

# Slate Falls Nation Response to the IAAC Draft Environmental Assessment Report

## Springpole Gold Project

Submission to the Impact Assessment Agency of Canada during the public comment period on the Draft Environmental Assessment Report.

27 March 2026

### Executive Summary

The following submission presents Slate Falls Nation's further response to the Impact Assessment Agency of Canada's Draft Environmental Assessment Report for the Springpole Gold Project. It summarizes the Nation's technical and rights-based review of the Project and explains where the Impact Assessment Agency of Canada's ("IAAC" or the "Agency") conclusions in the Draft Environmental Assessment Report (the "Draft EA Report") are flawed and required revisions.

This submission supplements the materials that Slate Falls Nation has already provided regarding the Draft EA Report, which include previous letters, verbal feedback and written materials such as the 20+ pages of identified deficiencies and required corrections.

In addition to this submission, we intend to submit a tracked changes version of Sections 8 and 9 of the Draft EA Report as well as a list of proposed conditions. We appreciate your recent commitment to dialogue with us as a next step to determining what content will be included in the subsection of Section 11 relating to impacts to Slate Falls Nations' rights.

### Key Findings

Slate Falls Nation's review of the Draft EA Report identifies several key areas where the Agency has failed to present information in a complete and/or responsible manner and has arrived at incorrect significance conclusions based on a combination of the following: a misappreciation of available evidence, the exclusion or minimization of evidence from Slate Falls Nation, a mischaracterization of the effectiveness of mitigation measures and a failure to meaningfully consider aboriginal perspectives.

Appendix 2 to this submission demonstrates how existing evidence, when properly applied to the criteria in Annex C, results in findings that the Project will have significant adverse effects on components of the environment under federal jurisdiction, cultural heritage of Slate Falls Nation and the current use of lands and resources by Slate Falls Nation. We expect that, once we have engaged with the Agency on the aspect of Section 11 relating to our rights, that the Agency will also reach a conclusion that the Project will cause serious harm to the exercise of our rights.

Slate Falls urges the Agency to address areas flaws in the Draft EA Report and revise it to accurately reflect critical evidence and information before it. This includes updating key significance findings in light of the evidentiary record to conclude the Project will result in significant adverse effects on various areas of federal interests. Two particularly good, albeit egregious, examples, are the Agency's flawed conclusions

regarding Project effects on cultural heritage and the current use of lands and resources by Slate Falls Nation. This submission identifies the information that, if incorporated, supports the need to change those conclusions in the next round of the EA report.

Key findings from our review of the Draft EA Report include:

**1. The Draft EA Report insufficiently characterizes Aquatic effects**

The environmental assessment does not clearly identify the final receiving environment for mine effluent, limiting the ability to evaluate dilution capacity, hydrological variability, and downstream exposure pathways. Technical reviews also identify unresolved concerns regarding mercury mobilization and bioaccumulation in aquatic food webs. Furthermore, the loss of locally important spawning habitat, combined with uncertainty regarding the effectiveness and location of compensation measures, raises additional concern about the long-term reliability of the fisheries utilized by the Slate Falls Nation for food, culture, and livelihood.

**2. The Draft EA Report fails to reasonably take into account information demonstrating that the proposed co-disposal facility has extreme consequence potential for areas of federal jurisdiction and interest.**

Independent engineering review identifies the CDF as a structure with the potential for catastrophic environmental consequences in the event of failure. The environmental assessment record does not yet demonstrate that these risks have been comprehensively evaluated and reduced through project design or mitigations.

**3. The Draft EA Report fails to address findings that the alternatives assessment does not demonstrate that the selected project configuration represents the lowest-risk option.**

Technical review indicates that consequence-of-failure considerations and land-use planning principles intended to protect water systems were not fully incorporated into the evaluation of alternative mine designs. Slate Falls Nation was not consulted as part of this process and the protection measures contained within the Cat Lake – Slate Falls Community Based Land Use Plan (CBLUP) were ignored by the proponent.

**4. The Draft EA Report cumulative effects conclusions are highly flawed and should recognize that cumulative ecological pressures on wildlife systems remain significant.**

Evidence submitted by Slate Falls Nation indicates that the Churchill caribou range already exceeds accepted disturbance thresholds associated with declining population viability, and that additional disturbance may further reduce the population's persistence probability, as additional infrastructure development will increase fragmentation and predator access, and impact critical calving habitat within the development area of the mine.

**5. The Draft EA Report must, based on the information available to the Agency, conclude that the Project would result in significant adverse effects on current use of lands and resources for traditional purposes; physical and cultural heritage; health and socioeconomic conditions; and fish and fish habitat.**

The ALIA concludes that the Project would affect areas that remain central to fishing, hunting, trapping, plant gathering, and travel within the territory of Slate Falls Nation. Meaningful exercise

of Treaty rights requires confidence in the ecological integrity of water systems, wildlife populations, and harvested foods. The Draft EA Report fails to properly recognize or engage with our evidence that Slate Falls Nation is the Nation directly downstream of the Project and that the effects and risks to fish/water from the Project will have major, negative consequences to our ability to maintain our current use of lands and resources in irreplaceable areas of our territory. Nor does the EA Report properly recognize that, just like our family members in Cat Lake, we too have deep cultural connection to the portage and cultural landscape of the Project area that will be majorly impacted by the Project. Inexplicably, the Agency has not just failed to engage with this evidence, but has also failed to engage with our information articulating limitations of the relevance and effectiveness of the very mitigation measures that IAAC asserts are relevant and effective for addressing adverse effects to our Nation under s.5(1)(c).

**6. The Draft EA Report has not incorporated Slate Falls Nation’s indigenous perspective and technical information**

Throughout the environmental assessment process, Slate Falls Nation has provided extensive evidence to the Agency, including the Anishinaabe Led Impact Assessment, the Slate Falls Nation Land Story, a series of technical discussion papers, and multiple rounds of Information Requests and technical submissions. These materials collectively evaluate the Project in relation to the environmental systems and cultural landscapes that support the meaningful exercise of Treaty rights within the territory of Slate Falls Nation. Much of this information has been ignored or not yet incorporated into the Draft EA Report.

Taken together, the evidence presented by Slate Falls Nation indicates that the current design and location of the Springpole Gold Project introduces environmental, cultural, and rights-based risks and effects that remain insufficiently addressed within the environmental assessment record.

**Slate Falls Nation has consistently stated that it is not opposed to responsible mineral development within its territory. However, based on the evidence presented through the environmental assessment process, the Nation cannot support the Project as currently designed/located. The Nation reiterates that a reasonable application of the evidence supports clear determinations that the Project will have significant adverse effects on Slate Falls Nation, including effects under 5(1)(c).**

Slate Falls Nation remains prepared to work with the Crown and the proponent to explore alternative project designs and project conditions that would reduce the environmental and rights-based risks identified in this submission and better align the Project with the conditions necessary for the meaningful exercise of Treaty rights and the long-term stewardship of the territory. In the absence of that taking place in a manner that resolves information gaps (like the lack of a closure plan) and risks/impacts to Slate Falls Nation, the only possible outcome for the EA process is for the Project to be rejected.

## 1. Introduction

This submission has been prepared by Slate Falls Nation (“SFN”) in response to the Impact Assessment Agency of Canada’s Draft Environmental Assessment Report (the “Draft EA Report”) for the Springpole Gold Project. The purpose of this submission is to assist IAAC and federal decision makers by clearly identifying where the conclusions presented in the Draft Environmental Assessment Report are incorrect and must change in the final EA report, given the Agency’s failures to consider critical, key information

before them or given the Agency's over-reliance on mitigation measures that will not meaningfully reduce adverse effects.

Throughout the environmental assessment process, SFN has provided extensive evidence to the record. This evidence includes the Anishinaabe Led Impact Assessment ("ALIA"), the Slate Falls Nation Land Story, a series of technical discussion papers, and multiple rounds of Information Requests and responses. These materials collectively represent the Nation's assessment of how the Project may affect the lands, waters, and resources that support the exercise of Treaty rights. IAAC confirmed in March 2026 that not all of these materials were considered in the Draft EA Report. It is Slate Falls' expectation that the Draft EA Report will be updated to demonstrably incorporate this information, including the re-evaluation of effects conclusions.

IAAC's conclusions about significance of effects remain insufficiently characterized, rely on assumptions that cannot be supported, rely on mitigation measures that will not reduce effects meaningfully or at all, and/or underestimate cumulative and long-term risks.

The purpose of this submission is therefore to ensure that the full scope of Slate Falls Nation's evidence and analysis is clearly incorporated into the final EA report and the conclusions in the final EA report are updated to address these and other deficiencies.

In addition to assisting the Agency to address deficiencies in the Draft EA Report, this submission is also intended to support next steps in the ongoing and incomplete consultation process for the Project.

## 2. Summary of Findings

Slate Falls Nation's review of the Draft EA Report identifies a consistent pattern in which IAAC has failed to consider, meaningfully engage with, and incorporate information submitted by Slate Falls Nation, including the ALIA, the Slate Falls Nation Land Story, specialist technical discussion papers, and multiple rounds of Information Requests. As such, several aspects of the Project remain insufficiently characterized or are demonstrably incorrect in the draft EA Report.

While the Draft EA concludes that residual environmental effects are not likely to be significant following mitigation measures, SFN's review indicates that many of these conclusions do not withstand scrutiny and are at odds with a reasonable application of the Agency's own guidance. In particular, the conclusions depend on assumptions that remain unverified, key environmental effect pathways that have not been fully defined, mitigation measures that do not actually reduce adverse effects (or have any meaningful effect at all) or which have not yet been designed in sufficient detail to allow meaningful evaluation, and the exclusion or minimization of information from Slate Falls Nation. In many places, the Agency also appears to rely on follow-up programs as mitigation measures, contrary to its own guidance.

Across the assessment record, the Nation's evidence identifies several recurring issues that are not sufficiently considered or integrated into the Draft EA Report. We reiterate that these are not just "disagreements"; rather they are indicative of significant gaps, methodological flaws and broader errors in the Draft EA Report:

1. Key elements of the aquatic assessment remain unresolved. The environmental assessment does not clearly identify the final effluent discharge location or define the receiving aquatic

environment with sufficient precision to evaluate dilution capacity, hydrological variability, or downstream exposure pathways. Technical reviews prepared for Slate Falls Nation also identify unresolved concerns regarding mercury mobilization and bioaccumulation in aquatic food webs. Furthermore, the loss of locally important spawning habitat, combined with uncertainty about the effectiveness and location of compensation measures, raises additional concern about the long-term reliability of the fisheries relied upon by the Slate Falls Nation for food, culture, and livelihood. These uncertainties limit confidence in the conclusion that residual effects on fish and their habitat are unlikely to be significant.

2. Independent engineering review identifies the proposed co-disposal facility (CDF) as infrastructure with extreme consequence potential. While the Draft EA emphasizes the low probability of failure, the potential consequences of a major release remain severe for downstream ecosystems and communities. The technical record indicates that the environmental assessment does not include a comprehensive design-integrated risk assessment demonstrating that all plausible failure modes have been identified and reduced to the lowest practicable level.
3. The alternatives assessment does not demonstrate that the selected mine configuration represents the lowest-risk option. The technical review submitted by Slate Falls Nation indicates that the alternatives analysis relied heavily on constructability and economic considerations, while excluding consequence-of-failure analysis and failing to consider land-use planning principles intended to protect water systems meaningfully. SFN was also not consulted in this process and provided their CBLUP that describes watershed-level protections.
4. The cumulative ecological pressures on wildlife systems, particularly caribou, are understated. Evidence submitted through the caribou technical review indicates that the Churchill caribou range already exceeds acceptable disturbance thresholds associated with population decline. Additional infrastructure development within previously remote habitats will further increase linear feature density and predator access, and impact critical calving areas, further reducing the probability of persistence for the population over time.
5. The cultural and historical significance of the Project area is broader than the archaeological site-based framework applied in the Draft EA. Evidence reviewed by Slate Falls Nation indicates that the Project area lies within a long-standing cultural landscape linked by waterways and historic travel routes that have supported Indigenous presence and use for thousands of years.
6. The Anishinaabe-Led Impact Assessment concludes that the Project would result in significant adverse effects on the meaningful exercise of Treaty rights. The ALIA finds that the proposed Project location overlaps with areas that remain central to fishing, hunting, trapping, plant gathering, and travel. The meaningful exercise of these rights depends not only on physical access to land but also on confidence in the ecological integrity of the environment and the safety of harvested foods.
7. The evidence in the environment assessment process, when properly considered, results in the clear finding that the Project will result in significant, unmitigated adverse effects to Slate Falls

Nation's cultural heritage and current use of lands and resources (in addition to effects on Slate Falls Nation's rights).

Taken together, the evidence submitted by Slate Falls Nation indicates that the current project design introduces unresolved environmental, cultural, and rights-based risks that are not fully captured within the residual effects framework used in the Draft EA Report.

Again, these findings do not represent isolated technical disagreements. Rather, they indicate a consistent pattern in which key environmental pathways remain insufficiently defined, important risks are treated as matters for future permitting, and the broader implications for Indigenous rights and long-term environmental stewardship are not fully captured within the residual effects framework applied in the Draft Environmental Assessment Report.

