domestic, communal, or municipal water wells within the local and regional project areas, including their screened hydrostratigraphic unit and piezometric level; describe their current use, potential for future use, and whether their consumption has any Indigenous cultural importance…" **Section 8.7**	It is unclear how many of the requirements of the Guidelines (including, but not limited to Sections 8, 9, 10, 11 and 12) related to lands and resource uses by Indigenous people will be met if some Indigenous groups are unable or unwilling to participate in the Indigenous Knowledge program. Section 12.2 of the Guidelines requires that the Impact Statement include information on the current use of lands and resources for traditional purposes (e.g., hunting, fishing, trapping, plant gathering, ceremonial or spiritual practices) of **all** potentially impacted Indigenous groups. There are multiple examples in the concordance table where the response to these requirements (see examples in column to the left) is that information collected through the IK Program will be shared with each relevant technical	Include further information describing alternative approaches offered to gather information related to lands and resource use for Indigenous groups who are unable or unwilling to participate in the IK program. Provide engagement opportunities to groups to share information about land and resource use even if they are unwilling or unable to participate in the IK program. Submit to the Agency a workplan for the ATRI study plan that details how, when, who and what topics will be covered when technical teams engage groups to solicit perspectives and information relevant to the Project.

New comments from the Federal Review Team on the Aboriginal and Treaty Rights and Interests Study Plan submitted in June, 2021.				
#	**Study Plan Section**	**Guidelines Section**	**Context**	**Required Action for the Proponent**
	Consultation and Engagement Program)." **7.2.3 Project Specific Studies** "Project-specific studies are intended to enable primary information and data collection to support the establishment of baseline conditions and the assessment for the Aboriginal and Treaty Rights and Interests VCs; these studies are also intended to support the collection of IK and perspectives relevant to the technical aspects of the IA / EA including environment, health, social and economic conditions, where possible. Based on communications to date, it is expected that Indigenous communities or groups interested in participating in the IK Program and specifically in completing a Project-specific study will undertake these studies on their own or with the support of consultants." **Section 10 Assumptions** "Indigenous communities and groups interested in meaningfully participating in the IA / EA but not necessarily interested or able to participate in the IK Program will be provided with opportunities to participate through the Consultation and Engagement Program for the Project." **Table 11-1 Study Plan Federal and Provincial Concordance – Conformance with Requirements** "Relevant primary and secondary information collected through the IK Program will be shared with each relevant technical discipline team, as appropriate. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in Table 4-1 in November 2020 includes questions related to…..(refer to Appendix E of the Guidance Document). There are also opportunities for technical teams to engage with Indigenous communities to solicit perspectives and information relevant to the Project and the …. baselines and assessments" "The Study Plan has been updated to reflect that the IK Program and associated Guidance Document will strive to collect IK and inputs that are relevant to other technical aspects of the assessment. The Guidance Document includes information on how IK and other information shared through the IK Program can be used to inform the various technical aspects of the impacts assessment including baseline conditions (refer to Section 4 of the Guidance Document). It also includes questions that could be used to solicit information to inform technical aspects of the assessment, including the natural and socio-economic environments (e.g., questions about important fish and wildlife use areas, questions about country	"…The Impact Statement must: − describe the use of local vegetation for medicinal or cultural purposes or as a source of country foods (traditional foods) − describe any other plant species of concern for consumption or where use has any Indigenous cultural importance…" **Section 8.8** "…The Impact Statement must: − describe the use of fish and/or aquatic species…for consumption or where use has Indigenous cultural importance…" *(Note: the above are examples of requirements, please refer to the Guidelines for a complete list)* **Section 12.2** "…The Impact Statement should include information on the current use of lands and resources for traditional purposes (e.g., hunting, fishing, trapping, plant gathering, ceremonial or spiritual practices) of all potentially impacted Indigenous groups..."	discipline team and that the Guidance Document shared with the groups includes questions related to the topic. Indigenous groups who are not participating in the IK Program should still be provided with the opportunity to be engaged on traditional lands and resource use to meet the requirements of the Guidelines. Section 10 of the study plan indicates that these groups will be able to participate through the Consultation and Engagement Program. However, more details is needed to clarify whether the Consultation and Engagement program will target input on traditional lands and resource use for groups who are not participating in the IK program. More detail is needed about the opportunities for technical teams to engage with Indigenous groups on the baseline programs for other Valued Components that could be related to traditional uses (groundwater / surface water, vegetation, fish and fish habitat etc).	

