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ATTAWAPISKAT FIRST NATION
P.O. Box 248
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December 15, 2021

SENT BY EMAIL

Heather Nelson
Project Analyst, Ontario Region
Impact Assessment Agency of Canada
Government of Canada
22nd Floor, Place Bell
160 Elgin Street
Ottawa, ON K1A 0H3
Email: heather.nelson@iacc-aeic.gc.ca

Dear Ms. Nelson,

Re: IAAC to Attawapiskat First Nation - Invitation to participate in collaborative assessment of impacts on rights

We are writing with regard to your invitation of November 29th to participate in an impact to rights mapping and worksheet exercise. Your request focuses on the three proposed all-season road projects – the Webequie Supply Road, the Marten Falls Community Access Road, and the Northern Road Link.

Attawapiskat First Nation's position remains that a comprehensive regional impact assessment for the Ring of Fire must be completed first. As we have stated previously, the regional impact assessment must be co-led, in partnership with Canada, by the First Nations who stand to be affected by development in the Ring of Fire. It must lead to a regional plan and a clear set of rules and criteria for how any individual project including any road can be assessed or approved. For Canada to continue to insist on pushing ahead the road projects before, outside of and without regard to the above, is not only putting the cart before the horse but also ensuring that the cart will likely blow up and kill the horse.

Only through such a co-led, regional impact assessment will we be able to learn the full extent of the long-term cumulative impacts of opening up the Ring of Fire to development. Therefore, until the regional assessment is complete, no one including Canada will have the information we need to understand how the three proposed all-season road projects will impact the exercise of rights and the environment so critical to defend against climate change.

What we do know is that, if built, the proposed access roads will open up the potential for resource development across our territory and create enormous pressure to build additional roads and mines and other massive projects. The construction of road access into the Ring of Fire would set in motion a series of irreversible, cascading impacts that could change our way of life forever.

The worksheet attached to your November 29th email asks that we identify the map "grid numbers of areas of importance" within a narrow study area along the road corridors. As we stated in our January 2020 preliminary comments on the Marten Falls and Webequie road projects, the proposed road corridors are located in the transition zone between the James Bay Lowlands and the Ontario Shield, an area that is critically important for species that range across a much larger area. A mapping exercise focused on the road corridors is therefore not appropriate for understanding how our rights and such species on which we depend may be impacted. In addition, the Supreme Court of Canada has rejected the "postage stamp" approach to aboriginal rights, in favour of a territorial approach that considers the laws, practices, customs, and traditions of the Aboriginal group.[1] The site-specific approach on which the mapping exercise is based can't capture the relationship we have with our land, and it is therefore not the right tool for understanding how the proposed road projects may impact the exercise of our rights.

We ask that you agree to cease all individual EAs including for the roads until the comprehensive, regional First Nations – led RIA is conducted. Failing that, we ask that Canada agree to engage with Attawapiskat First Nation (and any other affected First Nations) to conduct a traditional land use and occupancy study that identifies all connections to, uses of and values in the area to be affected by the roads, which TLUS done in accordance with professional court-accepted standards and qualified court-approved experts might require one year and over $1 million if for multiple First Nations. Is the future of our Nations, the environment and our shared climate worth it to Canada? We look forward to your answer.

Sincerely,

<Original signed by>

Chief David Nakogee
Attawapiskat First Nation

[1] Tsilhqot'in Nation v. British Columbia, 2014 SCC 44. Para. 34-44