The findings summarized above lead to three clear conclusions: (1) The Agency must correct the deficiencies in the Draft EA Report, including concluding that the Project will have significant adverse effects on Slate Falls Nation's cultural heritage, current use and components of the environment within federal jurisdiction, prior to finalizing the report; (2) the nature and consequence of the effects of the Project, as currently designed and located, on Slate Falls Nation mean that the Project cannot be supported by the Nation absent new mitigation measures, project conditions and accommodation measures that are responsive to environmental risks and effects; and (3) Crown consultation is far from complete. While Slate Falls Nation has consistently stated that responsible mineral development can occur within its territory, the evidence presented through the ALIA, technical reviews, and consultation record indicates that the current project configuration introduces environmental and rights-based risks that are not acceptable to the Nation and cannot be acceptable to the Crown as a Treaty partner.

### 3. Section 1 of the Draft EA Report is underinclusive and improperly scoped

As noted in our previous submissions and verbal comments on the Draft EA Report, the Agency has not accurately or clearly scoped/described the Project for the purposes of the report, resulting in under-inclusion of effect pathways and incomplete effects assessments throughout the parts of the Draft EA Report.

We refer you to Appendix 1 of our March 27, 2026 memorandum and subsequent paper regarding the minimization of the mine access road network for the Project.

Please confirm you will be updating this Section in light of the information provided by Slate Falls.

### 4. Section 2 of the Draft EA Report is underinclusive, misleading, and demonstrates a closed mind

We are profoundly dismayed by the one-sided, under-inclusive and misleading characterization of consultation in Section 2 of the Draft EA Report.

It is incomprehensible how the Agency could draft such a flawed and deficient section that, among other things:

- repeatedly makes unsupported and incorrect assertions about consultation with Slate Falls
- fails to acknowledge or ignores indigenous perspectives
- is misaligned with the application of UNDRIP
- consistently makes misleading statements about the Agency's steps in the consultation process
- includes exclusively one side in its characterization, contrary to its own Reconciliation Framework
- excludes acknowledgement or consideration of information provided by Slate Falls
- fails to provide information about the substance of consultation
- fails to responsibly incorporate Slate concerns
- omits that IAAC rejected Slate comments on the consultation plan
- fails to acknowledge gaps in the consultation process or the outstanding steps in consultation confirmed by the Agency
- excludes the concerns shared by the Nation regarding IAAC's reliance on Ontario despite knowledge of Ontario's lack of engagement
- ignores that there has been no discussion of accommodation

These flaws must be resolved before the EA report is finalized. Please confirm you will revise sections 2.1 and 2.2.

## 5. Sections 4-6 of the Draft Report Must be Revised to Correct Unsupported and Flawed Conclusions

Our March 27, 2026 memo sets out dozens of areas in Sections 4-6 of the Draft EA Report where the Agency has misapplied its own methodology, ignored/missed evidence provided to Slate Falls Nation or otherwise relied on missing information or erroneous assumptions. In many cases, correcting these errors will necessitate the Agency changing its conclusions and we look forward to hearing from you how you will update these sections of the Draft EA Report following consideration of those points.

Across several sections of the Draft EA Report, the conclusions regarding significance depend on the assumption that key environmental questions can be addressed through future permitting, follow-up programs, or adaptive management measures. Slate Falls Nation's technical review indicates that several of these issues relate not to routine operational details, but to core project design and impact pathways that are normally expected to be resolved during the environmental assessment stage. These include defining the receiving aquatic environment for mine effluent, evaluating the catastrophic-consequence risk associated with major mine waste infrastructure, and identifying project alternatives to reduce environmental and cultural risks. Where such foundational questions remain unresolved, reliance on future permitting or monitoring programs does not provide the evidentiary certainty normally required to support a final determination that residual effects are not likely to be significant.

## 6. Sections 7- 9 of the Draft EA Report Must be Revised to Correct Unsupported and Flawed Conclusions: Residual Effects on Slate Falls Nation under 5(1)(c) are Significant Adverse Effects

The materials submitted by SFN, including the ALIA, the Land Story, and the technical discussion papers prepared by independent specialists, collectively demonstrate that the current project design presents many unresolved risks that are likely to cause significant, long-term or permanent adverse effects within federal jurisdiction. This includes significant, long-term or permanent adverse effects:

- to Slate Falls' current use of lands and resources for traditional purposes,
- to Slate Falls' health and socioeconomic conditions,
- to Slate Falls' physical and cultural heritage and sites of significance, and
- on the fish and fish habitat upon which Slate Falls relies.

Unfortunately, across Sections 7-9 we see a clear pattern of the Agency improperly reaching conclusions under 5(1)(c) factors that cannot be supported on the evidence before the Agency in large part because of flawed and unreasonable reliance on mitigation measures that the evidence shows do not in fact mitigate or reduce the effects to a level of non-significance.

The evidentiary record is clear that the specific measures the Agency relies on in Sections 7-9 of the Draft EA Report would still result in (and in most cases are premised on) the decrease in areas for practicing rights and culture from avoidance of harvesting areas; loss of ability to use portages and waterbodies typically used for travel; reduced quality and quantity of wildlife and plants for hunting, trapping, and harvesting; and temporary increases in population from mine staff and increased pressures on residual areas within the Treaty 9 Nations' traditional territories. Accordingly, even when taking into account the mitigation measures described in the Draft EA Report, the uncontradicted evidence presented by Slate clearly establishes that the Project will result in a significant, long term or permanent, adverse effect to harvesting and hunting from changes in resource availability.

While the Agency's flawed consideration of ineffective and non-responsive mitigation measures in Sections 7-9 of the Draft EA Report are a problem in their own right, they also demonstrate a major consultation flaw that must be addressed before the EA report can be finalized. Slate Falls has previously addressed the mitigation measures included in the Draft EA Report and has already explained why they are insufficient to respond to the effects on our cultural heritage, current use, health/socioeconomic conditions and environment. In December 2025, for example, we provided responses to IAAC's questions about Slate Falls' views on certain mitigation and follow-up programs as we did earlier in the fall on multiple occasions. IAAC did not respond to our information at any point and now appears to fully rely on those very measures to minimize effects to our cultural heritage and current use of lands and resources as if we had never provided technical reviews, the ALIA or specific concerns about the proposed mitigation measures. To Slate Falls, this is strongly indicative of potential bias and a closed mind within the Agency.

For absolute clarity, in light of the known flaws and risks with the Project design, the monitoring and follow-up programs are insufficient to address major outstanding issues with project design and its serious, adverse, and significant effects on the lands and waters upon which community members rely to exercise their rights. Slate Falls' view is that it is insufficient to develop plans that do not address

fundamental location and design flaws with the proposed mine and, certainly, such an approach cannot be a magic wand for avoiding significance conclusions as the Agency has done in the Draft EA Report. Monitoring that informs Slate Falls about harms to the water, lands, and resources upon which we rely do not reduce the significance of effects to our cultural heritage and current use of lands and resources. Indeed, such approaches highlight the existence of an unresolved impact that requires further consultation prior to decision-making.

As a further point that applies to Sections 7-9 of the Draft EA Report, we note that IAAC's approach and conclusions rely on uncertain assumptions and information that has not yet been developed (to the exclusion of Slate Falls' technical information) and defer critical issues to future permitting and monitoring processes. Respectfully, this is not a precautionary approach. Nor does it reasonably consider factors including the cumulative condition of the regional landscape, the long-term reliability of water and wildlife systems, the consequences associated with low-probability but high-impact events, and the cultural and social conditions required for the meaningful exercise of Treaty rights.

### 6.1. Slate Falls Nation's feedback on Section 9: Effects on Current Use of Lands and Resources are Significant and Permanent

When considered and incorporated into IAAC's analysis, the ALIA and Land Story (and other documents provided by Slate Falls) confirm that the Project would result in significant adverse impacts on the current use of lands and resources for traditional purposes and in light of the Project being situated in waters that flow downstream to important current use areas, the effects would be permanent and irreversible.

The ALIA states that the proposed Project presents significant adverse effects on SFN's Aboriginal and Treaty rights, well-being, and livelihoods and that the EIS/EA inaccurately predicts effects on SFN. The Land Story states that the project area is unique and irreplaceable for the exercise of SFN rights, and that the current design creates long-term and potentially permanent impairment of Treaty use unless redesigned. The issue for SFN is not merely whether some harvesting can continue somewhere. It is whether the specific places that the Nation currently uses and relies on traditional purposes remains safe, trusted, and culturally viable for fishing, hunting, trapping, plant gathering, travel, teaching, and living on the land. As described further below, the meaningful exercise of Treaty rights requires more than physical access to land. It requires confidence in the ecological integrity of the environment, the safety of harvested foods, the knowledge that animal and plant relatives are uncontaminated, and confidence that the environment can sustain the exercise of Treaty rights for generations into the future. As one example of how ecological integrity is relevant to IAAC's conclusions, IAAC's linked-effects and current-use conclusions depend partly on wetland and terrestrial habitat assumptions. SFN's IRs challenge the low ecological and social context rating, noting that specific habitats are declining, that wetlands are permanently lost in the PDA, and that key mitigation plans were not available for review. As such, where conclusions depend on such ecological assumptions, they must be re-evaluated.

Furthermore, IAAC has not properly understood or characterized cumulative effects on current use of lands and resources. IAAC has failed to recognize that use has already been constrained by hydroelectric regulation, previous resource development, changes in access, contamination fears, and caribou decline. The Land Story and ALIA describe current use as cumulative and intergenerational by nature: this must be reflected in IAAC's conclusions as well.

### 6.1.1. Caribou

Boreal woodland caribou are a key indicator species and part of Slate Falls' Nation's land-use patterns. Caribou presence reflects large areas of undisturbed landscape required for safe traditional land use. Given the Churchill caribou range already exceeds accepted disturbance thresholds associated with population decline, any additional disturbance resulting from project infrastructure, including roads and transmission lines, increases linear feature density within previously remote habitat. Increased linear features can elevate risks to caribou including habitat fragmentation, increased predation, and caribou avoidance. The cumulative effect of these disturbances contributes to further decline in caribou population viability and reduces the availability of culturally significant wildlife species.

As set out in the ALIA and the Land Story, the residual adverse effects to current use of caribou for traditional purposes will have a significant, continuous, and permanent negative impact on Slate Falls' rights given:

- Effects on caribou do not align with Slate Falls' Guiding Principles (for instance, the Project does not ensure that animal relatives remain uncontaminated by the proposed Project, contrary to the Anishinaabe legal principle of *Kakinakitinawemaakaninaanak*;
- The Project will impact caribou health, habitat, and abundance;
- The Project is expected to more severely impact caribou given their particular sensitivities to increased disturbance;
- Effects on harvesting caribou may extend into post-closure and/or seven generations into the future;
- The Project will increase pressure in previously remote areas;
- There is an expected reduction in reliable harvesting areas;
- There is an increase in difficulty of knowledge transfer related to traditional land and resource use; and
- The impact is not limited to a species population effect, but a change in how the territory can be lived in and relied upon.

Given the significant effects already impacting caribou populations, caribou populations no longer support Slate Falls' Treaty right to harvest caribou (as evidenced by members voluntary avoidance of caribou harvest). It is not clear to us whether IAAC has properly considered the impacts to access corridors and habitat fragmentation on caribou, the loss of wildlife availability in the draft EA Report. It appears to us that the loss of trust and perceived contamination has not been adequately addressed, contrary to the caribou discussion paper, the Land Story, and the ALIA. The caribou paper explains that the Project adds disturbance to a range already beyond threshold, causing further decline in Probability of Persistence and increased access-related mortality risk. The cumulative result is not simply another localized effect. It is progressive erosion of a functioning land-based life system. The caribou population (and so too, Slate Falls' reliance on caribou for traditional practices), simply cannot withstand any additional, accidental deaths.

Of greater concern, however, is that IAAC appears to underplay the unique and extensive concerns relating to our current use of caribou due to over reliance on the proponent's vague comments around monitoring and adapting measures if collisions between wildlife and vehicles are noted. Here is another place where the Agency appears to wrongly rely on a follow-up program to monitor changes to caribou harvesting practices as a mitigation measure for effects to Slate Falls. This is contrary to the Agency's own methodology and, more to the point, ignores that any additional pressure on caribou population,

and particularly on calving grounds, cannot be mitigated by offsetting actions that fail to provide a net benefit for caribou. A monitoring program does not actually do anything; this simply provides a front-row view to the declining caribou population.

In sum, IAAC must conclude that the effects to Slate Falls' current use of caribou are significant because the proposed measures in the Draft EA Report are not responsive to conditions required for continuation of current use, Slate Falls' requests for net benefit, nor meaningful thresholds that relate to the exercise of rights.

### 6.1.2. Wildlife Harvesting

As set out in the ALIA and the Land Story, the potential effect of real and/or perceived decrease in animal habitat, health and/or abundance, leading to declining harvest and/or decreased willingness to hunt and trap is significant, as it has a high magnitude, is within the spatial boundary resonant for Slate Falls, has a long-term duration, has a continuous frequency, and is permanent and irreversible. The potential effect of avoidance of harvesting areas, is significant, as it has a high magnitude, is within the spatial boundary resonant for Slate Falls, has a long-term duration, has a continuous frequency, and is permanent and irreversible. This is particularly the case given the linkage of the Project location as upstream and along waterbodies that are required to support the exercise of the Nation's wildlife harvesting.

