



First Nation Council

P.O. Box 1, Fort Albany, ON P0L 1H0
Tel: (705)-278-1044 Fax: (705)-278-1193/3042

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*VIA EMAIL - iaac.martenfalls.aeic@canada.ca
iaac.webequie.aeic@canada.ca*

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

**Re: Webequie First Nation Supply Road Project and Marten Falls First Nation
Community Access Road Project - Comments on the Draft Tailored Impact
Statement Guidelines and Draft Indigenous Engagement and Partnership Plans**

Fort Albany First Nation hereby submits comments regarding the Draft Tailored Impact Statement Guidelines (the "Draft Guidelines") and Draft Indigenous Engagement and Partnership Plans (the "Draft Plans") for the Webequie First Nation Supply Road Project (the "Webequie Road") and the Marten Falls First Nation Community Access Road Project (the "Marten Falls Road"). Unless otherwise specified, our comments apply to the Draft Plans and Draft Guidelines for both projects.

These comments are rooted in who we are. We are Peetabeck Inninowuk who have special ties to the mouth of the Albany River where our community is based; we are Omushkegowak whose paquataskamik (our traditional territories with which our families, histories, identities, and culture are bound together) stretches far across the muskeg; and we are a signatory to Treaty Nine of 1905. Since time immemorial we have lived our lives throughout the lowlands stretching along the west coast of James Bay and up along Hudson Bay, and hundreds of kilometers west toward Manitoba, with effective systems of shared land and resource use with others in the region.

Our relationship with our lands and waters has been impacted by generations of colonial interference that has caused immeasurable harm. However, they are the sustaining foundation of who we are as a people, and we are committed to protecting them.

Most of the steps and principles set out in the Draft Guidelines and Plans are necessary and should be implemented, but they are not adequate. In our comments we explain some of what is missing, and some things that are very important from our perspective.

We preface our comments with the following points:

- Due to the time and resource constraints on this short comment period we were only able to organize one community meeting and one meeting with Chief and Council, a few individual conversations with community members, and review of some documents.
- Much of the time during these meetings had to be spent introducing the projects and the impact assessment process.
- Many community members with important knowledge and interests were not present at these meetings.
- The perspectives of women, children, youth, elders, and members living outside the community were underrepresented in these meetings.
- For these reasons, these comments do not reflect our full or final view on these matters and we reserve the right to submit further comments as the process continues.
- Further, in our world and especially when we are talking about the land and water, it often does not make sense to separate things into rigid categories like “health”, “economic”, “social”, “environmental”, and “rights”.
- For that reason, our comments often do not reflect a list of “valued components” and impacts sorted into these categories, and instead explain things that will have to be reflected across several categories.

In addition to giving these comments, we echo much of the submissions of Friends of the Attawapiskat River, which included the views of some of our community members and others from our close neighbouring communities.

The assessment process and infringements of our rights and laws

We have inherent, Aboriginal, and treaty rights that are reflected in our own law (which includes natural law), in Canadian law including the Constitution, and in international law. Although this reality has been reflected in some aspects of the Draft Guidelines and Plans and this consultation process to date, in other respects it has been disregarded.

While we understand that some of these problems are rooted in the *Impact Assessment Act* and not these particular impact assessment processes, we are compelled to raise them as we do not want our participation in these processes to be taken as an indication that we view them as legally adequate.

Unilateral decision-making

The main end point of these processes are unilateral decisions by the Crown about whether to approve projects that could have significant negative impacts on our territory, people, and rights. While we will be consulted, we have no place at the decision-making table.

We consider this to be a violation of our rights.

Legislated timelines

The legislated timelines for this process do not adequately respect our culture, jurisdiction, governance, laws, or day-to-day realities. We were disturbed when the Agency told us on the due date for these comments that if we submitted them just two days after the 40-day deadline (because our community meetings could not be held until just a few days before the deadline), they may not be taken into consideration, despite us having agreed with the Agency in early January that we may require a bit of extra time.

Even if the Guidelines and Plan require that all the right things be done, it does not matter if there is not enough time to properly do them. Rather than the timelines being set flexibly and collaboratively between “partners”, it is implied that we must work within the Crown’s timelines regardless of what we need or want to prioritize; what is reasonable within our capacity and resources; how significant or complex the potential impacts may be for us; what standards of legitimacy, accountability, and fairness are expected within our traditional governance and legal orders; whether consultation materials are available in our people’s first language; or what else is happening in our community. Where there is flexibility in the legislated timelines, it is exceptional and at the Crown’s discretion.

It is difficult for our busy leadership and overstretched staff to meet these kinds of deadlines even if we conduct very little consultation. However, we are accountable to our members, and work alongside our community’s own principles and systems of decision-making, land use, and resource stewardship that have been part of our culture for longer than Canada has existed. Processes that reflect this are important for the exercise of our rights.

