



## First Nation Administration

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December 16, 2019

Via email: [IAAC.MartenFalls.AEIC@canada.ca](mailto:IAAC.MartenFalls.AEIC@canada.ca)

Impact Assessment Agency of Canada  
Ontario Region  
600-55 York Street  
Toronto ON MSJ 1R7

**Attn: Caitlin Cafaro, Project Analyst, Crown Consultation Coordinator**

Dear Ms. Cafaro,

**Re: Marten Falls Community Access Road Project - referral of impact assessment to a review panel**

Thank you for your letter of December 2, 2019. We were pleased to receive confirmation that the Impact Assessment Agency has determined that an impact assessment is required in relation to the Marten Falls Community Access Road Project, and in particular the Agency's acknowledgment of the Project's potential impacts on the rights of Treaty No. 9 signatory First Nations such as Fort Albany First Nation.

We write in response to your request that we share our views regarding whether the impact assessment should continue to be led by the Agency, or whether the Minister of Environment and Climate Change should refer the Project to a review panel.

We understand that Marten Falls First Nation is likely keen to get this Project completed sooner rather than later. We understand their realities as a fly-in community, and as we noted in our letter of October 1, 2019, we recognize and value the benefits that a new road may bring to them.

However, we believe that the Project should be referred to a review panel, for the following reasons.

As we have expressed in our written submissions to and meetings with the Agency, we have concerns that the Project could have significant adverse impacts for our community. These include health, social, economic, and environmental consequences; impacts on the land, water, and animals that we rely on and to which we have traditional duties of care; and impacts on our inherent, treaty, Aboriginal, and Indigenous rights.

We want to highlight that Fort Albany First Nation stands to be particularly impacted by the Project because we are located downstream on the Albany River from Marten Falls, such that certain consequences of the Project may, literally, flow right through our territory and community. And, of course, many other consequences may come to us in less direct but no less important ways.

We have a significant interest in understanding these impacts well and in ensuring that the most effective mitigation and monitoring measures are put in place should the Project proceed. This is certainly because of the impacts this Project may have on its own. It is also about the longer term, including the possible use of this road as part of a future network of roads opening up the region to further mining development, and the possibility that Fort Albany and other northern First Nations may one day choose to construct our own, similar roads. While we understand that this impact assessment must focus on the Project application before it, it is appropriate and responsible to consider this Project in its larger context, recognizing that a cautious and thorough approach now could have important benefits later.

Without yet having had the experience of participating in full processes led by the Agency or a review panel under the new *Impact Assessment Act*, we believe that a review panel, with its particular powers, procedures, and longer timeframe for doing its work, is better-suited to give these potential impacts the careful consideration they merit. We also believe that the option for Fort Albany First Nation to participate in public hearings before the review panel provides an important opportunity that would be lacking with an Agency-led process. Finally, we believe that the review panel offers a valuable chance for involvement by one or more panel members with special understanding of our environment, our cultural, social, and economic realities, and our treaty context.

Thank you for your consideration of these comments. In giving them, we stress that we are a Nation and a treaty partner with the Crown whose rights stand to be adversely affected by the Crown's decisions in this process. Our comments throughout this process should be weighted accordingly.

Yours truly,

<Original signed by>

Chief Leo Metatawabin