For instance, the Project is expected to have the following impacts to the exercise of harvesting rights:

- Negative impacts to wildlife health, habitat, and abundance;
- Avoidance of harvesting areas leading to declining harvest or decreased willingness to hunt and trap;
- Reduction in actual and perceived quality of harvesting areas;
- Reduction in use of harvesting cabins;
- Effects on hunting may extend into post-closure and/or seven generations into the future;
- Effects will be permanent given the long-lasting effects on water quality; and
- The Project will have a continuous, real or perceived decrease in wildlife habitat.

This portion of the Draft EA Report underestimates the significance of project effects on Slate Falls' harvesting by ignoring the non-substitutability of core use areas, not integrating food system dependencies and the loss of wildlife availability, failing to assess the long-term and permanent impacts or the loss of trust and perceived contamination, and not meaningfully weighing the cultural importance of the area, contrary to the Land Story, the ALIA, and the Closure paper.

Of major concern to the Nation, IAAC has reached conclusions wholly opposite from the ALIA and the Land Story in large part by improperly relying on claims that proposed mitigation measures, including hunting/trapping prohibitions imposed by the proponent on Project staff while working or residing on site, are effective for mitigating effects on Slate Falls. This conclusion is not supported by the evidence.

- Slate Falls has previously provided input on how non-responsive such mitigations are given that Slate Falls members will have decreased willingness and confidence in both real and perceived abilities to hunt and trap. IAAC has ignored or dismissed this information.
- As described in the Land Story, Slate Falls members view the project area as unique and irreplaceable for the exercise of rights and that the Project as currently designed will impact

members' trust and perception of safety. Given the Nation's experience with the proponent, the Nation has explained that a communications plan from the proponent will not be able to resolve the lack of trust that members currently have in the proponent.

- The mitigation measures proposed in the draft EA Report do not do anything to address the required conditions within the watershed that can assist in maintaining the pristine and undisturbed natural environment.
- IAAC has not engaged with Slate Falls on the proposed mitigation measures included in the ALIA, which include the maintenance of a pristine and undisturbed natural environment within the Cat River watershed, the maintenance of aesthetics throughout the region, and changes to the design to preserve these features.

When this information is taken seriously and properly considered, it is clear that IAAC's conclusion must be that the effects on wildlife harvesting are significant.

### 6.1.3. Plant and Medicine Gathering

As set out in the ALIA and the Land Story, the potential effects of decreased traditional plant and medicine harvesting and use is determined to be significant, as effects have a high magnitude, are within the spatial boundary resonant for Slate Falls, have a long-term duration and continuous frequency, and are expected to be permanent and irreversible without project re-design. Real or perceived declines in water quality reduce willingness to harvest plants and medicines and limit the ability or desire to drink water while harvesting, leading to avoidance or displacement, representing a direct effect on meaningful current use. Slate Falls harvests plants in areas that overlap with project components, and all along the waterways that flow downstream of the mine.

Construction and operation phases will remove and deposit contaminants on plants, impact water quality necessary to support aquatic and riparian plants and create sensory disturbances. Slate Falls members have clearly indicated that they will not harvest plants and medicines within the watershed where concerns about water quality remain: they will reduce or avoid plant and medicine harvesting that forms a key pillar of their way of life.

As in the subsections relating to wildlife harvesting, IAAC has ignored the non-substitutability of core use areas, not integrated food system dependencies, failed to assess the long-term and permanent impacts or the loss of trust and perceived contamination, nor has the cultural importance of the area been meaningfully weighted, contrary to the Land Story, the ALIA, and the Closure paper. IAAC claims that the proponent's future development of plans that have not yet been prepared (including a Closure Plan), and the development of "communications for Indigenous community members" to maximize ongoing harvesting and minimize alienation from areas will mitigate Slate Falls' concerns. Given the specific details and plans will not be available until long after Project construction is underway; and as such any plans for reclamation are simply being pushed off to some distant future date. These proposed approaches are both non-responsive to Slate Falls concerns about the current mine design and its integration with the watershed, nor do they do anything to address the required conditions within the watershed that can assist in maintaining the pristine and undisturbed natural environment before the

Project is approved, therefore IAAC's conclusion must be that the effects on plant harvesting are significant.

#### 6.1.4. Experience Being on the Land and Ability to Use Portages and Waterbodies

As set out in the ALIA and the Land Story, the potential effect of destruction, reduced access, or avoidance caused by real or perceived impacts, to traditional camps, gathering areas, teaching areas, spiritual areas, or historic settlements leading to a decline in ability to practice culture, is significant. These effects have a high magnitude, are within the spatial boundary resonant for Slate Falls, have a long-term duration, a continuous frequency, and are expected to be permanent.

The evidence shows that the Project is expected to cause a loss of access to water bodies themselves, travel routes, harvesting areas, and culturally important landscapes that will negatively impact Slate Falls' ability to practice rights and culture, and maintain and strengthen their relationship with the land. The Project is also expected to disturb, destroy, or permanently interfere with Slate Falls members' ability to access archaeological resources or ancestral burial grounds. We are concerned that that IAAC has understated cumulative heritage effects where the assessment boundary excludes the larger cultural waterway and the historical continuity of movement, settlement, harvesting, and teaching across the watershed. The archaeology review identifies Springpole Lake as part of a known and well-travelled route linking major river systems and documents that the area reflects more than 7,000 years of Indigenous presence. In that context, cumulative cultural effect is not confined to overlapping industrial sites. It also arises from the progressive loss of integrity of a living cultural landscape.

As with the previous subsections, this part of the Draft EA Report again ignores the non-substitutability of core use areas, fails to assess the long-term and permanent impacts or the loss of trust and perceived contamination of members' experience being on the land, and has not meaningfully weighed the cultural importance of the area, contrary to the Land Story, the ALIA, and the Closure paper.

There is no reasonable basis to conclude, as the Agency has done, that an alternate route and communications between the proponent and Slate Falls to avoid overlap with traditional land use activities can mitigate Slate Falls' concerns. As previously described, Slate Falls has clearly stated its ongoing problems with FMG including a lack of meaningful communication, disrespectful timelines, and other issues. These proposed mitigation measures do not lead to measurable improvements of Slate Falls' experience on the land and water within the Nation's traditional territory

Slate Falls has also proposed mitigation measures that can respond to the effects on members' ability to be on the land, use waterways and navigation routes, and be connected to Slate Falls history and culture. We do not see our proposals reflected in the draft EA Report.

For these reasons, IAAC's conclusion must be that effects on portaging and navigable waters must be significant.

### 6.1.1. Risk to Current Use of Lands and Resources for Traditional Use from Current Design of Tailings and Co-Disposal Facility

The proposed co-disposal facility (“CDF”) is classified as an extreme-consequence structure, meaning even low-likelihood failures can have catastrophic environmental consequences. The CDF is located less than 120m from sensitive water bodies, and any failure would discharge directly into the lakes and the downstream watershed relied upon by Slate Falls. The proximity to water bodies means that standard mitigation or containment measures are not possible. A failure event would contaminate the lakes and waterways that supply Slate Falls drinking water, support the current use of lands and resources for traditional purposes, act as travel routes, and house important cultural sites. Slate Falls’ technical review has identified that restoration may not occur within a timeframe meaningful to human use, particularly in the absence of alternative containment design. The consequence is not only environmental damage but functional displacement from traditional land-use areas.

The Draft EA Report characterizes the probability of failure as low, however the potential consequences for downstream ecosystems and SFN territory remain severe. Slate Falls’ technical review (including the technical discussion papers and Land Story) has identified that the risk assessment within the EA does not include a comprehensive failure mode analysis demonstrating that risks have been properly identified or reduced to the lowest practicable level, contrary to the requirement that the EA properly considers the effects of accidents or malfunctions and contrary to the provincial Terms of Reference for the Project. FMG did not provide a requested risk assessment matrix for major infrastructure components including the CDF. Therefore, references to accidents and malfunctions do not constitute a design-integrated risk assessment demonstrating likelihood, consequence, and residual risk for each major facility.

A major flaw in the Draft EA Report is how it fails to engage with the evidence that the CDF’s current design is also inconsistent with key Community-Based Land Use Plan (“CBLUP”) protections, including the core protection for water and watersheds: the 2000m setback. The CBLUP stands as both a planning instrument and an expression of SFN’s identity and what is needed for the exercise of rights. Violating its core protections undermines the conditions required for Slate Falls to remain Slate Falls as described in the band council resolution recently provided to the Agency. The serious inconsistencies between the CDF’s current design and CBLUP requirements represents a further indicator of the serious negative impacts on Slate Falls’ rights and must inform IAAC’s analysis respecting the severity of Project effects on current use of lands and resources. Slate Falls has repeatedly raised the CBLUP as a key factor in relocation of high-risk project components in order to mitigate these serious negative impacts. IAAC’s dismissal of this requirement and failure to engage with this evidence is a flaw in the Draft EA Report that must be resolved.

The review of alternative means indicates that the alternatives assessment process did not adequately consider lower-risk project configurations. The key issues identified include:

- Exclusion of catastrophic consequence analysis from the alternatives evaluation.
- Reliance on cost and constructability criteria rather than environmental risk.
- Failure to consider the CBLUP 2-km water setback principle and its application to the entire watershed.
- No involvement of Slate Falls Nation in evaluating alternative designs

As a result, the assessment of alternative project designs does not demonstrate that the selected configuration is the lowest-risk option. It is further noted that Slate Falls was not consulted during the

alternatives process, so Slate Falls' views, values, and site and traditional knowledge were not included in the analysis.

Given the facility's classification and location, the assumption within the Draft EA that there is "no hazard" associated with the facility is not supported by the technical evidence. IAAC is relying on a non-existent closure plan and a non-existent accidents and malfunctions plan, and the proponent's "assertions" about the likelihood of failure to mitigate the risks associated with the CDF. Effectively IAAC has taken the proponent's assertion at face value without carrying out its own analysis, and contrary to Slate Falls' assertions about the real effects on confidence in the lands and waters that members will experience each day. Without relocation or structural redesign of the CDF, it is not possible for IAAC's as yet non-existent, future mitigation measures to restore the confidence required to allow members to safely drink the water, travel through the watershed, and harvest food. When the land and water cannot be relied upon in practice, the current use of lands and resources for traditional purposes – and the exercise of Treaty rights – is impaired. IAAC's conclusions in respect of current use of land and resources for traditional purposes related to impacts flowing from the CDF must be significant.

### 6.1.2. Cumulative Effects on Current Use of Lands and Resources for Traditional Purposes

IAAC's conclusion that the likely cumulative effects to Indigenous Peoples' current use of lands and resources (with the exception of caribou) are generally moderate in magnitude and limited to the LSA and that cumulative effects are reversible through silviculture and habitat renewal is contrary to Slate Falls' evidence demonstrating that cumulative effects are serious and significant.

IAAC was required to consider the extent to which the project contributes to sustainability; there is no evidence this was considered. Nor did IAAC integrate the cumulative analysis from Slate Falls' ALIA into its conclusions. Internal cumulative effects from the Project were not included, nor were cumulative stresses on air and water and food considered in IAAC's conclusions (contrary to the Land Story). IAAC's conclusions fail to consider the existing state of cumulative effects impacting SFN's ability to exercise Treaty and Aboriginal rights and have not meaningfully contemplated future plans and aspirations within our traditional territory. For instance, SFN's hunting and trapping rights have already been impacted from past and present development pressures and resulting environmental contamination. Members have observed a decline in the health of species critical for their hunting rights, including caribou and moose. SFN members have voluntarily stopped hunting caribou because of population declines: this already impacts the way that SFN people interact with their land and way of life. Furthermore, existing developments (such as hydro dams) within SFN territory have flooded areas previously preferred by SFN for plant and wildlife harvesting. Upholding Slate Falls' rights depends on access to healthy and abundant wildlife, intact ecosystems, pristine cultural spaces, and the ability to transmit harvesting and other cultural knowledge to future generations. These features are all under threat from climate change, industrial developments such as the Springpole mine, forestry activities, expansion of roads, and natural disasters such as wildfire. In the context of the federal and provincial's current focus on fast-tracking industrial development in northern Ontario, it is unreasonable to conclude that the cumulative effects on Slate Falls' rights are insignificant and reversible.

## 6.2. Health and Socio-Economic Conditions

As described in the ALIA and the Land Story, Slate Falls expects significant, residual adverse effects on our water treatment plant operations and on our sustainable economy (including commercial fishing, tourism, and forestry) that are negative, high magnitude, long-term and reversible *only if* ecological and water quality confidence can be restored through design modifications. Furthermore, the Project as currently designed poses significant, irreversible effects of catastrophic risk to Slate Falls health and wellbeing. Members are not confident that water contamination from the Project can be avoided and believe the Project will have negative effects on commercial fishing given real or perceived decreases in water quality and impacts to fish health and abundance. Slate Falls' land-based businesses are critical economic development drivers for the community: commercial fishing is part of Slate Falls' way of life. Therefore, persistent risks to trusted drinking water and country foods represent significant health and socio-economic concerns for Slate Falls Nation.

