



Impact Assessment
Agency of Canada

Ontario Region
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Toronto ON M5J 1R7

Agence d'évaluation
d'impact du Canada

Région de l'Ontario
600-55 rue York
Toronto ON M5J 1R7

October 19, 2022

Sent by email

Chief Sylvia Koostachin-Metatawabin
Attawapiskat First Nation
P.O. Box 248
Attawapiskat ON P0L 1A0
<Email address removed>

Dear Chief Sylvia Koostachin-Metatawabin:

Subject: Indigenous Comments Received since the Start of the Impact Statement Phase – Marten Falls Community Access Road Project

This letter is to share with Attawapiskat First Nation comments received from Indigenous communities listed in the Indigenous Engagement and Partnership Plan (IEPP) of the federal impact assessment for the Marten Falls Community Access Road Project (the Project), and to express how your community can participate in the assessment process.

Summary Table of Comments

The Impact Assessment Agency of Canada (the Agency) prepared a summary table of comments from the Indigenous community comments received by the Agency between February 25, 2020, and August 31, 2022 (Enclosure 1). In addition to the summarized comments received, the summary table of comments also includes Agency responses on how the comments would be addressed during the assessment.

This table is for your information and serves as a reminder of the comments received from your community and other Indigenous communities listed in the Indigenous Engagement and Partnership Plan (IEPP), from the start of the impact statement phase, until the end of August 2022. The table also is shared with Marten Falls First Nation (the Proponent) to inform their work going forward, as the Agency expects the Proponent to engage all communities listed in the IEPP and ensure the comments and concerns raised by the communities are addressed in the Proponent's Impact Statement.

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How to Participate

The Agency strongly encourages Attawapiskat First Nation to participate in the federal assessment process. Through the submission of comments, meeting with the Agency and engagement with the Proponent, Attawapiskat First Nation will inform and shape the federal impact assessment.

Our team has begun a re-engagement process. We will reach out to begin the collaborative assessment of impacts on rights, to gain further understanding of potential impacts on your community. While the Agency aims to hold meetings through virtual means, on a case-by-case basis, the Agency may meet in person, in accordance with public health guidance and Agency policies about Covid-19.

Indigenous communities listed in the IEPP should engage with the Proponent to inform the Proponent's work on the Impact Statement. The Proponent is expected to provide opportunities to share Indigenous knowledge; comment on baseline data and collection; comment on valued components and indicators; inform the effects assessment, including mitigation and follow-up program measures; and comment on how your community's perspectives are reflected in the Impact Statement.

Grant Funding

To support your participation in Agency-led activities for the federal assessment process of the Project, the Agency has grant funding that will become available in the near future. This grant will be in addition to the contribution funding offered in 2020. We will reach out at a future date with more details on available funds and how to apply. If you have questions about participant funding for the federal assessment of the Project, please contact Marjolaine Maisonneuve, Senior Funding Officer, at fp-paf@iaac-aeic.gc.ca.

If you have any questions or comments related to this letter, please contact me at martenfalls@iaac-aeic.gc.ca.

Sincerely,

<Original signed by>


Caitlin Cafaro
Crown Consultation Coordinator

Enclosure: Summary Table of Comments and Responses - Marten Falls
Community Access Road

c.c.: See Distribution List

Distribution List for the Agency Letter of October 19, 2022

Louis Edwards, Deputy Chief, Attawapiskat First Nation

Wayne Turner, CEO, Attawapiskat First Nation

Nancy Tookate, Secretary, Attawapiskat First Nation

Nancy Jones, OKT Law

Dorothee Schreiber, Environmental Consultant

Summary Table of Comments Received from Indigenous Communities, between February 25, 2020 and August 31, 2022