Reserve-centered assessment

We acknowledge that the Guidelines refer to traditional territories of Indigenous groups. However, given the Crown’s initial failure to include Fort Albany First Nation in the list of Indigenous groups that should be consulted regarding the Webequie Road, we are also concerned that the scope and meaning of our rights may have been considered only in relation to the location of our reserve, rather than our traditional territory which clearly stands to be impacted by this project.

Our reserve is a tiny fraction of the territory where we exercise our rights, has no basis in our traditional culture, and has been used to constrain and diminish us in a manner that is inconsistent with our treaty rights. A reserve-focused approach will encourage the inappropriate treatment of Fort Albany as a merely a peripheral and minor stakeholder in the Webequie Road consultation, and is not acceptable.

It is important that the assessment be done with an understanding of our traditional territory, which we can discuss during the next phase of the process.

In the meantime, Fort Albany should be added to the list of Indigenous groups to be consulted in the Webequie Road Plan.

Historic/ongoing injustices, baselines, and cumulative impacts

It is essential that historic and ongoing injustices be recognized and accounted for during the impact assessments, and particularly when understanding baselines and analyzing cumulative effects.

Many serious harms have been imposed on us by Canadians without our consent in the name of 'progress' and 'development'. Some include:

- the **diversions of the Albany river system** to support hydro-electric power projects, which have permanently altered our environment and way of life;
- the **1965 Indian Welfare Agreement**, which displaced us from our homes, corroded our traditional ways of life, and tore apart our families;
- the **Mid Canada Line Radar Site 050**, which leached PCBs, lead, mercury, asbestos, DDT and other chemicals into our lands and waters and has led to abnormally high rates of disabling, chronic, and lethal conditions among our people;
- **Indian Residential Schools and Day Schools**, which caused catastrophic and intergenerational trauma, suffering, and loss for our people;
- **acid rain**, which has harmed our muskeg environment;
- **mining exploration and development**, which has hurt the health of our people and our environment and impeded our uses of the land; and
- **climate change**, which is already causing visible changes to our environment and seasons, and threatens further catastrophic and irreversible harms.

The Crown now also seems intent on accessing and developing the Ring of Fire, no matter what the cost to us, our lands and waters, and our rights.

We are concerned that many of the baselines related to our territory and community will be treated as natural, normal, or neutral, when they actually reflect decades of accumulated harm for which there has been inadequate or no accountability, and from which we are trying to recover. This latter way of understanding things profoundly changes the potential morality and legality of allowing further impacts.

Similarly, we are concerned that cumulative impact assessments will be artificially limited in the timeline and scope of what they include.

Finally, we are concerned that these assessment baselines may be decontextualized, distorted, and used against us in future discussions with other proponents, or if we seek justice for harms done to our people, land, and water.

Proper assessments of risk, causation, vulnerability, impacts, benefits, and sustainability cannot be done without an historic, broad, and contextual approach to baselines and cumulative impact assessment.

With this in mind, we also express support for Recommendation No. 5 of Friends of the Attawapiskat River.¹

The Ring of Fire

It is clear that these projects are intended to support the development of mining operations in the Ring of Fire. The Ring of Fire is a topic of major interest and concern among our people, as it will have enormous implications for our lives and rights, and will permanently change the muskeg. While it offers many opportunities, there are also pressing questions about the responsibility and sustainability of developing the Ring of Fire given its inevitable contributions to the dangerous impacts of climate change, which are felt disproportionately in the James Bay region.

Despite this, the Crown's engagement with us regarding the Ring of Fire has been totally inadequate.

Lack of clarity regarding the proposed cumulative impacts assessments

We have serious concerns regarding the relationship between these assessments and the Ring of Fire, and the lack of clarity regarding how the Ring of Fire will be considered.

Although in the Draft Guidelines, several projects in Ring of Fire are included in the list of those to be considered in the cumulative impacts assessments, it is not clear what this means or how the Ring of Fire relates to the rest of the assessments. In our discussions with the Agency, it has been emphasized that these assessments are not "about" the Ring of Fire and will not assess the Ring of Fire. Further, the Draft Plans say:

Indigenous groups also identified objectives about the need to meaningfully discuss, assess, consider, and accommodate potential regional effects due to potential development in the area. While the Agency has identified this objective to be outside the scope of the Project-specific impact assessment process, it will include an assessment of cumulative effects. In addition, the Minister of Environment and Climate Change and

¹ "The Guidelines should not rely only on present-day ecological and watershed health conditions but ensure the projects' cumulative effects assessment takes account of historical changes within the watershed that have been caused by prior human activity and industrial developments."

the Agency received two separate requests to conduct a regional assessment in the Ring of Fire area. The Minister will announce his decision with reasons early in 2020.²

We do not know how a cumulative impact assessment can be done without some assessment of the dominant impact contributor. We would like further clarity about where, how, and to what extent the Crown intends to consider the Ring of Fire in the current Guidelines.