IAAC has not responded to concerns about changes in water quality at Bamaji lake and the perception by Slate Falls members that the source of their drinking water may not be safe. The cumulative health baseline is already impaired by hydroelectric regulation, forestry, mining history, and earlier environmental change and the community has existing baseline concerns about fish and wildlife health, water insecurity, and impaired use areas. It is thus important that the baseline not silently absorb these harms and then use that already-damaged condition to argue that new effects are limited. Because health and socio-economic conditions in Slate Falls are closely tied to land access, access to safe water, and country food use, any further deterioration of already impaired systems has disproportionate significance. As previously stated, monitoring is insufficient to address our core concern that the Project threatens water and poses long-term, irreversible, and serious risks to the waterways that we rely on for our way of life and our drinking water. Monitoring is insufficient without design changes that remove mining infrastructure from the Cat River watershed's protected buffer established in the CBLUP and eliminate pathways of contamination from the CDF, cofferdams, pit dewatering, and effluent.

IAAC's proposed mitigation measures do not actually improve conditions important for Slate Falls' health and socio-economic conditions. As we have previously stated, reclamation does not mitigate or avoid fundamental effects and disturbances to Slate Falls' traditional use activities in the Project area and downstream waterways during the life of the Project. Such proposed reclamation is also not responsive to Slate Falls' foundational concerns about project design and impacts to rights. Furthermore, Slate Falls is concerned that specific details and plans associated with reclamation will not be available until long after Project construction is underway; and as such any plans for reclamation are simply being pushed off to some distant future date. Further engagement is required before this proposed mitigation measure can be considered a reasonable, credible, responsive, or effective mitigation measure for Project effects on Slate Falls' rights. IAAC also proposes the establishment of an Environment Committee. One of the points the committee will address is to facilitate ongoing communications and engagement during Project closure. This proposed mitigation cannot be considered a reasonable, credible, responsive, or effective mitigation measure for Project effects on Slate Falls' rights because it does not address fundamental siting and design concerns associated with the current mine design (which does not have a closure plan yet at all). The current design poses significant, outstanding risks to Slate Falls' way of life that cannot be mitigated by committee. Neither the proponent nor the Crowns have made adequate efforts to accommodate the Project effects associated with the current mine design.

Finally, IAAC also points to an access management strategy as a mitigation for the impacts to Slate Falls' rights. Again, IAAC has not responded to our previous comments about the inadequacy of the access management strategy to address foundational and core concerns about the proposed project. As we previously stated, it is insufficient to develop plans or impose conditions that do not address fundamental location and design flaws with the proposed mine. Should fundamental location/design flaws be remedied, Slate Falls would be willing to discuss an access management strategy, provided it upholds protections for existing Slate Falls' travel routes and cultural use areas, avoids displacing rights-based activities, and prevents increased non-Indigenous access and harvest pressure.

The proponent's proposed access management strategy is not responsive to the ways in which the project will impact SFN's willingness and ability to access areas of the territory in light of Project-related concerns. Slate Falls members have longstanding concerns that expanded road networks bring increased outside hunting pressure, drug trafficking, and other adverse traffic. Forestry roads are widely used by non-Indigenous users and as we have previously shared, Slate Falls has experienced a lack of consultation regarding a winter access road. SFN expects early and meaningful involvement in any future route planning and enforcement protocols.

Given the inability of proposed mitigation measures to actually reduce impacts to Slate Falls experience, IAAC's conclusions on the residual adverse effects to health and socio-economic conditions must change to "significant".

### 6.3. Physical and Cultural Heritage and Sites of Significance

Archaeological review indicates that the Project area lies within a broader cultural landscape connected by lakes, rivers, and historic travel routes including the Marten Portage. Evidence suggests an Indigenous presence and use of this landscape dating back more than 7,000 years, and materials are on display at the Canadian Museum of Man. Assessing individual archaeological sites alone does not capture the cultural significance of this interconnected system. Industrial development within the watershed, therefore, affects not only specific archaeological resources but also the integrity of the wider cultural landscape.

The draft EA Report relies on known sites and inadequately addresses undiscovered sites; fails to assess the full cultural landscape; fails to integrate cultural practice and use and ancillary infrastructure effects; does not consider the irreversibility of cultural loss nor the cultural importance of the area and the subsequent impacts on Slate Falls' physical and cultural heritage; does not assess the cumulative cultural landscape degradation and long-term and intergenerational effects; and does not incorporate a risk or uncertainty analysis. All of these failings represent IAAC's failure to integrate conclusions in the ALIA, Land Story, and the Archaeology Technical Discussion Paper.

As explained in the ALIA and the Land Story, archaeological sites and travel corridors within the watershed represent evidence of continuous land use across generations. The continuity of occupation demonstrated by these sites is directly connected to the continuity of Slate Falls' rights and way of life. Treaty rights are exercised by teaching, travelling, and living in the same places across generations. When access to these places is disrupted or their surrounding environment can no longer be relied upon, the effect is not simply a heritage loss but a break in the ongoing practice of the rights themselves. Therefore, the Project as currently designed not only impacts where members can go to be on the land but also whether knowledge can be passed on through direct experience in the places where it originated.

Fundamentally, the portage route is part of our cultural history and current use. IAAC's proposed mitigation is to establish an alternative portage route. It is not possible for an alternative portage route to simply replace the meaning of the Marten portage. As we have previously stated, and which IAAC has not responded to, it is also Slate Falls' position that the process used to screen and study archaeological impacts was incomplete, poorly focused, and failed to meaningfully assess area proposed for mine infrastructure. The current archaeological assessment does not adequately assess the portage route and it is likely that our cultural heritage and archaeological resources are therefore at significant risk. No consideration of an alternative route is possible without first assessing the site adequately to determine whether it is possible to replace the route at all. Contrary to IAAC's additional suggested approaches (to develop a site documentation and commemoration protocol, to implement cultural awareness training for mine employees), these impacts cannot be mitigated through documentation or salvage archaeology or simply teaching employees about Indigenous cultures and history: the cultural value lies in the continued use of the places that are so significant to Slate Falls and other Indigenous communities in the region. IAAC's conclusion must be that the effects to the physical and cultural heritage and sites of significance of Indigenous peoples are significant.

#### 6.4. Effects on Fish and Fish Habitat and Traditional Practices Including Water

From our review of the evidence available to the Agency, the potential effects on fishing and traditional practices involving water, for Slate Falls, are clearly significant. As described in the ALIA and the Land Story, Slate Falls expects significant high-magnitude, long-term, continuous (or seasonally continuous), and permanent negative impacts to fishing (including commercial fishing), its water treatment plant, and Slate Falls' tourism business.

Slate Falls' technical review indicates that IAAC's conclusion on fish and fish habitat is incorrect and incomplete because it is based on insufficient information, and missing risks and issues including:

- Insufficient information about long term population effects;
- No demonstration of habitat offset success;
- No predictive modelling of long-term water chemistry;
- No incorporation of mercury pathway and insufficient baseline modelling of mercury; and
- No incorporation of cumulative watershed effects or impacts to Indigenous food systems.

As described in Slate Falls' technical discussion papers about Fish and Fish Habitat, and the Technical Review of Tailings Co-disposal Facility: Design, Closure and Long-Term Risk, the assessment relied upon in the draft EA Report does not clearly identify the final effluent discharge location or fully define the receiving aquatic environment. Without this information, it is not possible to evaluate dilution capacity, seasonal hydrological variability, or connectivity to downstream water bodies. As a result, the evidentiary basis required to support a final significance determination for aquatic effects is not yet established. In addition, the assessment relies primarily on water-quality thresholds rather than on evaluating mercury bioaccumulation within aquatic food webs.

Furthermore, real or perceived decrease in water quality will lead to decreased trust that fish are healthy; a decreased willingness to fish; real or perceived decreases in fish habitat, health and abundance; an avoidance of Traditional camps used to support fishing; and avoidance of fishing areas. Together, these decreases will result in declining fish catch and decreased willingness to fish. Slate Falls members rely on

fish and waterways to support their way of life; the significance of these effects should not be understated. Water quality and quantity effects will occur for the entire life of the mine and well beyond closure. Water quality may become worse over time as contaminants accumulate. The effects on water quality are irreversible as contaminants may exist in the Cat River Watershed and the risk for contamination from runoff from the remaining CDF will remain for millennia. Any actual or perceived impacts to water will impact Slate Falls members' willingness to travel to camps and ability to practice culture at camps, including drinking water off the land, hunting, trapping, fishing, and plant and medicine gathering. It is unreasonable for IAAC to claim that this behaviour change can be mitigated by a water monitoring and communication plan.

Slate Falls expects significant adverse effects on its commercial fishing business and tourism businesses. A majority of community members are not confident that water contamination from the Project can be avoided and believe the Project will have negative effects on commercial fishing given real or perceived decreases in water quality and impacts to fish health and abundance. The potential effect of the decline in commercial fishing business and the loss of SFN tourism business are significant, in part because these businesses are critical economic development drivers for the community and commercial fishing is part of Slate Falls' way of life. IAAC has not responded to these concerns.

The Fish and Fish Habitat discussion paper also identifies that proposed fish habitat compensation measures remain conceptual and have not demonstrated functional equivalency. Under the *Fisheries Act*, the harmful alteration, disruption, or destruction of fish habitat is prohibited unless authorized and appropriately offset. Federal offsetting policy requires that habitat compensation measures counterbalance the ecological losses caused by a project and provide long-term benefits to fish populations. Where spawning habitats that support Indigenous fisheries are lost, compensation measures must demonstrate functional equivalency and meaningful ecological replacement.

IAAC's conclusions related to water (including water management, pit inflows, and CDF seepage control) depend on groundwater and seepage analysis. The IR record questions mitigation methods, noting that drawdown and groundwater mounding can accelerate seepage migration from the CDF and related mine infrastructure, and asks whether perimeter structures are designed for those conditions. As such, IAAC cannot rely on these mitigation methods to address effects on water and the traditional practices that rely on water.

From Slate Falls' perspective, fish harvesting is a core Treaty activity. Unresolved uncertainty regarding mercury bioaccumulation, changes in aquatic ecosystems, and habitat replacement for fish represents a significant adverse effect on Treaty rights given the functional avoidance that is expected from the Project as currently designed. The mitigation measures proposed for the Project do not materially improve Slate Falls' functional experience of harvesting fish, demonstrate that spawning habitat within Slate Falls' traditional fishing areas can be effectively replaced, or demonstrate that the resulting fisheries benefits would accrue to the Nation. Artificial stocking or remote remediation does not restore naturally functioning fisheries that support community use. If harvesting reliability declines, the right to fish becomes functionally impaired where confidence in safety cannot be restored. As such, IAAC's conclusion on fish and fish habitat must be that the effects are significant.

## 7. Section 11 of the Draft EA Report Remains Incomplete Respecting Effects to Slate Falls Nations' Aboriginal and Treaty rights

We appreciate the Agency's clarification last week that there is more work to be done to develop and incorporate an assessment of Project effects on Slate Falls Nations' constitutionally protected rights. We look forward to meeting with the Agency to advance this important, yet belated work. As we noted, this work must inform not just the final EA report, but also the Crown's process for aligning consultation with UNDRIP, the development of mitigation measures and project conditions, and the identification of accommodation measures for unresolved impacts to our rights.

It is our understanding that IAAC intends to coordinate this work with Ontario before any final decision on the Project. We continue to await Ontario's response to our requests for consultation and engagement and look forward to further clarity from Ontario on how it will be coordinating with Slate Falls Nation and IAAC on issues relating to impacts to our rights.

## 8. Concluding Comments

### 8.1. How Slate Falls Nation Approaches the Public Interest Assessment

At this stage in the EA process, we want to ensure Canada has a clear understanding of how approval of the Project in this location (and with this design and list of potential mitigation measures) would be contrary to the public interest. Slate Falls Nation has considered the evidence against four key questions to assist in determining whether the Project, as currently designed, represents a responsible and sustainable development outcome when long-term environmental, social, and governance considerations are considered.

#### 8.1.1. Protection of Ecological Systems, including environmental values within federal jurisdiction

A fundamental component of the public interest is the long-term protection of ecological systems that support communities, regional economies, and Indigenous rights. Lakes, rivers, wildlife habitat, and fisheries represent public resources that must be protected not only during a project's operational life, but also after closure.

**Evidence submitted by Slate Falls Nation indicates that several aspects of the aquatic assessment remain uncertain, including the receiving environment for mine effluent and the long-term implications of mercury mobilization and bioaccumulation. Where key ecological pathways remain insufficiently defined, confidence in the conclusion that residual effects will not be significant is reduced. Ensuring that these ecological systems remain functional and reliable over the long term is therefore an important component of determining whether the project design is consistent with the public interest.**

#### 8.1.2. Avoidance of Catastrophic Environmental Risk

Responsible resource development requires minimizing the potential for catastrophic environmental harm wherever possible. This includes evaluating both the probability of failure and its consequences.

Independent technical review indicates that the proposed co-disposal facility represents infrastructure with extreme consequence potential. While the probability of failure may be low, the consequences of a major release could be severe and long-lasting for downstream ecosystems and communities.

The public interest analysis must therefore consider whether avoidable catastrophic risks are being introduced into the watershed and whether alternative project configurations could reduce those risks.