Row #	Indigenous Community	Summary of Comment	Agency's Response
Surface Water			
1	Ginoogaming First Nation	Concerned about changes to water quality of streams used for drinking water.	As per Sections 2.3, 9 and 16.1 of the Guidelines, the Proponent is required to collect information on human health conditions, including drinking water sources which may be affected by the Project, and assess the potential effects. In addition, Sections 8.6 and 14.2 of the Guidelines, the Proponent is required to collect baseline data and information on surface water, and assess potential effects on surface water quality and quantity.
Aquatic and Terrestrial Wildlife and Habitats			
2	Attawapiskat First Nation Kitchenuhmaykoosib Inninuwig First Nation Neskantaga First Nation Nibinamik First Nation	Concerned about effects on wildlife, especially caribou and behaviour of predatory species, and effects on wildlife habitat, including habitat of caribou and other species at risk.	As per Sections 8.9 to 8.11, 15.3, 15.4, and 22 of the Guidelines, the Proponent is required to describe the baseline conditions of terrestrial wildlife and their habitat, including species at risk, and any effects (including cumulative effects) of the Project on these valued components. For the cumulative effects assessment, the Proponent must consider the results of any relevant regional study conducted. The expectations for the cumulative effects assessment outlined in Section 22 of the Guidelines require the Proponent to consider the construction and operation of reasonably foreseeable projects, including the Marten Falls Community Access Road, the Northern Road Link, and the Anaconda/Painter Lake Road.
3	Ginoogaming First Nation	Concerned about potential negative impacts on aquatic wildlife, insects and waterfowl from changes to water quality.	As per Sections 8.8, 8.9, 8.11, 15.1, 15.2, to 15.4 of the Guidelines, the Proponent is required to collect baseline data and information on aquatic and bird species and their habitats, including insects and pollinating species.
4	Neskantaga First Nation	Expressed the need for the collection of benthic data, to better understand community ecology.	As per Sections 8.8 and 15.1 of the Guidelines, the Proponent is required to collect baseline data on benthic features and assess any impacts to benthic environments.
5	Neskantaga First Nation Weenusk First Nation	Concerned that the Project would threaten fish, fish habitat and the river system, including the fish (for example trout) that migrate through the Albany River and Attawapiskat River.	As per Sections 14.2 and 15.1 of the Guidelines, the Proponent is required to assess the Project's potential impacts on the quality and quantity of surface water and its potential effects on fish and fish habitat, as defined in the <i>Fisheries Act</i> .
6	Neskantaga First Nation	Concerned that the project would cause changes to sensitive wildlife habitat (e.g. eskers) that is important for migration and reproduction of various wildlife, such as caribou, nesting birds, wolves and wolverines.	As per Sections 8.10 and 15.3 of the Guidelines, the Proponent is required to collect baseline data on wildlife habitat, and assess all changes to said habitat as a result of the Project.

Summary Table of Comments Received from Indigenous Communities, between February 25, 2020 and August 31, 2022

Row #	Indigenous Community	Summary of Comment	Agency's Response
Human Health			
7	Ginoogaming First Nation Nibinamik First Nation	Concerned about the potential changes to the pristine landscape and waterways, and the effects on the well-being, mental and physical health of their community members. Commented that subsistence from the land is a key factor to be considered.	As per Sections 12.3, 16 through 16.3, 17.2, 19 through 19.1 and 25 of the Guidelines, the Proponent is required to collect baseline data and information, including data and information for GBA Plus specific subpopulations (for example Elders) of the Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project, and assess the effects on the health conditions of the communities, including effects to community well-being due to changes to viewsapes resulting from the Project. In addition, Section 25 of the Guidelines requires the Proponent's analysis of potential effects to consider the well-being of present and future generations.
Socio-economic Conditions			
8	Ginoogaming First Nation Neskantaga First Nation	Concerned the Project would have forever impacts on the socio-economic conditions and livelihood of community members and their homelands.	As per Sections 12.3, 17 through 17.6, 19.1 and 25 of the Guidelines, the Proponent is required to collect baseline data on the social and economic conditions of the Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project, including the GBA Plus specific subpopulations of those communities, and assess the effects on those social conditions. In addition, Section 25 of the Guidelines requires the Proponent's analysis of potential effects to consider the well-being of present and future generations.
9	Ginoogaming First Nation	Concerned that the roads would lead to changes to the land, which would have detrimental impacts on the livelihood of the community.	As per Sections 12.3, 18.3, 19.1, 22 and 25 of the Guidelines, the Proponent is required to collect baseline data and information on the economic conditions of the Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project, including the GBA Plus specific subpopulations of those communities, and assess the effects of the Project on the economic conditions of the communities and their specific subpopulations. In addition, Section 25 of the Guidelines requires the Proponent's analysis of potential effects to consider the sustainability of Indigenous livelihoods.
Physical and Cultural Heritage			
10	Aroland First Nation Ginoogaming First Nation Kitchenuhmaykoosib Inninuwug First Nation Long Lake #58 First Nation Nibinamik First Nation	Concerned that changes to the land would have effects on the cultural practices and resources of the neighbouring Indigenous communities.	As per Sections 12.1, 17.6 and 19.1 of the Guidelines, the Proponent is required to collect information and assess potential effects on the cultural heritage of the Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project. Also as per Section 6.3 of the Guidelines, the Proponent is required to demonstrate how they have engaged with the Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project, on topics of importance to those communities (such as cultural heritage). This section also outlines how the Proponent is required to engage with the Indigenous communities on any proposed mitigation measures and follow-up programs.
11	Neskantaga First Nation	Concerned that the use of eskers would disrupt archeological deposits in areas which may be historical trail systems.	As per Sections 12.1, 17.6 and 19.1 of the Guidelines, the Proponent is required to collect information and assess potential effects on the cultural heritage of the Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project. In addition, the Proponent is required to assess impacts to archeological sites, important to the Indigenous communities, and propose measures to mitigate impacts.