We also support and echo Friends of the Attawapiskat River's Recommendation No. 1.³

Wholistic and regional impact assessment of the Ring of Fire

We have many questions about the mining operations that will be serviced by these roads, to which there are currently no answers assured by the Guidelines. We share Friends of the Attawapiskat River's view that the Draft Guidelines are too narrow in their framing of the necessary assessments, which are proposed to be done in a piecemeal manner "wherein the effects of the proposed supply and access roads are viewed in isolation of the potential range of adverse effects resulting from the Ring of Fire."

Anything less than a robust, wholistic, regional impact assessment of the entire foreseeable Ring of Fire infrastructure and operations at the outset of its development (not piece-by-piece) is irresponsible and dangerous given what we know about the risks of climate change, the vital role played by the muskeg, its vulnerability to harm, and the scale and cascading effects of the potential impacts. This must be done with a genuine openness to saying no to Ring of Fire-related proposals.

Indigenous peoples' rights, jurisdiction, and title

We are concerned that the Ring of Fire developments (which include these projects) are proceeding without there yet being appropriate processes and frameworks for shared decision-making between the Crown and the Indigenous groups whose rights, title, and jurisdiction may be affected by it.

Further, we are concerned that the current approach of negotiating agreements one-by-one to piecemeal parts of the development is intended to divide and conquer Indigenous groups in the region, and is based on a reserve-centered (not territory- and rights-centered) approach to who should be at the decision-making table.

Impacts on the Muskeg

² Draft Indigenous Engagement and Partnership Plans, page 2.

³ "Expand the Guidelines' scope so that it applies to other reasonably foreseeable projects resulting from these road projects, including mining activities associated with the Black Thor, BlackBird, Big Daddy, and Black Label deposits, increased winter road traffic during operations by future mining proponents, and advanced mineral exploration. These projects should not only be considered during the proponent's cumulative effects assessment."

The collective name for ourselves and many of our relations across the region, Omushkegowuk (the people of the muskeg), speaks to the central importance of the muskeg to our lives and wellbeing. If the muskeg is impacted, it can have a ripple effect across many aspects of our world.

We are very concerned about impacts to the muskeg of these projects - whether through drying, flooding, diversions, damming, disturbance, pollution, or destruction. We are particularly concerned about the following impacts:

- the peat drying up in some places and flooding in others;
- changes to the muskeg causing native species to decline and/or invasive species to encroach;
- significant release of carbon dioxide or methane, and lowered ability of the muskeg to act as a carbon sink;
- fire hazards from the peat drying out;
- impacts on the underground water systems;
- changes to the stability of the land;
- problems caused by digging down to the clay in the construction zone; and
- the roads acting as dams and blocking the flow of water (this could be a particular concern with the Marten Falls Road).

Water also flows over the whole muskeg. This means that certain impacts (eg. pollution) can be carried throughout the ecosystem and can be difficult to contain.

Permafrost plays an important part in forming and maintaining the muskeg. Rates of permafrost thawing are increasing and we are concerned about any increase in thawing from these projects.

Rivers, which are an essential part of our muskeg environment and our culture and lifestyle, are discussed separately in the next section.

We were pleased to see wetland considerations emphasized in the Guidelines, and emphasize that our involvement must be robust and deep particularly with respect to the steps outlined in sections 8.5 (Riparian and wetland environments) and 14.3 (Changes to riparian, wetland and terrestrial environments).

We note that while the lands near the project sites have similarities with the land closer to our community, there are differences too, including that the project areas are more hilly and have more solid rock. It is important that the differences are accounted for, and we share Friends of the Attawapiskat River's concerns that the current Guidelines do not properly reflect the particular nature, uniqueness, functions, and significance of the muskeg.

We would like Section 2.3 (Project location) of the Guidelines to explicitly include in the regional study area the Hudson Bay Lowlands, including the coast along James Bay and Hudson Bay,

and westward from the James Bay coast to encompass both project sites and a reasonable amount beyond them toward Manitoba. It should also include the James Bay itself, as necessary to assess any impacts that may reach the bay via river or other water systems.

We also echo Recommendation No. 2 of Friends of the Attawapiskat.⁴

Impacts on the Rivers

Much as “Omushkegowuk” reveals our connection to the muskeg, Peetabeck Inninowuk shows our vital connection to the rivers within it. “Peetabeck” refers to our community’s location on the Yellow Creek, adjacent to the Albany River. We have an ancient relationship with the river system - most notably the Albany River (Kistachowan Sipi) and its tributaries. The rivers have always been, and remain, central to our way of life.