### 8.1.3. Long-Term Closure and Financial Liability

Another key component of the public interest is the assurance that industrial projects can be safely closed and managed over the long term without creating enduring environmental liabilities or financial burdens for future generations. The available environmental assessment record lacks a closure plan, and SFN's calculations indicate a shortage of material for closure covers. It does not yet clearly demonstrate how the proposed co-disposal facility will be safely contained and managed over the very long timeframes required for mine waste stabilization. Where long-term water treatment or ongoing containment measures may be required, the public interest must also consider the possibility that governments and taxpayers could ultimately bear the financial costs of long-term environmental management should closure assumptions prove overly optimistic as has occurred at the nearby South Bay Mine.

Ensuring that mine waste facilities can be closed in a manner that does not create indefinite environmental risk or long-term public financial liability is therefore a critical factor in determining whether the project design serves the public interest.

### 8.1.4. Protection of Indigenous Rights and Reconciliation

The public interest determination must also reflect Canada's constitutional obligations to protect Aboriginal and Treaty rights, the federal government's commitment to reconciliation with Indigenous peoples, and the federal government's commitment to implement the United Nations Declaration on the Rights of Indigenous Peoples. The lands and waters affected by the proposed Project are part of the landscape that supports the continued exercise of Treaty rights by Slate Falls Nation, including fishing, hunting, trapping, plant harvesting, travel across the territory, the transmission of Indigenous knowledge, and cultural relevance of place. The meaningful exercise of these rights depends on the continued integrity of water systems, fish populations, wildlife habitat, and culturally significant landscapes.

Where credible evidence demonstrates that the project design or location may undermine these systems, decision-makers must consider whether further project refinement or redesign is necessary to ensure that development proceeds in a manner consistent with the protection of Indigenous rights and reconciliation objectives. This includes, among other things, ensuring that no decision is made on a project until all consultation obligations have been meaningfully discharged.

## 8.2. As designed and described in the Draft EA Report, the Project currently fails a Public Interest Evaluation

From the perspective of Slate Falls Nation, the public interest analysis for the Springpole Gold Project has found these Public Interest outcomes:

1. The Project introduces long-term environmental risk within a watershed that supports the exercise of Treaty rights and sustains important fish and wildlife populations. Fish and wildlife harvested in the region are not simply environmental indicators; they are a central source of food, cultural practice, and community well-being. Where development introduces persistent uncertainty about water quality, fish health, or wildlife viability, the consequences extend beyond ecological change and directly affect Indigenous communities' ability to continue practicing land-based livelihoods. The loss of locally important spawning habitat, combined with uncertainty about the effectiveness and location of compensation measures, raises additional concern about the long-term reliability of the fisheries relied upon by the Slate Falls Nation for food, culture, and livelihood.
2. The proposed mine design includes infrastructure that an independent technical review identifies as having extreme consequence potential. Even where the probability of failure may be low, the consequences of a major release from mine waste infrastructure could be severe and long-lasting. The public interest must consider not only the likelihood of such events but also whether avoidable catastrophic risks are being introduced into sensitive ecological and cultural landscapes.
3. The technical reviews prepared for Slate Falls Nation identify that the current environmental assessment record does not clearly demonstrate how the proposed co-disposal facility will be safely closed, contained and managed over the very long time periods required for mine waste stabilization. The assessment does not provide a detailed closure plan demonstrating that the facility can be reliably isolated from surrounding water systems without indefinite risk to downstream environments or communities. Where long-term water treatment or ongoing containment measures may be required, the public interest must also consider the financial implications for future generations. Experience from other Canadian mining jurisdictions demonstrates that when closure assumptions prove overly optimistic, governments and taxpayers ultimately bear substantial costs associated with long-term environmental management and remediation. Ensuring that mine waste facilities can be safely closed and maintained without creating enduring environmental or financial liabilities is therefore an important component of determining whether the Project, as currently designed, is in the public interest.
4. The available evidence indicates that aspects of the current project design were selected through an alternatives assessment process that did not fully evaluate lower-risk configurations and that did no site characterisation of those sites. The technical review prepared for Slate Falls Nation found that the assessment of alternative means did not incorporate consequence-of-failure analysis, did not fully consider land-use planning guidance related to water and watershed protection, and relied heavily on economic and constructability considerations when selecting the preferred design. Where credible evidence suggests that lower-risk project configurations may exist, proceeding with a higher-risk design without further evaluation raises legitimate questions regarding whether the Project, as currently proposed, represents the most responsible development option.
5. The public interest must consider the long-term integrity of the environmental assessment system itself. Public confidence in environmental decision-making depends on the perception that major projects are approved only after key environmental and Indigenous rights issues have been

meaningfully addressed. Where significant uncertainties remain or where affected Indigenous Nations conclude that their rights and interests have not been adequately protected, approval of the Project without further redesign risks undermining that confidence.

6. The public interest determination should recognize that Slate Falls Nation has not, in principle, taken a position opposing mining within its territory. The Nation has consistently stated that responsible mineral development can occur when projects are designed to protect water, wildlife, respect the CBLUP, and protect the conditions necessary for the meaningful exercise of Treaty rights.

The concerns raised in this submission, therefore, do not reflect a rejection of development. Rather, they reflect the conclusion that the current design and location of the Project introduce avoidable environmental and cultural / rights-based risks that could potentially be reduced through redesign and reconsideration of key project components.

In this context, the public interest question is not simply whether the Springpole Gold Project could generate economic benefits. The more relevant question is whether the Project, as currently designed, represents the most responsible development option when long-term environmental risks, Indigenous rights, and alternative design options are considered.

From the perspective of Slate Falls Nation, the available evidence suggests that further design refinement and reconsideration of project alternatives would better serve the long-term public interest than proceeding with the current configuration.

### 8.3. Consultation is far from complete

While Canada has committed to deep consultation on issues related to impacts on Slate Falls s. 35 rights before decision-making however as detailed in part above, this is far from complete. It is of major concern to Slate Falls that IAAC has been rushed by CEAA, 2012 timelines to complete and publish the draft EA report when there is agreement that multiple aspects of consultation remain incomplete.

Despite Slate's requests at an early stage of engagement, there is no clear consultation process for the final stages of the EA process and it is clear that IAAC's rush to finalize its EA Report is placing the Crown's obligation to consult Slate Falls in jeopardy.

This is not the first time that IAAC has rushed through steps in a manner that has constrained its ability to carry out its consultation obligations to Slate Falls. In late October 2025, we heard that IAAC had already sent draft chapters for translation (before sharing those draft chapters with Slate Falls, but after informing Slate Falls that those chapter were subject to revisions based on engagement). At that point, meaningful consultation was being arbitrarily constrained by the federal government's own translation requirements. Now, IAAC is rushing again, and it is clear that this will have serious implications and constraints for the Crown's consultation adequacy decision.

We intend to write separately to the Agency to address outstanding steps in the consultation process.

#### 8.4. There are still outstanding components of the environmental assessment rendering the draft EA report premature

IAAC has not shared the promised revised multiple accounts analysis for consultation with Slate Falls Nation. In the draft EA Report, IAAC indicates that it considered alternative means for carrying out the Project and also acknowledges concerns about (1) the lack of Slate Falls involvement (including knowledge, values, and land use priorities) and (2) the lack of transparency in how Indigenous input and consultation outcomes were reflected in the alternative means assessment. However, at a meeting in October, IAAC shared that FMG was carrying out a revised multiple accounts analysis for the Project and indicated that this would be shared with Slate Falls for consultation. We have yet to see such an analysis, and IAAC cannot finalize its EA Report until we have reviewed and been meaningfully consulted on the results of the revised analysis.

#### 8.5. Coordination with Ontario is essential for a credible EA Report, yet remains illusive and incomplete

On numerous occasions, Slate Falls raised concerns about how the Crown intended to consult on Project issues where it views some as completely within Ontario's jurisdiction, and others within the jurisdiction of IAAC and other federal departments. The Crown has a duty to clearly indicate whether a regulatory body's processes will fulfill the duty to consult in whole or in part. It is unclear whether IAAC's role as the Crown Consultation Coordinator (to facilitate a whole-of-government approach to consultation) means that IAAC will be carrying out the full scope of consultation with Slate Falls or whether this means IAAC would facilitate conversations with other Crown actors (including Ontario) to ensure the duty to consult and accommodate is met.

As late as March 19, 2026, IAAC confirmed that it has no insight into Ontario's approach to consultation at all, notwithstanding the fact that IAAC continues to indicate it will rely on Ontario's processes to carry out aspects of consultation on outstanding impacts to Slate Falls' rights. IAAC previously indicated it would facilitate conversations with Ontario about outstanding issues that are within Ontario's jurisdiction as the EA Decision Statement phase approaches. We understand IAAC's intention has been to adopt the 'precautionary principle' in relation to any outstanding issues that it views as within Ontario's jurisdiction should that be required. As such, we expect that IAAC will facilitate conversations between Slate Falls, Ontario, and Canada to address outstanding questions, concerns, and impacts to Slate Falls before the EA Report will be finalized.

### 9. Conclusion

The Draft EA Report includes unreasonable or incorrect conclusions on significance of effects that must change in the final EA Report, given the information IAAC has before it.

Evidence provided in the ALIA, the Slate Falls Nation Land Story, specialist technical discussion papers, and multiple rounds of Information Requests demonstrates that several critical aspects of the Project remain insufficiently characterized at the environmental assessment stage and that the impacts to Slate Falls Nation are not possible to mitigate through typical approaches such as those featured in the draft EA Report. Across the assessment record, a consistent pattern emerges. Many of the significance conclusions

presented in the Draft EA Report depend on assumptions that key environmental pathways are sufficiently understood, mitigation measures will function as intended, and remaining uncertainties can be addressed through future monitoring, adaptive management, or permitting processes. Slate Falls Nation's technical review indicates that, in key areas, the available evidence does not support those assumptions.

Uncertainty remains regarding the receiving aquatic environment for mine effluent, the long-term implications of mercury mobilization within aquatic food webs, and the functional effectiveness of proposed fish habitat compensation measures. These issues are directly relevant to the protection of fisheries that sustain both ecological systems and the exercise of Treaty rights. The effects of these issues have not yet been reduced to non-significant.

Independent engineering review also identifies the proposed co-disposal facility as infrastructure with extreme consequence potential. Although the probability of failure may be low, the potential consequences of a major release remain severe for downstream ecosystems and communities. The environmental assessment record does not yet demonstrate that these risks have been comprehensively evaluated and reduced through project design to the lowest practicable level nor to a level that would reduce the effects on Slate Falls Nation to non-significant.

The assessment record also indicates that the alternatives evaluation did not demonstrate that the selected mine configuration represents the lowest-risk option. Evidence submitted by Slate Falls Nation indicates that consequence-of-failure considerations and land-use planning principles intended to protect water systems were not fully incorporated into the evaluation of alternative project designs.

Cumulative pressures on wildlife systems, particularly caribou habitat, also raise concern. Evidence reviewed by Slate Falls Nation indicates that the Churchill caribou range already exceeds disturbance thresholds associated with declining population viability. Additional infrastructure development within this landscape may further increase habitat fragmentation, predator access, impact calving and cumulative ecological stress.

The conclusions in the Draft EA Report relating to impacts on the current use of lands and resources, fish and fish habitat, effects on health and socio-economic conditions, and effects to physical and cultural heritage must be revised. The ALIA concludes that the proposed Project would result in significant adverse effects on Slate Falls Nation's rights, well-being, and land-based livelihoods in all of these areas that overlap with the CEAA 2012 s. 5(1)(c) conclusions. Meaningful exercise of Treaty rights requires more than continued physical access to land. It requires the continued integrity, safety, and reliability of the environmental systems that support those practices. Where uncertainty persists regarding water quality, wildlife health, or catastrophic environmental risk, confidence in those systems may be undermined.

For these reasons:

1. The Agency must revise many of its conclusions in the Draft EA Report, including concluding that the Project will have significant adverse effects on Slate Falls Nations' cultural heritage, current use of lands and resources and health/socio-economic conditions
2. Slate Falls Nation concludes that the current design and location of the Springpole Gold Project introduce environmental, cultural, and rights-based risks that remain unresolved within the environmental assessment record.

3. Based on the evidence presented through the consultation record, Slate Falls Nation cannot support the Project as currently designed and located.

**To be clear, Slate Falls Nation remains open to engagement by the Agency and the proponent prior to the end of the EA process on more relevant and responsive measures to address the major effects of the Project on the environment and Slate Falls, including mitigation measures to address the design flaws that create the environmental, cultural, and rights-based risks identified through the Nation's technical review and consultation submissions. Absent the identification of such measures in collaboration with the Nation, it appears clear that the project configuration will not protect the environmental and cultural conditions necessary for the meaningful exercise of Treaty rights**

Until those issues are addressed, Slate Falls Nation maintains that proceeding to an EA decision with the current project configuration would be premature and would not reflect the long-term public interest in protecting ecological systems, upholding Indigenous rights, and ensuring responsible resource development.

Slate Falls Nation has participated in the environmental assessment process in good faith and has provided extensive technical and cultural evidence for the consultation record. The Nation respectfully expects that further engagement regarding the Draft EA Report will carefully consider this evidence and will reflect the Crown's obligations to protect Treaty rights.