Summary Table of Comments Received from Indigenous Communities, between February 25, 2020 and August 31, 2022

Row #	Indigenous Community	Summary of Comment	Agency's Response
Current Use of Lands and Resources for Traditional Purposes			
12	Kitchenuhmaykoosib Inninuwig First Nation	Changes to the landscape would impact caribou populations, which are a culturally significant species.	As per Sections 12 through 12.3, 19.1 and 19.2 of the Guidelines, the Proponent is required to collect information on the current use of lands and resources for traditional purposes, and assess the effects, as well as the impacts on the exercise of Aboriginal and Treaty rights of all Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project.
13	Constance Lake First Nation	Concerned about impacts on lands and resources due to project location, increased area access by hunters and fishers, and an increase in forestry and tourism activities.	Please see the Agency's response in row 12.
14	Neskantaga First Nation	Concerned that the changes to eskers would affect the social-ecological systems used to harvest wildlife and provide foods and medicines.	Please see the Agency's response in row 12.
Structures, Sites and Things of Historical, Archaeological, Paleontological or Architectural Significance			
15	Constance Lake First Nation Fort Albany First Nation Long Lake #58 First Nation Neskantaga First Nation	Concerned that the Project would lead to increased traffic in the area and impact historic trails, sites and areas of historic and future (resumed) use. Commented that to determine potential impacts on sites of historical and archeological significance, meaningful consultation within the community needs to occur.	As per Sections 12.1 and 19.1 of the Guidelines, the Proponent is required to collect information and assess all impacts of the Project on cultural heritage, and structures, sites or things of historical, archaeological, paleontological or architectural significance to the Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project.
Cumulative Effects			
16	Aroland First Nation Fort Albany First Nation	Concerned that the impact assessment process, as it stands assessing three separate segments, would not adequately assess the cumulative effects of the proposed projects.	The Agency acknowledges your concerns regarding a separate assessment for each road project. While the Agency cannot force the Proponents to consolidate the projects, Section 22 of the Guidelines for the Project requires that the Proponent assess cumulative effects arising from the Project in combination with past, existing and reasonably foreseeable projects, such as Marten Falls Community Access Road, Northern Road Link and the upgraded Anaconda/Painter Lake Road. In addition, the Guidelines for the Webequie Supply Road Project includes similar requirements for the cumulative effects assessment; therefore potential effects from this project (the Marten Falls Community Access Road Project), Northern Road Link and Anaconda/Painter Lake Road should be considered in the cumulative effects assessment for that project (the Webequie Supply Road Project), as well.

