

BEAMISH LAW

October 17, 2021

Via email - iaac.FP-PAF.aeic@canada.ca

Impact Assessment Agency of Canada
Funding Programs
22nd Floor, Place Bell
160 Elgin Street
Ottawa ON K1A 0H3

Dear Sir or Madam,

Re: Fort Albany First Nation - Application for Participant Funding for engagement in the Marten Falls Community Access Road and Webequie Supply Road impact assessments

At the direction of Chief Robert Nakogee, please find enclosed Fort Albany First Nation's application for participant funding for the Marten Falls Community Access Road and Webequie Supply Road impact assessment processes, as well as a Band Council Resolution authorizing this application.

This application reflects Fort Albany First Nation's reasonable estimates with the funds and information available to it. However, it has been the First Nation's recent experience that unpredictability related to the pandemic, travel and gathering restrictions, and staffing shortages and capacity issues have made it difficult to prepare and stick to reliable workplans and budgets. In the provincial environmental assessments related to these road projects, Fort Albany First Nation has had to shift its plans to adapt to changing circumstances, and get external assistance with tasks that it was initially hoped could be done by staff. The First Nation may have to make similar changes to the workplan and budget proposed in this application in order to keep pace with the assessment process, and expects that the Agency will be understanding of this.

With respect to section 4(b) of the application, please note that Fort Albany First Nation does sometimes receive a rebate for GST/HST. However, their Finance Officer who provided information in support of this application was unable to provide the requested GST/HST rebate number and percentage. It would be appreciated if the Agency could provide any guidance that may help the Finance Office to understand whether this information is needed and how to locate it, and in the meantime to proceed with processing the remainder of the application.

This application is submitted without prejudice to Fort Albany First Nation's position that the engagement funds offered are inadequate to support meaningful consultation, when compared to the expanded consultation and assessment requirements under the *Impact Assessment Act*, and the cost calculations provided to the Agency by Fort Albany First Nation in 2020. In particular,

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the funding for the Webequie Supply Road is acutely inadequate. The proposed budget in this funding application reflects what Fort Albany First Nation can do within the caps imposed, not what Fort Albany First Nation should do in order to ensure meaningful consultation.

Fort Albany First Nation has notified the Agency of this position and raised concerns about the funding offered on numerous occasions since 2020. In addition to the funding levels offered for these projects, Fort Albany First Nation has raised principled concerns regarding the inequity inherent in the lack of dedicated funding enhancements to specifically reflect higher costs of participation for northern, fly-in First Nations, and for the interpretation and translation costs that are vital to the participation of many members, including Elders and knowledge holders. Chief Nakogee has also specifically provided verbal explanations regarding some of his concerns regarding impacts of the Webequie Supply Road on Fort Albany First Nation's Rights and Territory, which was provided with a caveat that there is much he does not know and the full picture will require member engagement.

The Agency has sent a number of questions to Fort Albany First Nation, seeking further explanation of the potential impacts of the Webequie Supply Road. Many of the questions sent by the Agency were inappropriate at this stage, in that they requested the very kind and level of information that the First Nation requires funds and proper community engagement in order to provide.

Chief Nakogee nevertheless hoped to provide some further information. Unfortunately as much of leadership's attention and time this year was dedicated to the COVID-19 pandemic and related challenges, and member engagement activities had to be canceled or postponed, this has not yet been done. Fort Albany First Nation may still provide further information if it is possible to do so without significant demands on Fort Albany First Nation's limited resources.

In the meantime, Fort Albany First Nation is submitting this application on a without prejudice basis to ensure that there are some resources in place soon for the necessary studies and consultation to begin. Fort Albany First Nation's position remains that it has provided ample information to justify a higher level of funding particularly in relation to the Webequie Supply Road, that the funding offered will not be adequate, and that the Agency should provide further funding forthwith.

Yours truly,

<Original signed by>

Sarah Beamish
SB/sb

Encl: *Participant Funding Program Application form*
Fort Albany First Nation Band Council Resolution dated September 23, 2021

Cc: Chief Robert Nakogee, Fort Albany First Nation
Deputy Chief Charlotte Nakochee, Fort Albany First Nation
Jacqueline Sutherland, CEO, Fort Albany First Nation
Laura DeCoste, Crown Consultation Coordinator, IAAC