Slate Falls Nation remains prepared to work with the Crown and the proponent to explore alternative project designs that would reduce the environmental and rights-based risks identified in this submission and better align the Project with the conditions required for the meaningful exercise of Treaty rights and long-term stewardship of the territory.

## Appendix 1: Reference List

Materials Used in the Preparation of the Slate Falls Nation Response to the IAAC Draft Environmental Assessment Report

### Federal Environmental Assessment Documents

Impact Assessment Agency of Canada (IAAC).  
Springpole Gold Project – Draft Environmental Assessment Report.  
February 2026.

Impact Assessment Agency of Canada (IAAC).  
Letter to Slate Falls Nation – Comment Period on Draft Environmental Assessment Report.  
27 February 2026.

Impact Assessment Agency of Canada (IAAC).  
Potential Conditions for the Springpole Gold Project.  
Draft Conditions Package.

### Slate Falls Nation Core Evidence Documents

Slate Falls Nation.  
Aboriginal and Treaty Rights Impact Assessment (ALIA) – Springpole Gold Project.  
Final Draft. 31 October 2025.

Slate Falls Nation.  
Slate Falls Nation Land Story.  
March 5, 2026.

### Slate Falls Nation Technical Discussion Paper Series

#### **Slate Falls Nation Technical Review Series.**

Paper 1: SFN Discussion Document Series – Mine Alternatives Assessment (MAA).  
Paper 2: SFN Discussion Paper – Dam Safety with Appendix.  
Paper 3: SFN Discussion Paper – Co-Disposal Facility Technical Review.  
Paper 4: SFN Discussion Paper – Water Quality: Review of Assumptions and Context.  
Paper 6: SFN Discussion Paper – Co-Disposal Facility Risk Management and Consequence of Failure.  
Paper 7: SFN Discussion Paper – Caribou.  
Paper 8: SFN Discussion Paper – Fish and Fish Habitat.  
Paper 9: SFN Discussion Paper – Review of the Archaeological Assessment.  
Paper 10: SFN Discussion Paper – EA and Permitting Framework Review.

## Information Requests and Technical Submissions

Slate Falls Nation.

Compiled Round 2 Information Requests (IRs) – Springpole Gold Project.

February 2, 2026.

## Supporting Regulatory and Policy Frameworks Referenced

These materials inform the analytical framework used in the response:

Canadian Environmental Assessment Act (CEAA 2012).

Impact Assessment Agency of Canada.

Guidance: Assessing Environmental Effects Under CEAA 2012.

Canadian Dam Association.

Dam Safety Guidelines.

Fisheries Act (Canada).

Species at Risk Act (Canada).

Ontario Provincial Water Quality Objectives.

## Indigenous Planning and Policy Frameworks Referenced

Cat Lake – Slate Falls

Community Based Land Use Plan (CBLUP).

United Nations.

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

## Supporting Evidence Referenced in the SFN Record

Evidence from the following sources was used in the analysis of effects on rights and current use:

- Slate Falls Nation harvesting knowledge and land use information documented in the ALIA
- Cultural landscape evidence summarized in the Land Story
- Archaeological assessment review contained in SFN Paper 9
- Fish, water quality, and mercury evidence contained in SFN Paper 4 and Paper 8
- Wildlife and caribou habitat evidence contained in SFN Paper 7
- Mine design and risk analysis contained in SFN Papers 2, 3, and 6
- Alternatives assessment review contained in SFN Paper 1

## Appendix 2: Application of the Criteria in Annex C of the Draft EA Report

### Appendix A. Slate Falls Application of CEAA 2012 Significance Criteria

The table below sets out Slate Falls' application of the significance criteria under the Canadian Environmental Assessment Act, 2012, as set out in the Operational Policy Statement: Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under the *Canadian Environmental Assessment Act, 2012* (November 2015) (the "OPS"). This table addresses IAAC's conclusions where Slate Falls disagrees strongly with IAAC's conclusion, based on the information IAAC should have considered when coming to its conclusion, or the ineffectiveness of the proposed mitigations.

The determination of significance under CEAA 2012 includes considering whether the environmental effects are adverse, significant, and likely. IAAC confirmed adverse effects to fish and fish habitat, changes to the environment on the health and socio-economic conditions of Indigenous Peoples, changes to the environment on physical and cultural heritage of Indigenous Peoples, and any structure, site or thing that is of historical, archaeological, paleontological or architectural significance, and changes to the environment on current use of lands and resources for traditional purposes by Indigenous Peoples. This table therefore only applies the criteria relevant to the significance determination under the OPS. Determining significance requires considering the project characteristics, potential environmental effects, the state of the valued component impacted by the environmental effects, the extent to which mitigation measures may address the potential effects, and the level of analysis required to address issues raised by Aboriginal groups. The context within which effects may occur is also important in assessing the criteria. Contextual factors can include unique characteristics, unique values/customs, valued components' importance to the broader environment, and valued components with established targets.

While each effect area is explored further in the table below, key contextual factors relevant to all individual criteria below include:

- the nature of the Project is inherently high-risk, as defined throughout discussion papers<sup>1</sup> as such the probability of environmental effects and the perceived risk of all effects is higher than a lower-risk design would otherwise be;
- the existence of the Slate Falls-Cat Lake Community Based Land Use Plan which (as described in Band Council Resolution No. 2025-28), demonstrates the unique and irreplaceable nature of the area and the cultural values associated with the Cat River watershed, and establishes a specific target related to project design and infrastructure; and
- the centrality of water is a key valued component that is critical to the functioning of an ecosystem, ecological community, and the Slate Falls Nation community.

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<sup>1</sup> Rachel Sawyer and Mike O'Kane, *Springpole Gold Project – Co-disposal Facility Risk Management and Consequences of Failure*, February 6, 2026 [O'Kane CDF Consequences Discussion Paper]; Mark Vendrig, *Document 2: CDF Risk Management and Consequences of Failure*, December 5, 2025 [Vendrig CDF Consequences Discussion Paper].

	Magnitude	Geographic Extent	Timing	Frequency	Duration	Reversibility	Decision Implication
<b>3. Effects to Fish and Fish Habitat</b>	<p>Effects to fish and fish habitat, including reduced water quality; reduction of fish habitat, health, and abundance; and incidental activities such as reduced access to traditional fishing camps and areas are expected to be <b>high magnitude</b>.</p> <p>Fish and water central to SFN way of life, sensitive components of exercising rights, not available to absorb additional risk including through mercury bioaccumulation pathways.<sup>2</sup> Fish consumption advisories already exist in nearby lakes due to mercury.</p>	<p>Effects to fish and fish habitat, including reduced water quality; direct loss of fish habitat; reduced fish health and abundance; and incidental activities such as reduced access to traditional fishing camps and areas are expected to occur <b>in and downstream of the Project area, including within the CBLUP Area</b>.</p>	<p>Effects to fish and fish habitat are expected to occur <b>year-round</b> in and downstream of the Project area, including within the CBLUP Area.</p>	<p>Effects on fish and fish habitat are expected to be <b>continuous</b>.<sup>9</sup></p> <p>Fish harvested from lakes and rivers in and downstream of the Project area including Springpole, Birch, Bamaji, Kezik, Fawcett, and Fry Lakes, and Lake St. Joseph play a key role in the daily lives of SFN members. Fish from these waterbodies are a staple food in SFN members' diet and provide livelihoods and economic opportunities through commercial fishing licences.<sup>10</sup></p>	<p>Effects on fish and fish habitat are expected to be <b>long-term /permanent</b>.<sup>11</sup></p> <p>Members are expected to avoid cultural, food, and commercial fishing for the life of the mine and potentially longer.<sup>12</sup></p> <p>IAAC has underestimated the risk of project component failures that would impact fish and fish</p>	<p>Effects on fish and fish habitat are expected to be <b>permanent</b> if major project design issues not addressed through re-design.<sup>13</sup></p> <p>Loss of fish and fish habitat are not expected to return to baseline through the proposed mitigation measures.<sup>14</sup> The project is expected to result in the loss of 213 hectares of fish habitat, including permanent losses in Springpole Lake (a lake Slate Falls relies on for fishing). IAAC is relying on future permits to indicate</p>	<p>IAAC cannot maintain a non-significant conclusion on effects to fish and fish habitat based on the information it has available to it, the complete inability of the mitigation measures to improve the residual adverse effects, and given the level of uncertainty regarding the receiving environment, compensation effectiveness, and mercury pathways:</p> <ul style="list-style-type: none"> <li>final effluent discharge location has not been finalized, and the receiving environment is not properly defined, making it impossible to meaningfully evaluate dilution, seasonal flow variability, hydrologic connectivity, and downstream exposure pathways;<sup>15</sup></li> </ul>

<sup>2</sup> ALIA; Land Story.

<sup>9</sup> Odonaterra Community Environmental Strategies, Slate Falls Nation Anishinaabe-Led Impact Assessment (October 2025) [ALIA]; Slate Falls Nation, *The Land is Everything: The Slate Falls Land Story*, March 5 2026 [Land Story].

<sup>10</sup> ALIA.

<sup>11</sup> ALIA.

<sup>12</sup> ALIA; Land Story.

<sup>13</sup> ALIA; Land Story.

<sup>14</sup> Parks Environmental, *Discussion Paper: Concerns Regarding Fish and Fish Habitat Assumptions in the Springpole Environmental Assessment and Risks to the Slate Falls Nation*, February 6, 2026 [Fish and Fish Habitat Discussion Paper].

<sup>15</sup> Fish and Fish Habitat Discussion Paper.

	Magnitude	Geographic Extent	Timing	Frequency	Duration	Reversibility	Decision Implication
	<p>Any additional loading increases the likelihood that SFN members will avoid fish harvesting.<sup>3</sup></p> <p>Long term and potentially permanent effects on fish and fish habitat (including water quality; fish habitat, health, and abundance; and incidental activities such as accessing traditional fishing camps and areas).<sup>4</sup></p> <p>IAAC is relying on a non-existent plan to only <i>partially</i> restore lost habitat and to create/ enhance habitat elsewhere to offset losses. IAAC itself recognizes that there are limited opportunities to restore or create Lake Trout habitat and yet it is claiming that such losses</p>			<p>Fishing allows members to connect with the lands and waters in a meaningful and productive way. Community members often share their catches with family and other community members, bringing people closer together and making traditional food more accessible to community-bound members. Fish is often shared at family dinner tables and community events. Community members are also brought together during summer and winter annual fish derbies.</p>	<p>habitat. A breach of the co-disposal facility (“CDF”) would devastate Slate Falls Nation given its close proximity to sensitive water bodies at the headwaters of a watershed. Slate Falls relies upon for all of its cultural and traditional land use activities and way of life. A failure would contaminate the waterways that supply Slate Falls’ drinking water, support current use of lands and resources for traditional</p>	<p>fish can be relocated to “remaining areas” of the lake. These permits have not yet been secured as such they cannot be relied on as a mitigation measure against the adverse effects.</p>	<ul style="list-style-type: none"> <li>• absence of a defined discharge location is more than residual uncertainty and instead constitutes a failure of evidentiary sufficiency;<sup>16</sup></li> <li>• without a defined discharge location, the EA cannot evaluate whether effluent would exacerbate existing aquatic constraints, including those already affecting fish consumption and human use;<sup>17</sup></li> <li>• Compensation concepts have not demonstrated functional replacement and that concerns about mercury bioaccumulation remain unresolved for fish consumption and wildlife toxicity;<sup>18</sup></li> <li>• Reliance on Ontario PWQOs obscures the key pathway, namely bioaccumulation and trophic transfer into fish and Indigenous food systems;<sup>19</sup></li> <li>• The aquatic cumulative context is understated</li> </ul>

<sup>3</sup> Land Story.

<sup>4</sup> ALIA.

<sup>16</sup> Fish and Fish Habitat Discussion Paper.

<sup>17</sup> Fish and Fish Habitat Discussion Paper.

<sup>18</sup> Fish and Fish Habitat Discussion Paper.

<sup>19</sup> Land Story; Fish and Fish Habitat Discussion Paper.

	Magnitude	Geographic Extent	Timing	Frequency	Duration	Reversibility	Decision Implication
	<p>can be reversed through non-existent plans that are <i>yet to be proposed</i> by the proponent.</p> <p>These measures cannot replace functional fish harvesting that will be lost as a result of the permanent loss of fish and fish habitat in a key location relied upon by Slate Falls members for harvesting. Artificial stocking or remote remediation does not restore naturally functioning fisheries that support community use.<sup>5</sup> Fish stocking and monitoring does not counterbalance project-related loss of fish and fish habitat or habitat productivity.<sup>6</sup></p>				<p>purposes, act as travel routes, and house important cultural sites. Restoration may not occur within a timeframe meaningful to human use, particularly in the absence of alternative containment design. The consequence is not only environmental damage but functional interruption in fish harvesting, a key aspect of Slate Falls' way of life. IAAC has</p>		<p>because it does not sufficiently account for legacy stressors, natural background conditions that already constrain fish use, and existing fish consumption concerns;<sup>20</sup></p> <ul style="list-style-type: none"> <li>• the mercury dataset is insufficient to assess bioaccumulation impacts relevant to SFN's consumption;<sup>21</sup></li> <li>• baseline mercury data are not sensitive enough to detect incremental changes relevant to food-web effects.<sup>22</sup></li> </ul> <p><b>In the context of such uncertainties, the underestimated effect on water quality<sup>23</sup>, the complete inability of currently proposed mitigation measures to address functional losses/effects to fish and fish habitat<sup>24</sup>, and given the effects</b></p>

<sup>5</sup> Parks Environmental, *Discussion Paper: Concerns Regarding Fish and Fish Habitat Assumptions in the Springpole Environmental Assessment and Risks to the Slate Falls Nation*, February 6, 2026 [Fish and Fish Habitat Discussion Paper].