Summary Table of Comments Received from Indigenous Communities, between February 25, 2020 and August 31, 2022

Row #	Indigenous Community	Summary of Comment	Agency's Response
17	Aroland First Nation Attawapiskat First Nation Neskantaga First Nation Nibinamik First Nation	Commented that the Project, along with the other road projects and developments in the Ring of Fire area, would lead to cumulative impacts on the environment (including habitats of species at risk), social conditions, the defense against climate change (carbon sinks), as well as cause impacts on the exercise of Aboriginal and Treaty rights for many generations.	The impact assessment process applies to projects as they are proposed by proponents. An impact assessment for a project conducted according to the <i>Impact Assessment Act</i> , should take into account cumulative effects. Cumulative effects are changes to the environmental, health, social and economic conditions that result from residual environmental, health, social and economic effects of the Project in combination with environmental, health, social and economic effects of other past, present and reasonably foreseeable projects. Section 22 of the Guidelines outlines the requirements for the cumulative effects assessment, including the minimum projects and activities to include in the cumulative effects assessment and the expectation that the cumulative effects assessment also would consider cumulative effects on the exercise of Aboriginal and Treaty rights, and would consider the results of any relevant regional study conducted.
Aboriginal and Treaty Rights			
18	Aroland First Nation	Concerned that changes to land and water could have impacts on the exercise of Aboriginal and Treaty rights.	As per Sections 6.2, 6.3, 19.1, 19.2, 22 and 26 of the Tailored Impact Statement Guidelines (the Guidelines), Marten Falls First Nation (the Proponent) is required to provide information on how the Project may impact the Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project, and integrate into the Impact Statement all input received from the communities. This includes the communities' perspectives on the Proponent's effects assessment (including assessment of cumulative effects), proposed mitigation and follow-up programs, as well as the Proponent's consideration of impacts on the exercise of Aboriginal and Treaty rights by the communities and any proposed accommodation for those impacts. The Agency will consult with Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project, to understand their perspectives on how they could be impacted by the Project and any proposed accommodation for potential impacts on the exercise of their Aboriginal and Treaty rights.
19	Attawapiskat First Nation Nibinamik First Nation	Commented that an understanding of the regional impacts is needed to assess potential impacts on the exercise of Aboriginal and Treaty rights.	As per Sections 7.4.1 and 21 of the Guidelines, the Proponent is expected to define regional study areas for the valued components with input from the Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project, and predict through the effects assessment whether the Project would cause residual effects in the project, local and/or regional study areas. The residual effects caused by the Project would inform the cumulative effects assessment and the assessment of impacts on the exercise of Aboriginal and Treaty rights, per Sections 19 and 22 of the Guidelines. Also as per Sections 6.2, 6.3, 19.1, 19.2 and 22 of the Guidelines, the Proponent is required to provide information on how the Project may impact the Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project, and integrate into the Impact Statement all input received from the communities. This includes the communities' perspectives on the Proponent's effects assessment (including assessment of cumulative effects), proposed mitigation and follow-up programs, as well as the Proponent's consideration of impacts on the exercise of Aboriginal and Treaty rights by the communities and any proposed accommodation for those impacts. The Agency will consult with Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project, to understand their perspectives on how they could be impacted by the Project and any proposed accommodation for potential impacts on the exercise of their Aboriginal and Treaty rights.

Summary Table of Comments Received from Indigenous Communities, between February 25, 2020 and August 31, 2022

Row #	Indigenous Community	Summary of Comment	Agency's Response
20	Fort Albany First Nation Aroland First Nation	Commented on the need to include cultural information about traditional territory, structures and sites of historical, archeological, paleontological, or architectural significance, in the assessment of impacts on the exercise of rights.	As per Sections 12.1 and 17.6 of the Guidelines, the Proponent is required to gather information about Indigenous culture and assess, in the Impact Statement, changes to the structures, sites or things of historical, archaeological, paleontological or architectural significance and associated effects on other social and economic conditions, specifically burial sites, as well as anticipated effects to language, traditional cultural activities, and plants and wildlife of cultural importance. In addition, Section 19.2 of the Guidelines indicates that the Proponent's Impact Statement should describe interference with the exercise of rights by the Project. The Agency will consult with Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project, to understand their perspectives on how they could be impacted by the Project and any proposed accommodation for potential impacts on the exercise of their Aboriginal and Treaty rights.
21	Aroland First Nation	Commented that the Project, in combination with other reasonably foreseeable projects, would contribute to impacts on the exercise of Aboriginal and Treaty rights by their community.	As per Sections 6.2, 6.3, 19.1, 19.2, 22 and 26 of the Guidelines, the Proponent is required to provide information on how the Project may impact the Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project, and integrate into the Impact Statement all input received from the communities. This includes the communities' perspectives on the Proponent's effects assessment (including assessment of cumulative effects), proposed mitigation and follow-up programs, as well as the Proponent's consideration of impacts on the exercise of Aboriginal and Treaty rights by the communities and any proposed accommodation for those impacts. The Agency will consult with Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project, to understand their perspectives on how they could be impacted by the Project and any proposed accommodation for potential impacts on the exercise of their Aboriginal and Treaty rights.
Consultation and Engagement Opportunities			
22	Aroland First Nation Kitchenuhmaykoosib Inninuwug First Nation Weenusk First Nation	Concerned that the Proponent is disregarding their community's decision-making process, and is not providing a meaningful opportunity to express their concerns about the Project or to participate in the assessment process.	As per Section 6 of the Guidelines, the Proponent is expected to work with the Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project, to understand what kinds of approaches to engagement would create safe spaces for meaningful dialogue to enable full and free participation of all community members, including different subpopulations (e.g., Elders, women and youth), in the engagement process. Also, the Agency will consult with Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project, to understand their perspectives on the Proponent's Impact Statement and how their views are reflected in the Proponent's documentation.