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	food consumption – refer to Appendices D and E in the Guidance Document. It is also important to note that soliciting IK to inform baseline conditions for other technical aspects of the assessment does not necessary come just from direct questions but can be gleaned from information on Indigenous land and resources use (e.g., where certain species are harvested and why)." **Consultation plan, Section 4.1.5 Summary of Consultation Activities** If Indigenous Knowledge is brought forward by a neighbouring Indigenous community during consultation and engagement activities, the community will be invited to participate in the Indigenous Knowledge Program.			
ATRI-23	**Consultation plan, Table 4-2**	**Section 6** "In addition to the requirements set out in section 6.1, 6.2 and 6.3, the proponent must provide Indigenous groups with an opportunity to: • provide Indigenous knowledge during baseline data collection; • comment on the list of valued components and indicators; • inform the effects assessment and review its conclusions; and • inform the development of mitigation measures and follow-up programs."	The Consultation Plan included in the ATRI study plan indicates that, in the summer and fall of 2021, feedback will be obtained on planned baseline field studies, existing conditions and results of baseline field studies completed, EA / IA processes, local and regional study areas, project phases, criteria and indicators, Project-environment interactions and characteristics of net effects. The Agency understands that this was the anticipated timeline and may have changed. However, it is unclear if this engagement has been done or if there is an updated schedule available.	In a work plan, provide details to confirm whether this engagement has been completed. If not started or completed, provide an updated timeline to show when this engagement will be done.
ATRI-24	**Editorial - Footnote 16, Section 9.3** "In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs. The VCs will be consulted and engaged on early in the IA/EA process and finalized taking into consideration the input received. Therefore, only information relevant to the Project that arises from the regional assessment of the Ring of Fire within an appropriate timeline will inform the VCs for the Project."		The statement in the footnote 16 in Section 9.3 "In *February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs."* is inaccurate, as the Regional Assessment in the Ring of Fire area has not yet begun.	Replace the text in footnote 16 with "In *February 2020, the Minister of Environment and Climate Change determined that a regional assessment will be conducted in an area centred on the Ring of Fire mineral deposits in northern Ontario. Relevant information available in relation to the Regional Assessment in the Ring of Fire area would be considered in the impact assessment of the Project."*
ATRI-25	**Section 10** "The IS / EA Report will indicate where input from Indigenous communities and groups, including where IK, has been incorporated."	**Section 6.2** "..where and how Indigenous groups' knowledge, perspectives and input were integrated into or contributed to decisions regarding the Project (e.g., project design), including: • scoping, development and collection of baseline information; • plans for construction, operation, decommissioning, abandonment, and maintenance; and • follow-up and monitoring…. …Where and how Indigenous groups' knowledge, perspectives and input were integrated in the characterization of the nature of environmental, health, social and economic	Section 10 of the study plan indicates that the IS/EA Report will include information about where input from Indigenous groups has been incorporated. Section 6 of the Guidelines requires information about where and how Indigenous groups' knowledge, perspectives and input were integrated.	As required in Section 6 of the Guidelines, include in the Impact Statement details about where and how Indigenous groups' knowledge, perspectives and input were: • integrated into or contributed to decisions regarding the Project; • Integrated into the characterization of the nature of environmental, health, social and economic effects and impacts expected from the Project; and • integrated in avoiding, mitigating or accommodating identified effects and impacts.