<sup>6</sup> Fish and Fish Habitat Discussion Paper.

<sup>20</sup> Fish and Fish Habitat Discussion Paper.

<sup>21</sup> IR Record.

<sup>22</sup> IR Record.

<sup>23</sup> HydroEQ Incorporated, *Discussion Paper: Unreasonable Geochemical Assumptions in the Springpole Water Quality Assessment*, October 10, 2025 [Water Quality Discussion Paper].

<sup>24</sup> Fish and Fish Habitat Discussion Paper.

	Magnitude	Geographic Extent	Timing	Frequency	Duration	Reversibility	Decision Implication
	<p>Remediation of historic contamination elsewhere is not connected to the effects on fish and fish habitat from the Springpole project and as such does not represent a mitigation for the functional loss of fish and fish habitat that will result from the Project.<sup>7</sup> If harvesting reliability declines, the right to fish becomes functionally impaired where confidence in safety cannot be restored.<sup>8</sup></p> <p>ECCC noted that the proponent’s assessment likely underestimated toxicity to aquatic life related to uncontrolled effluent in Birch and Springpole Lake; a concern Slate Falls also identified. This was recommended for <u>demonstration</u> before approval; IAAC incorrectly frames a post-approval follow up</p>				<p>indicated this risk is “temporary” and has relied upon the proponent’s assurances related to mine design, which Slate Falls has systemically critiqued through the IR Record. IAAC has proposed that these effects can be reduced to non-significant through the introduction of a malfunctions and accidents prevention and response plan. Such a plan does nothing to actually improve fish and fish habitat effects.</p>		<p><b>identified by Slate Falls Nation, IAAC’s conclusion must change to <u>significant effects</u> on fish and fish habitat.</b></p>

<sup>7</sup> Fish and Fish Habitat Discussion Paper.

<sup>8</sup> Fish and Fish Habitat Discussion Paper.

	Magnitude	Geographic Extent	Timing	Frequency	Duration	Reversibility	Decision Implication
	program as a mitigation measure that can address both ECCC’s identification of assessment gaps, and Slate Falls’ members trust and confidence in the water quality.						
<b>7. Effects to Health and Socio-Economic Conditions</b>	<p>Effects to health and socio-economic conditions are expected to be <b>high magnitude</b>.</p> <p>Effects introduced by the project, including loss of Slate Falls’ sustainable economy businesses (including tourism) due to declining remote wilderness experience, water quality, and fish health; decline in commercial fishing due to real or perceived declines in water quality, fish health, and loss of clients; and decline in forestry opportunities due to removal of merchantable timber</p>	<p>Effects to health and socio-economic conditions are expected to occur <b>in and downstream of the Project area, including within the CBLUP area</b>.</p>	<p>Effects to health and socio-economic conditions are expected to occur <b>year-round</b> in and downstream of the Project area, including within the CBLUP Area.</p> <p>IAAC is mistakenly relying on the proponent’s human health risk assessment which seriously</p>	<p>Effects to health and socio-economic conditions are expected to be <b>continuous</b>.</p> <p>IAAC is mistakenly relying on the proponent’s water monitoring program to protect Slate Falls health conditions, however this fails to incorporate Slate Falls feedback that has already been provided on the water monitoring program, which is in part related to its inability to address the psychological health impacts and functional</p>	<p>Effects to health and socio-economic conditions are expected to be <b>long-term/permanent</b>.</p> <p>IAAC recognizes that residual adverse effects to Indigenous health is expected from air quality changes. All of the mitigations that IAAC relies on to sustain a non-significant conclusion are future follow-</p>	<p>Effects to health and socio-economic conditions are expected to be long term / permanent if major project design issues are not addressed through re-design.<sup>31</sup></p> <p>Effects to health and socio-economic conditions associated with the CDF cannot be mitigated by standard containment or mitigation measures, given the CDF’s proximity to water bodies.<sup>32</sup> Based on available information,</p>	<p>IAAC cannot maintain a non-significant conclusion on effects given:</p> <ul style="list-style-type: none"> <li>IAAC’s health and socio-economic conclusion materially understates both chronic and catastrophic risk. Persistent risk to water confidence and food security is itself a significant health and socio-economic effect, even without a catastrophic release;<sup>35</sup></li> <li>the proposed CDF is an extreme-consequence facility and even low-probability failures could result in catastrophic environmental impacts;<sup>36</sup></li> <li>the assertion in the EA that there is “no hazard”</li> </ul>

<sup>31</sup> ALIA; Land Story.

<sup>32</sup> Land Story.

<sup>35</sup> Land Story.

<sup>36</sup> O’Kane CDF Consequences Discussion Paper.

	Magnitude	Geographic Extent	Timing	Frequency	Duration	Reversibility	Decision Implication
	<p>from the Project footprint<sup>25</sup>are expected to significantly affect the health and socio-economic experience of Slate Falls Nation. Effects introduced by the project are also expected to significantly and negatively affect Slate Falls’ community services and infrastructure, including its water treatment plant and a decrease in community safety due to impacts from additional personnel working at the mine.<sup>26</sup> None of IAAC’s proposed mitigations address safety issues related to increased personnel in the area or effects on Slate Falls’ water treatment plant.</p> <p>Effects to health and socio-economic conditions are also</p>		underestimates effects to Slate Falls Nation members given Slate Falls members spend almost double their time on the land as is included in the proponent’s assessment.	avoidance of drinking water or relying on country foods harvested downstream from the mine that are expected to arise from the current project design and CDF location, and which cannot be managed through a monitoring program.	up plans, permits, or other non-existent measures. These measures require compliance from a non-reliable proponent who Slate Falls members have exceedingly little trust in and as such cannot be relied upon to reduce the level of effects that Slate Falls will experience.	restoration may not occur within a timeframe meaningful to human use, particularly in the absence of alternative containment design. The consequence is not only environmental damage but functional displacement from traditional land-use areas. <sup>33</sup> IAAC acknowledges this and incorrectly suggests that the serious distress facing Slate Falls members associated with the current project siting and design can addressed through the “unlikely” nature of a failure, and through updates from the	<p>associated with the CDF is inaccurate and misleading,<sup>37</sup></p> <ul style="list-style-type: none"> <li>• even low-likelihood but high-consequence failures would threaten the Nation’s existence and ongoing contamination fear, distrust of water, and loss of safe country foods directly affect well-being, identity, and long-term viability;<sup>38</sup></li> <li>• members already experience concerns about their health associated with water quality, fish and wildlife health (i.e. sores on fish, tainted wildlife organs);<sup>39</sup></li> <li>• the baseline should not silently absorb harms and then use that already-damaged condition to argue that new effects are limited. Because health and socio-economic conditions in SFN are closely tied to land access, access to safe water, and country food use, any further deterioration of</li> </ul>

<sup>25</sup> ALIA.

<sup>26</sup> ALIA.

<sup>33</sup> Land Story.

<sup>37</sup> O’Kane CDF Consequences Discussion Paper.

<sup>38</sup> Land Story.

<sup>39</sup> ALIA.

	Magnitude	Geographic Extent	Timing	Frequency	Duration	Reversibility	Decision Implication
	<p>expected as a result of real or perceived risks related to the co-disposal facility ("CDF").<sup>27</sup> The CDF is located less than 120 m from sensitive water bodies, and any failure would discharge directly into the lakes and the downstream watershed relied upon by Slate Falls. Any failures in the CDF would contaminate the lakes and waterways that support drinking water, harvesting, travel routes, and cultural sites.<sup>28</sup></p> <p>These effects are expected to exacerbate existing negative effects and the cumulative health baseline. The Slate Falls water treatment plant already faces challenges and the Project has the potential</p>					<p>proponent about safety reports. As Slate Falls has previously indicated, there is very little trust and confidence in the proponent from Slate Falls members. As such, relying on proponent-led updates will not effectively reduce the effects.</p> <p>Without a Failure Modes and Effects Analysis, and no closure plan for an Extreme Consequence facility on a narrow headland between two deep lakes on which a Nation depends for food, water, and its continued cultural existence, without space for contingency measures<sup>34</sup>, it is</p>	<p>already impaired systems has disproportionate significance;<sup>40</sup></p> <ul style="list-style-type: none"> <li>• Reliance on Ontario PWQOs key bioaccumulation pathway for mercury, which facilitates trophic transfer into fish, wildlife, and Indigenous food systems<sup>41</sup> obfuscating this pathway from being meaningfully assessed. Fish consumption advisories already exist in nearby lakes due to mercury. Any additional loading increases the likelihood that community members will avoid harvesting fish even if concentrations remain within regulatory limits. The effect is behavioural rather than ecological: families stop eating fish, stop teaching youth to fish, and reduce time spent on the land. This represents a direct impairment of the practical exercise of Treaty rights.</li> </ul>

<sup>27</sup> Land Story.

<sup>28</sup> Land Story.

<sup>34</sup> Vendrig CDF Consequences Discussion Paper.

<sup>40</sup> Land Story; IR Record.

<sup>41</sup> Land Story; Fish and Fish Habitat Discussion Paper.

	Magnitude	Geographic Extent	Timing	Frequency	Duration	Reversibility	Decision Implication
	to worsen these challenges. <sup>29</sup> Commercial fishing employs fewer community members than in the past due to increasing levels of mercury in some waterbodies and other pressures affect the Nation, including hydroelectric regulation, forestry, mining history, and earlier environmental change. <sup>30</sup>					impossible to conclude that non-existent plans will mitigate the extreme risk from the proposed Project.	<b>In the context of such underestimations including on risk level and likelihood and effect on water quality<sup>42</sup>, and given the effects identified by Slate Falls Nation and the inability of mitigation measures to reduce the actual effects on health and socio-economic conditions and risks associated with the CDF, IAAC's conclusion must change to <u>significant effects</u> on health and socio-economic conditions.</b>
<b>8. Effects to the physical and cultural heritage and sites of significance of Indigenous Peoples</b>	Effects to SFN physical and cultural heritage and sites of significance are expected to be high magnitude.  Effects to the environment introduced by the project, including destruction of, reduced access to, or avoidance caused by real or perceived impacts to	Effects to SFN physical and cultural heritage and sites of significance are expected to occur in and downstream of the Project area, including within the CBLUP Area. The ALIA and Land Story refute	Effects to SFN physical and cultural heritage and sites of significance, including unmarked burial grounds, will be experienced on a continuous basis.	Effects to SFN physical and cultural heritage and sites of significance, including unmarked burial grounds, will be experienced on a continuous basis given the total destruction of the Marten Portage route, and ongoing interruption of cultural transmission that takes	Effects to SFN physical and cultural heritage and sites of significance are expected to be permanent.	Effects to SFN physical and cultural heritage and sites of significance are irreversible and permanent given the total destruction of the historic Marten Portage route, interruption of cultural transmission between generations, and physical	IAAC cannot maintain a non-significant conclusion on effects to physical and cultural heritage and sites of significance of Indigenous Peoples, with the level of uncertainty and the failures associated with the EIS/EA archaeological assessment.  The Springpole gold mine is located within a significant cultural heritage waterway and

<sup>29</sup> ALIA.

<sup>30</sup> ALIA.

<sup>42</sup> HydroEQ Incorporated, *Discussion Paper: Unreasonable Geochemical Assumptions in the Springpole Water Quality Assessment*, October 10, 2025 [Water Quality Discussion Paper].

	Magnitude	Geographic Extent	Timing	Frequency	Duration	Reversibility	Decision Implication
	<p>cultural use areas<sup>43</sup> are expected to significantly affect the experience of Slate Falls Members related to physical and cultural heritage, and sites of significance. The effects are expected to exacerbate existing challenges in accessing physical and cultural heritage sites (including cultural heritage areas, sites, and trails, camps and cabins, historic settlements, burial grounds, areas with cultural artifacts, as well as areas for gathering, teaching, and spiritual use).<sup>44</sup></p> <p>Archaeological sites and travel corridors within the entire Cat River watershed represent evidence of continuous</p>	<p>the assertion that effects are limited to the PDA in the Draft EA Report</p> <p>Not only are archeological resources and ancestral burial grounds that could potentially be impacted by proposed Project activities in the direct Project footprint, but the entirety of SFN’s traditional territory holds cultural significance to the community and includes cultural heritage areas, sites, and trails.<sup>46</sup></p>		<p>place at sites of significance throughout Slate Falls’ territory.<sup>47</sup></p> <p>IAAC acknowledges the likely nature of locating additional archaeological and heritage resources given the context of the area, and yet mistakenly relies on compliance in implementing a chance find procedure from a non-reliable proponent who Slate Falls members have exceedingly little trust in: as such this cannot be relied upon to reduce the level of effects that Slate Falls will actually experience.</p>		<p>disturbance to cultural sites located throughout the Cat River Watershed.<sup>48</sup> These conclusions apply to Slate Falls just as they do to Cat Lake</p> <p>IAAC incorrectly indicates that the complete destruction of the Marten Portage can be mitigated through “document[ing] the cultural importance of these areas of interest”, developing a “protocol related to site documentation and commemoration”, and safe access to the site before it is destroyed to carry out ceremonies –</p>	<p>geographic landscape that has not been fully canvassed in the existing assessment. For example, very little of the entire mine site was likely canvassed; ignores cultural heritage documented elsewhere (i.e. pictograph sites located just south of the Project area on a major travel route from Birch Lake through Springpole Lake, historic wintering posts, marine portages, and various historic homes from the 1700’s and 1800’s).<sup>49</sup> Carrying out a proper assessment with Slate Falls involvement would build comprehensive knowledge of the archaeological and cultural landscape and assist SFN in protecting its cultural heritage.<sup>50</sup></p> <p>Mitigations included in the Draft EA Report do not reduce the effects because: (1) a survey is still premised on destruction and loss of cultural connections and</p>

<sup>43</sup> ALIA.