Summary Table of Comments Received from Indigenous Communities, between February 25, 2020 and August 31, 2022

Row #	Indigenous Community	Summary of Comment	Agency's Response
23	Attawapiskat First Nation Fort Albany First Nation Nibinamik First Nation	Expressed the need for coordination and harmonization of federal and provincial assessment processes whenever possible to minimize consultation fatigue and confusion. Commented that a one-window approach for the federal and provincial assessments could reduce consultation fatigue.	The Agency acknowledges that consultation fatigue is a concern for Indigenous communities and continues to coordinate with the province and the Proponent on the timing and engagement for both the federal and provincial assessments. In addition, the Cooperation Plan for the Project, released on February 24, 2020, outlines how both the federal and provincial assessment processes may cooperate in common areas of interest. Information relevant to both processes that is received by the Agency is shared with the province and the Proponent, as appropriate. Further, the Proponent is expected to produce one set of documentation that meets both federal and provincial assessment requirements, and is strongly encouraged to harmonize its activities as much as possible to fulfill requirements for both assessment processes.
24	Ginoogaming First Nation	Commented that Indigenous communities do not have the resources needed to participate in the concurrent provincial environmental assessment, federal impact assessment and Regional Assessment of the Ring of Fire area.	The Agency recognizes the challenges of participating in three separate assessments. The Agency is working with the province and the Regional Assessment team to identify potential efficiencies, to minimize the workload on Indigenous communities. The Agency will remain flexible, to the extent possible, when consulting with Indigenous communities. The Proponent is also expected to be flexible in its engagement approach with communities.
25	Aroland First Nation Attawapiskat First Nation Constance Lake First Nation Eabametoong First Nation Fort Albany First Nation Ginoogaming First Nation Kitchenuhmaykoosib Inninuwig First Nation Long Lake #58 First Nation Neskantaga First Nation Nibinamik First Nation	Expressed that managing important events (such as elections) and challenges to the health, safety and well-being of community members, including local infrastructure issues and the COVID-19 pandemic, take precedence over requests regarding the assessments. Commented that the COVID-19 pandemic has prevented or restricted Elders and other community members from meeting to discuss the road projects and the assessments.	The Agency limited its contact with Indigenous communities, recognizing that important events do occur and that it is challenging to undertake engagement and consultation while managing those events and major community challenges, such as infrastructure and housing crises, and COVID-19 pandemic. The Agency cannot control the time limit of the impact statement phase of the process. However, the impact assessment process is a multi-year process, during which the Agency will remain flexible, to the extent possible, when consulting with Indigenous communities. The Proponent also is expected to be flexible in its engagement approach with communities.