New comments from the Federal Review Team on the Aboriginal and Treaty Rights and Interests Study Plan submitted in June, 2021.				
#	**Study Plan Section**	**Guidelines Section**	**Context**	**Required Action for the Proponent**
		effects and impacts expected from the Project for each Indigenous group… …where and how Indigenous groups' perspectives and Indigenous knowledge and input were integrated in avoiding, mitigating or accommodating identified effects and impacts..”		
ATRI-26	**Table 11-3: Study Plan Federal and Provincial Concordance – Requirement Deviations**		Proposed amendments and/or deviations from the Guidelines will not be reviewed or approved during the study plans review process. The Agency will provide guidance on the process to propose amendments and/or deviations to the Guidelines to the project team.	
ATRI-27	**Section 7.3** “…For each of the valued components that will be assessed in the Impact Statement, the proponent must create a study plan and a work plan to be validated by the Agency. Upon receipt of a study plan, the Agency may request that the proponent present and discuss the study plan at technical meetings, which will be scheduled during the impact statement phase…”	In order to meet the requirements of Section 7.3 of the Guidelines, a work plan for each valued component must be submitted to the Agency for validation. Since the Aboriginal and Treaty Rights and Interests study plan does not outline when baseline data will be collected for each Indigenous group (i.e., scheduling, sequencing), the submission of a work plan that provides this information is required.	Provide a work plan that outlines how the study plan will be executed in the field, including when baseline data will be collected. The work plan should include scheduling and sequencing of engagement activities relative to proposed baseline work, engagement on the study plan, spatial and temporal boundaries determinations, and particularly in relation to collection of Indigenous knowledge. In addition, the work plan should outline when information will be collected for each relevant valued component, including environmental, social, health and economic interests. See also comments ATRI-04, ATRI-22 and ATRI-23.	

Comments Table

Proposal: Marten Falls Community Access Road Project – Draft Technical Study Plans
Proponent: Marten Falls First Nation

Study Plan Title: Aboriginal and Treaty Rights and Interests
Commenter Name, Job Title and Ministry: Peter Brown, Senior Advisor, EAPD

Comment #	Study Plan/ Page/ Section # in Work Plan	Comments & Rationale	Proposed Action/Solution
1.	Aboriginal and Treaty Rights and Interests, Pages 36-37, Table 9-4	Interactions identified in Table 9-4 do not match the list on page 36.	Please indicate in Table 9-4 all of the disciplines that have a potential interaction with Aboriginal and Treaty Rights, as indicated on page 36, or clarify what is shown in Table 9-4.

Study Plan Title: Socio-community
Commenter Name, Job Title and Ministry: Peter Brown, Senior Advisor, EAPD

Comment #	Study Plan/ Page/ Section # in Work Plan	Comments & Rationale	Proposed Action/Solution
2.	Social, Pages 46-47, Table 9-3	Table 9-3 should include all potential interactions that will be considered in the impact assessment (e.g., example from page 46 of potential impacts of noise on community well-being).	Table 9-3 should be updated to reflect all potential interactions that will be considered in the impact assessment, or it should be clarified what is shown in Table 9-3.

Study Plan Title: Land and Resource Use
Commenter Name, Job Title and Ministry: Peter Brown, Senior Advisor, EAPD

Comment #	Study Plan/ Page/ Section # in Work Plan	Comments & Rationale	Proposed Action/Solution
3.	Land and Resource Use, Pages 39-40, Table 9-3	Table 9-3 should include all potential interactions that will be considered in the impact assessment (e.g., potential impacts through noise and surface water on parks and recreation and tourism).	Table 9-3 should be updated to reflect all potential interactions that will be considered in the impact assessment, or it should be clarified what is shown in Table 9-3.

Attachment B

Letter from Chief Bruce Achneepineskum Regarding Marten Falls First Nation's Position on UNDRIP



Letter from Chief Bruce Achneepineskum Regarding Marten Falls First Nation's Position on UNDRIP

Dear Impact Assessment Agency,

I am writing to you on behalf of Marten Falls First Nation about the Community Access Road Project that our Nation is putting forward. I want to share how our community sees this project and the rights and responsibilities that come with it.