<sup>44</sup> ALIA.

<sup>46</sup> ALIA.

<sup>47</sup> ALIA; Land Story; Allyne Gliddon, *Discussion Paper: Review of the Archaeological Assessment for the Proposed First Mining Gold Springpole Project*, February 26, 2026 [Archaeology Discussion Paper].

<sup>48</sup> ALIA; Land Story; Archaeology Discussion Paper.

<sup>49</sup> Archaeology Discussion Paper.

<sup>50</sup> Archaeology Discussion Paper.

	Magnitude	Geographic Extent	Timing	Frequency	Duration	Reversibility	Decision Implication
	<p>land use across generations. The continuity of occupation demonstrated by these sites is directly connected to the continuity of Slate Falls' rights and way of life. Treaty rights are exercised by teaching, travelling, and living in the same places across generations. When access to these places is disrupted or their surrounding environment can no longer be relied upon, the effect is not simply a heritage loss but a break in the ongoing practice of the rights themselves. These sites are not isolated artifacts, but part of an ongoing cultural landscape connected by travel routes, camps, and teaching locations. When access to these places is restricted or their surrounding environment altered, the effect is not limited to physical disturbance of the site but also to the</p>	<p>Effects will extend beyond the PDA due to increase in access by outsiders from the road network, downstream effects and changes in current use from the Project</p>				<p>before it is completely and irreversibly destroyed. These proposals are insulting to the cultural significance of the area and to the histories and relevance of the area to the First Nations in the region. As Slate Falls has previously set out, given the significant issues associated with the project's current design and siting, it is not possible to simply host a ceremony before destroying a historic cultural site. Furthermore, indicating that a portage can be re-established following abandonment, fails to consider the generational loss of knowledge transfer expected to occur from the destruction, and the reality that cultural heritage is not simply</p>	<p>in situ heritage; (2) change find procedures are about documenting destruction; (3) commemoration is an acknowledgement of loss not a reduction in loss; (4) reestablishing access/routes does not repair cultural loss and loss of history and knowledge; (5) the effectiveness of history lessons for mine employee is entirely speculative; (6) sharing information in a committee is about monitoring and mourning destruction</p> <p><b>In the context of such significant gaps, additional physical/cultural heritage and sites of significance as described by Slate Falls, and the inability of mitigation measures to prevent the complete destruction of important cultural sites (and taking into consideration their irreplaceability), IAAC's conclusion must be that there are significant effects on physical and cultural heritage and sites of significance of Indigenous Peoples.</b></p>

	Magnitude	Geographic Extent	Timing	Frequency	Duration	Reversibility	Decision Implication
	interruption of cultural transmission between generations. <sup>45</sup>					replaceable after a decades-long industrial disturbance.	
<b>9. Effects to the current use of lands and resources for traditional purposes of Indigenous Peoples</b>	<p>Effects to SFN current uses of lands and resources for traditional purposes, including fishing, hunting and trapping, plant harvesting, cultural practices (use of traditional camps, gathering areas, teaching areas, spiritual areas) are expected to be high magnitude.</p> <p>The Project will be located in a pristine, unique, and irreplaceable area for the exercise of SFN rights.<sup>51</sup> Real or perceived declines in water quality reduce willingness to hunt, fish, trap, harvest plants and</p>	<p>Effects to SFN current uses of lands and resources for traditional purposes are expected to occur daily, year-round in and downstream of the Project area, including within the CBLUP Area.</p> <p>Slate Falls members have indicated they would completely avoid current use activities within the Cat River watershed – a key and central</p>	<p>Effects to SFN current uses of lands and resources for traditional purposes are expected to occur daily, year-round in and downstream of the Project area, including within the CBLUP Area.</p>	<p>Effects to SFN current uses of lands and resources for traditional purposes are expected to occur daily, year-round in and downstream of the Project area, including within the CBLUP Area.</p> <p>IAAC incorrectly relies on follow-up programs and plans such as access management plans, accidents and malfunctions prevention and response plan, and various monitoring programs. These proposals do not functionally change the reduction in access, reduced wildlife</p>	<p>Effects of real and/or perceived decrease in animal habitat, health and/or abundance, leading to declining harvest and/or decreased willingness to hunt and trap are expected to be continuous.<sup>55</sup></p>	<p>Effects of real and/or perceived decrease in animal habitat, health and/or abundance, leading to declining harvest and/or decreased willingness to hunt and trap are expected to be long term / permanent.<sup>56</sup></p> <p>Effects to hunting, caribou, the water upon which wildlife relies, and on SFN's use of wildlife and other resources for traditional purposes are expected to be permanent, extending into post-closure and 7</p>	<p>IAAC cannot maintain a non-significant conclusion on effects given the following, which is contrary to evidence presented by SFN:</p> <ul style="list-style-type: none"> <li>the conclusions fail to consider the existing state of cumulative effects impacting SFN's fishing, hunting and trapping rights, which have already been impacted from past and present development pressures and resulting environmental contamination;</li> <li>the conclusions ignore the non-substitutability of core use areas, have not integrated food system dependencies or the loss of wildlife availability, fail to assess the long-term and permanent impacts of the loss of trust and perceived</li> </ul>

<sup>45</sup> Land Story.

<sup>51</sup> Land Story, Springpole BCR.

<sup>55</sup> ALIA.

<sup>56</sup> ALIA

	Magnitude	Geographic Extent	Timing	Frequency	Duration	Reversibility	Decision Implication
	<p>medicines and limit the ability or desire to drink water while harvesting, leading to reductions in using the lands and resources in and downstream of the Project area, or displacement of those activities.<sup>52</sup></p> <p>The context for caribou is an already significantly impacted species that cannot withstand additional pressures from industrial development.<sup>53</sup> Further changes in caribou availability would adversely effect current use of the species for harvesting, stewardship, and connection between members and with the land.</p>	<p>location for Slate Falls’ way of life – due to concerns about water quality associated with the current project design. IAAC mistakenly relies on a communications plan that would simply set as a “goal” the maximization of harvesting. This plan would not functionally change species availability or the effects on the watershed upon which Slate Falls members’ rely for essentially all current use activities.</p>		<p>availability, reduced wildlife habitat (including for caribou), complete and total destruction of portage routes, or the reduced trust and confidence in the entire Cat River watershed that will functionally displace Slate Falls members from current use areas.</p>		<p>generations into the future.<sup>57</sup></p> <p>Slate Falls’ concerns about the extirpation of Lake Trout from the project area cannot be mitigated by a monitoring plan, as IAAC itself has noted the significant uncertainty about whether the Lake Trout population can be sustained “during the period of disconnection and after reconnection”. The proposed mitigation measure is not protective against this uncertainty and the precautionary principle demands more certainty for a species that is relied</p>	<p>contamination, nor has the cultural importance of the area been meaningfully weighted;</p> <ul style="list-style-type: none"> <li>• effects to caribou are underestimated and cannot be mitigated against given the Project adds disturbance to a range already beyond threshold<sup>60</sup>;</li> <li>• effects on plant harvesting, wildlife, trapping/hunting, are underestimated and cannot be mitigated against given the proposed measures do not actually improve conditions required for the exercise of Treaty rights and current use of lands/resources;<sup>61</sup></li> <li>• the proposed CDF is an extreme-consequence facility and even low-probability failures could result in catastrophic impacts throughout the</li> </ul>

<sup>52</sup> ALIA; Land Story.

<sup>53</sup> Glen Hooper, *Discussion Paper: Springpole Mine Environmental Assessment – (1) Cumulative negative impacts to Boreal (Woodland) Caribou habitat and populations, (2) Legislation and policy framework information important for assessment under Ontario’s Species Conservation Act, and (3) Alignment with Canada’s and Ontario’s Caribou Conservation and Recovery commitments*, February 22, 2026 [Caribou Discussion Paper]; ALIA; Land Story.

<sup>57</sup> ALIA; Land Story.

<sup>60</sup> ALIA; Land Story; Caribou Discussion Paper.

<sup>61</sup> ALIA; Land Story.

	Magnitude	Geographic Extent	Timing	Frequency	Duration	Reversibility	Decision Implication
	<p>Members have observed a decline in the health of species critical for their hunting rights, including caribou and moose. SFN members have voluntarily stopped hunting caribou because of population declines: this already impacts the way that SFN people interact with their land and way of life.</p> <p>Existing developments (such as hydro dams) within SFN territory have flooded areas previously preferred by SFN for plant and wildlife harvesting.<sup>54</sup></p>					<p>upon for current use purposes.</p> <p>Effects to harvesting practices cannot be reversed through prohibitions on project staff or communications plans. Proposed compensation measures do not replace functional harvesting or cultural practices.<sup>58</sup></p> <p>Effects to caribou cannot be reversed through monitoring programs, follow-up programs, or offsetting actions that fail to provide a net benefit for caribou.<sup>59</sup></p> <p>As described in the above section (Chapter 8), current</p>	<p>watershed upon which Slate Falls' current use depends,<sup>62</sup></p> <ul style="list-style-type: none"> <li>• persistent risks to water confidence, which is the foundation of Slate Falls' current use, and food security is itself a significant health and socio-economic effect, even without a catastrophic release from a CDF failure;<sup>63</sup></li> <li>• even low-likelihood but high-consequence failures would threaten the Nation's existence and exacerbate ongoing fears and distrust related to water contamination, contamination of country foods, and actual loss of water quality or country food;<sup>64</sup></li> <li>• effects to the experience of Slate Falls members of being on and traveling through the land are underestimated and cannot be mitigated against given the proposed measures do not actually</li> </ul>

<sup>54</sup> ALIA.

<sup>58</sup> Land Story.

<sup>59</sup> Caribou Discussion Paper.

<sup>62</sup> O'Kane CDF Consequences Discussion Paper.

<sup>63</sup> Land Story.

<sup>64</sup> Land Story.

	Magnitude	Geographic Extent	Timing	Frequency	Duration	Reversibility	Decision Implication
						<p>use to lands and resources for travel will be permanently affected by the complete destruction of culturally significant Marten Portage. This permanent destruction cannot be resolved through “the selection of an alternative portage” in conjunction with the unreliable proponent.</p>	<p>improve conditions required for the exercise of Treaty rights and current use of lands/resources.<sup>65</sup></p> <p>Mitigations included in the Draft EA Report do not reduce the effects because: (1) IAAC has excluded SFN feedback and perspectives on these very measures; (2) there are no details about caribou offsetting and so these are too speculative to consider...in addition to ignoring SFN input; (3) noise and light measures for caribou don’t recognize SFN feedback; (4) the environmental committee is almost exclusively framed as a follow-up program not a mitigation measure and so, per IAAC’s guidance, has been misapplied by IAAC; (5) the environmental committee is not an effective mitigation measure because it lacks any functional authority, it has no confirmed resources, it has no enforcement role, it has no rights-based thresholds, it has no threshold relating to current use and IAAC has ignored years of feedback and information regarding the challenges of working with this</p>

<sup>65</sup> ALIA; Land Story.

	Magnitude	Geographic Extent	Timing	Frequency	Duration	Reversibility	Decision Implication
							<p>proponent when proposing it; (6) IAAC has ignored all mitigation measures included in the ALIA; (7) progressive reclamation has been proposed without consideration of water quality concerns making it non-responsive to SFN feedback and perspectives; (8) progressive reclamation ignores the lack of a closure plan making it too non-responsive and speculative to be considered; (9) vague measures around employee hunting and fishing are too speculative and are non-responsive to the increased in access to the territory from the road network improvements; (10) the access management strategy ignores basic and legal realities relating to the road network and so is speculative and non-responsive to SFN concerns; (11) the measure relating to the portage ignores and is non-responsive to the loss of cultural connection to the portage and to the Nation's water quality concerns; (12) the accident plan is entire speculate and lacks basic details.</p> <p><b>In the context of the inability for caribou in particular to withstand any additional habitat fragmentation or effects on a</b></p>

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							population level, the inability of mitigation measures to reduce the actual, functional effects that Slate Falls will experience, IAAC's conclusion must change to <u>significant effects</u> to the current use of lands and resources for traditional purposes of Indigenous Peoples.