Summary Table of Comments Received from Indigenous Communities, between February 25, 2020 and August 31, 2022

Row #	Indigenous Community	Summary of Comment	Agency's Response
26	Attawapiskat First Nation Eabametoong First Nation Neskantaga First Nation	Mentioned there are difficulties with internet connections and insufficient technology in remote areas that may pose challenges to virtual meetings. Commented that Elders may not feel comfortable meeting virtually.	The Agency recognizes that it is challenging to undertake engagement and consultation while managing major community challenges, such as infrastructure issues and COVID-19 pandemic. To support COVID-19 response of Indigenous communities, currently Agency-led meetings are conducted through virtual means, but on a case-by-case basis, the Agency may be able to offer alternate means of meeting in person in accordance with public health circumstances and Agency policies. The Proponent also is expected to be flexible in its engagement approach with communities.
27	Constance Lake First Nation Fort Albany First Nation Long Lake #58 First Nation Neskantaga First Nation	Concerned about the adequacy of funding for the expenses brought on by the consultation process, notably the lack of enhanced funding for remote First Nations and for interpretation and translation costs to support participation by Elders and other knowledge holders.	The Agency acknowledges your concerns about funding. The Agency's Participant Funding Program provides limited funding to assist with participation in project assessments. Although funds are limited, there is flexibility to reallocate expense categories at any time, as long as the total budget remains unchanged. In addition, communities that are participating in multiple Ring of Fire road project assessments could consider options to economize by consolidating activities to support multiple project assessments, whenever possible. Also as per Section 6 of the Guidelines, upon request from communities, the Proponent is expected to provide simultaneous translation for engagement sessions and plain language documents translated in Indigenous languages. The Agency encourages Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project, to apply for funding to support their activities for the Project, if they have not already done so. To access Agency funding for the federal assessment process, please send an email to MartenFalls@iaac-aeic.gc.ca. Please note that funding provided by the Agency is only to be used for the federal assessment process. Information about funding for the provincial environmental assessment process is available from Paul MacInnis of the Ontario Ministry of Mines, at Paul.MacInnis@ontario.ca.
28	Fort Albany First Nation	Expressed the need for more training and funding to build capacity and knowledge and for technical matters to be translated into Cree.	The Agency administers the Indigenous Capacity Support Program (ICSP), which is a program that provides funding to support capacity building of Indigenous communities to participate meaningfully in federal assessments. Please send an email to the Agency for information on applying for ICSP funding: indigenouspolicy-politiquesautochtone@iaac-aeic.gc.ca. Your comment has been shared with ICSP. For the impact assessment process of the Project, Section 6 of the Guidelines requires the Proponent to provide simultaneous translation for engagement sessions and plain language documents translated into Indigenous languages to support engagement.

Summary Table of Comments Received from Indigenous Communities, between February 25, 2020 and August 31, 2022

Row #	Indigenous Community	Summary of Comment	Agency's Response
29	Fort Albany First Nation Kitchenuhmaykoosib Inninuug First Nation Long Lake #58 First Nation Nibinamik First Nation	Expressed the need for a consultation and engagement work plan that can take into account the community's comfort level (with sharing Indigenous knowledge) and community needs (such as decision making about information and views to be shared), and can allow for collaboration among communities.	<p>The Indigenous Engagement and Partnership Plan for this project assessment was developed to be flexible and accommodating of community consultation methods, activities and objectives, including collaboration among communities, provided they can be achieved within time frames set to comply with the legislated time limits under the <i>Impact Assessment Act</i>. Collaboration between Indigenous communities would need to be planned and organized by those collaborating communities.</p> <p>Regarding Indigenous knowledge, communities are encouraged to share such knowledge to inform the assessment in a manner that suits them. Indigenous knowledge shared with the Agency in confidence is protected from disclosure under section 119 of the <i>Impact Assessment Act</i>, except if written consent is provided. In addition, Indigenous knowledge shared in confidence could be shared with certain parties if the information is publically available, or if disclosure is necessary for procedural fairness and natural justice.</p> <p>Section 6.2 of the Guidelines describes the manner in which the Proponent is expected to treat and integrate Indigenous knowledge, perspectives and input into the Impact Statement.</p>
30	Attawapiskat First Nation	Concerned that some of the Agency's mapping exercise proposed to consult with the community, cannot capture the relationship they have with the land.	<p>Thank you for sharing your thoughts on the Collaborative Assessment of Impacts on Rights exercise. It is a tool that the Agency hopes will clarify our understanding of potential impacts on the exercise of Aboriginal and treaty rights and contribute useful information and insight during project-specific impact assessments. The tool has multiple steps, for which we have only introduced the first step of identifying valued components within local and regional areas for the assessments. If there is another tool or approach that your community feels could inform our understanding of your community's relationship with the land, please contact Caitlin Cafaro, Crown Consultation Coordinator by email at MartenFalls@iaac-aeic.gc.ca.</p>
31	Neskantaga First Nation	Concerned that shared decision-making and Nation building in the region are being made worse by the impact assessment process.	<p>The Agency wishes to work collaboratively with Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project, in accordance with the plan, to understand the concerns of these communities.</p> <p>In addition, Sections 6 and 6.2 of the Guidelines outline the expectations of the Proponent's conduct with the Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project. The sections include requirements to describe efforts to validate the selection of valued components, indicators, effects assessment, mitigation measures and follow-up programs, as well as impacts on the exercise of Aboriginal and treaty rights. The Proponent and the communities are encouraged to work together in a manner that fosters collaboration.</p>
32	Neskantaga First Nation Eabametoong First Nation Fort Albany First Nation	<p>Concerned that the community has been dealing with, ongoing social traumas, forest fires and infrastructure emergencies.</p> <p>Expressed the need for consultation efforts to stop to keep the current focus on community well-being and survival.</p>	<p>The Agency limited its contact with Indigenous communities, recognizing that it is challenging to undertake meaningful public engagement and Indigenous consultation while dealing with major emergencies. The impact assessment process is a multi-year process, during which the Agency will remain flexible, to the extent possible, when consulting with Indigenous communities. Communities are encouraged to reach out and inform the Agency on how they may want to be consulted going forward. When invited to do so, the Agency continues to make every effort to meet in person, in accordance with public health circumstances and Agency policies.</p>