The Community Access Road matters deeply to our people. It is our project. We are the ones proposing it, leading it, and standing behind it. The road is intended to connect our community to the rest of Ontario so that our members and families can move more easily, better access services, support our economy, and improve daily life. We have been thinking about this road for many years, and the decision to bring it forward was made by our community through our own leadership and our own ways of making decisions.

This is Our Land and Our Project

The road will be built on our traditional territory. This is land that our people have lived on, cared for, and exercised our rights on since long before Canada existed. It is ours, we know it well, and this formed the basis of our dealings with Canada under Treaty 9.

Because this is our land and our project, the consent of our community is at the centre of this decision to move forward. Through our long and extensive community-based decision-making process, the Marten Falls First Nation community is prepared to give that consent. We are not standing on the sidelines waiting for someone else to decide what happens here. We are the ones who decided to bring forward this road, and we have done so freely, fully informed, and through our own leadership and decision-making. This is the essence of our self-determination.

Our Right to Make Decisions on Our Own Lands

As this project is proposed within our Nation's territory, it is our consent that is central. We have heard from neighbouring communities, and we respect their voices and the concerns they have raised. But the responsibility for deciding whether a road should be built on our land, and how it should be built, rests with us. That is what self-determination means in practice. It is also what the United Nations Declaration on the Rights of Indigenous Peoples is meant to promote and protect.

We believe the Agency should keep this front of mind. The concerns put forward by other communities regarding this project do not change who holds the authority to plan, develop, and consent to a project proposed on our traditional territory. We acknowledge that concerns from neighbouring Nations should be heard, taken seriously, and wherever possible addressed through consultation, mitigation, and accommodation. However, the claims of other neighbouring Nations cannot and should not be inappropriately twisted into a power to veto our decisions about our own lands.

Concerns About Downstream Effects

We understand that some neighbouring communities have raised concerns about possible downstream effects on water, fish, caribou, and other parts of the land they rely on. We take those concerns seriously. We are people of the land and water too, and we share the responsibility of caring for what we have all been given.

Our Impact Statement looks carefully at the project's effects on the surrounding environment, including effects beyond our own community. We have commissioned extensive expert studies of these impacts, heard and reviewed feedback, and worked to reduce the potential for harm where it may occur. We are not aware of any serious long-term impacts to the environment beyond our traditional lands. In all cases where neighbouring communities have asserted impacts on their rights, we have commissioned reports on these rights to determine that this project does not impair them. We continue to be available for honest consultation and future changes to the project where the best information supports change. That is how this First Nation has traditionally acted and seeks to act in the future.

Treaty 9 and Our Responsibilities

We are a Treaty 9 Nation. We honour that treaty, and we expect it to be honoured in return. Our treaty rights, our responsibilities to the land, and our responsibilities to future generations all sit behind this project. The road is one of the ways our community is exercising those rights and meeting those responsibilities today. It is a project that came from us, that serves our people, and that we believe will leave our community stronger.

What We Are Asking of the Agency

First, we ask that the Agency recognize Marten Falls First Nation as the community who has the right to propose and consent to this project. We also ask that this Agency recognize that our Nation has given that consent.

Second, please continue to consult with neighbouring Indigenous communities regarding their concerns about downstream and regional effects. We support that effort and will continue to work with you to address the concerns of our neighbours through honest dialogue and meaningful changes where they are needed. However, to the extent that these communities assert rights or interests in our territory, you must insist that they first deal with us under Anishinaabe law as our neighbors since time immemorial to explain the basis of those claims. We ask that you inform yourself of this context as you assess your obligations to these communities under the duty to consult.

Third, please do not treat consultation and consent as if they are the same thing. The decision about whether this road is built on our territory is ours to make. The decision about how to address concerns from our neighbours is one we are willing to share in.

We will continue to engage with the Agency, with the Crown, and with our neighbours in good faith throughout this process. We will continue to listen, to share information, and to work toward a road that benefits our community and respects everyone's rights and concerns.

Meegwech,

Chief Bruce Achneepineskum
Marten Falls First Nation



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