Summary Table of Comments Received from Indigenous Communities, between February 25, 2020 and August 31, 2022

Row #	Indigenous Community	Summary of Comment	Agency's Response
33	Constance Lake First Nation Neskantaga First Nation	Commented that the community does not consider teleconferences to be consultation. Commented that teleconferences are challenging and not culturally appropriate for seeking community concerns.	The Agency is committed to undertaking meaningful public engagement and Indigenous consultation. During the COVID-19 pandemic, the Agency held meetings through virtual means. On a case-by-case basis, the Agency is open to alternate means of meeting in-person, in accordance with public health circumstances and Agency policies. The Agency will remain flexible, to the extent possible, when consulting with Indigenous communities. The Proponent also is expected to be flexible in its engagement approach with communities.
Other – Project Risk			
34	Fort Albany First Nation	Concerned about project design risks and availability of funding to manage effects, including cumulative effects.	As per Section 4.4 of the Guidelines, the Proponent is required to identify the potential environmental, health, social and economic effects of alternative means of carrying out the designated project that are technically and economically feasible. In addition, Sections 20 and 26 of the Guidelines require identification of technically and economically feasible mitigation measures and follow-up programs that would be implemented, should the Project be permitted to proceed.
Other – Project Assessment Process			
35	Aroland First Nation Kitchenuhmaykoosib Inninuwig First Nation Nibinamik First Nation	Concerned that having separate assessments for each road project is a flawed, piecemeal approach that would be ineffective in assessing regional impacts, including impacts on Indigenous communities and the exercise of their Aboriginal and treaty rights. Concerned that the assessment process would be ineffective in accounting for the socio-economic impacts of the Project.	The Agency acknowledges the preference to have one assessment for the road segments; however, there are three federal assessment processes because the Agency received separate project submissions for each proposed road segment. For the two projects currently undergoing impact assessments, the Proponents must complete a cumulative effects assessment that takes into account effects from past and present projects, as well as the other road projects and other reasonably foreseeable projects. The cumulative effects assessment must also take into account impacts on the exercise of the Aboriginal and Treaty rights of the Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project. If the Agency determines that a federal assessment is required of the third project, it is likely that the Guidelines for the third assessment would have similar requirements. Also as per Section 22 of the Guidelines, the Proponent is required to consider the results of any relevant regional study conducted.
36	Neskantaga First Nation	Commented that the study areas must be scoped to include peatlands.	Sections 8.5, 8.9, 8.11, 14.3, 15.2, 15.3, 15.5 and 20 of the Guidelines require the Proponent to assess impacts on peatlands.
37	Ginoogaming First Nation	Expressed an expectation to have truth and reconciliation incorporated into the assessment process for the Project.	The Agency strives to conduct a process that fosters recognition of rights, respect and cooperation. Information about the Agency's activities can be found in the Indigenous Engagement and Partnership Plan for the Project. In addition, Sections 6, 6.1, 6.2, 19.1 and 19.2 of the Guidelines outline the Agency's expectations for the Proponent while engaging with the Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project.

Summary Table of Comments Received from Indigenous Communities, between February 25, 2020 and August 31, 2022

Row #	Indigenous Community	Summary of Comment	Agency's Response
38	Ginoogaming First Nation	Expressed interest in baseline data collection.	Sections 6, 7.1, 7.2 and 7.3 of the Guidelines requires the Proponent maintain a two-way and meaningful dialogue with the Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project, during and following the collection of baseline data.
39	Fort Albany First Nation Weenusk First Nation	Commented that all Treaty 9 communities should be treated equally and consulted on the road project. Expressed that the assessment process must take into account the capacities and needs of potentially affected First Nations.	To achieve meaningful participation of Indigenous peoples, the impact assessment requires a flexible and tailored approach to consultation. Sections 6, 6.1, 6.2 and 6.3 of the Guidelines outline the requirements of the Proponent to engage with the Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project, to inform the preparation of the Impact Statement. Further, the Agency must consult with Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project. Through community outreach, guided by the plan, the Agency looks to understand the potential impacts of the Project on the communities. The Agency's Participant Funding Program provides limited funding to assist with participation in project assessments. Although funds are limited, there is flexibility to reallocate expense categories at any time, as long as the total budget remains unchanged. In addition, communities that are participating in multiple Ring of Fire road project assessments could consider options to economize by consolidating activities to support multiple project assessments, whenever possible. The Agency encourages the Indigenous communities identified in the Indigenous Engagement and Partnership Plan for the Project, to apply for funding to support their activities for the project assessment, if they have not already done so. To access Agency funding for the federal assessment process, please email MartenFalls@iaac-aeic.gc.ca. Please note that funding provided by the Agency is only to be used for the federal assessment process. Information about funding for the provincial environmental assessment process is available from Paul MacInnis of the Ontario Ministry of Mines, at Paul.MacInnis@ontario.ca.
Other – Regional Assessment			
40	Nibinamik First Nation	Commented that the Regional Assessment of the Ring of Fire area needs to consider effects on Aboriginal and Treaty rights, socio-economic impacts, impacts to health, and the far-reaching environmental impacts.	An approach for a co-led Regional Assessment of the Ring of Fire area is currently under development through dialogue and engagement to capture input from Indigenous communities and the province of Ontario. A separate team at the Agency, the RA team, is working on the approach to this co-led regional assessment. Questions and comments about the Regional Assessment can be directed to Martyna Krezel of the RA team, at Martyna.Krezel@iaac-aeic.gc.ca. Your comment has been shared with the RA team.
41	Aroland First Nation Attawapiskat First Nation Fort Albany First Nation Nibinamik First Nation	Expressed the desire to have a co-led Regional Assessment of the Ring of Fire area completed before the assessments of the roads are undertaken.	The Agency acknowledges the preference for the Regional Assessment to be completed before decisions are made on the individual road projects. The Agency does not have a mechanism to prevent the process start or to pause the time limit of an assessment process that is underway. Please also see the Agency's response in row 40.

Summary Table of Comments Received from Indigenous Communities, between February 25, 2020 and August 31, 2022

Row #	Indigenous Community	Summary of Comment	Agency's Response
42	Aroland First Nation Attawapiskat First Nation Kitchenuhmaykoosib Inninuwig First Nation Neskantaga First Nation Nibinamik First Nation	Commented that the project assessments cannot assess regional impacts, including cumulative effects, and that only a regional assessment can explore the impacts of industrial development (such as mining and forestry), which would follow the roads, including impacts on communities.	As per Sections 13 and 22 of the Guidelines, the Proponent is required to consider any ongoing or completed regional assessment in the effects assessment for the road projects, including the assessment of cumulative assessments. Further, the cumulative effects assessment must consider effects of the Project in combination with other past, present and reasonably foreseeable projects in the region. Please also see the Agency's response in row 40.