One of our most serious areas of concern is how these projects may impact the river systems that flow through our territory. We have a decades-long history of being negatively impacted by actions inland that either interfere with the flow of the rivers toward us, or that carry things (eg. garbage, pollutants, rocks, silt) downriver to us.

Rivers as highways

The rivers are our highways by boat when they are flowing, and by foot and vehicle when they are frozen. They are essential access routes to hunting, fishing, and trapping areas, to sites for gathering firewood, plants, and medicines, and to important family, historic, and cultural sites, and to other communities.

Our ability to use the Albany River system for transportation has been badly impacted by interference upstream through damming and diversion. This has significantly lowered water levels. The riverbed has also risen and the mouth of the river has become cluttered with rocks and silt, as a result of these things being carried from upstream.

The low water level has made the Albany River increasingly difficult (or sometimes impossible) to navigate, especially in boats that are heavy with people, equipment, animals, and so on. Community members notice sand bars appearing and the land extending further out into the bay, and damage their boats hitting rocks underwater.

⁴ “The projects are located in global significantly peatlands (ie. mushkeg). As the draft Guidelines’ framing of water flow, connectivity and water crossings does not adequately reflect the unique ecological and hydrological cycles of this region, it is necessary to update considerations required within the project description (s 3) and effects to valued components (s 15).”

These problems with travel on the river make it more difficult for people to reach their traplines, hunting grounds, and fishing spots. This then impacts on nutrition, financial security, health, mental wellbeing, and so on.

Rivers as sources of nourishment

The rivers provide us with fish, a source of protein and nutrients in our diet. We are concerned about pollution in the rivers contaminating the fish. We are also concerned that low water levels will impact the fish populations, as the rivers will be hotter in the warm weather, and more difficult to navigate when the water freezes.

The rivers have also been important sources of water for us. While for a long time we could drink from them directly (and some still do), they are increasingly polluted. This concerns us and we want to ensure that these projects do not pollute the rivers further.

Rivers as places of learning and teaching

The rivers are a place where our people learn and teach. Families used to live all along the river at each bend, and now travel up the river to return to family traplines. The older people from our community teach younger people about culture, history, survival, the land, and many other things while on the river.

The river is an important vehicle for language learning. A lot of Cree vocabulary is only used on the river/in the bush because it is tied to those places. We have seen language decline and changes as our community has spent less time on the river/in the bush, and more time in the reserve.

The navigability problems are also preventing these times of teaching. In recent years, the community's Paquataskamik Project (which educates youth about the land and its importance) has been unable to travel upriver due to the low water levels.

Concerns and recommendations related to the rivers

We are extremely concerned about anything that may pollute the river system, or contribute to water levels decreasing further, or the river bed rising from upstream erosion or debris.

We are especially concerned about any damming, draining, or diversion of water. We are very fearful that the water crossings built for the roads may be used to dam rivers, particularly to create hydropower for mining operations.

We are also concerned about mercury in the rivers, including mercury that is stirred up by disruption of the river bed (for example during the construction of water crossings). This contaminates the water and fish, then when we ingest those it poisons us and can be passed

down through generations. With this in mind, we support Friends of the Attawapiskat River's Recommendation No. 10.⁵

There are springs along the river that feed it and give it its purity. These should be considered important sites to protect from negative project impacts.

We are particularly concerned about river impacts in relation to the Marten Falls Road, as much of the project will be constructed and operated directly upstream from us on the Albany River, and will include many river crossings with potential to damage, disrupt, and pollute the rivers.

It will be important to map our river use, to show the locations and scale of potential impacts on us.

It is also important to consider women's particular relationship with the river system, in terms of their own cultural relationship with water, and their role as those who carry and nurse infants who are very vulnerable to pollutants in the water.

We agree with Friends of the Attawapiskat River's Recommendation No. 3.⁶

As our community member and former Chief Ed Metatawabin, said, the ones who own the river are the ones who are most vulnerable to what happens to it - those who are at its mouth. This principle should guide use and decision-making about the river systems.

Species

We have identified many species in our region that could be considered in the impact assessments. They may all be affected by impacts on the muskeg, rivers, and James Bay.

Given the interconnectedness of the muskeg ecosystem, and without understanding more about potential impacts of the projects on it, it is difficult to narrow this list. It may be that with more information and technical advice, it will be possible to narrow this list through discussion with the proponents.

Plants

- Black spruce, white spruce, tamarack, balsam poplar, dwarf birch, red willow, trembling aspen, eriacaceous shrubs, cottongrass, moss, black crowberry, reindeer moss, sphagnum moss, northern Labrador Tea and caribou lichen, bearberry, dogwood, small cranberry, cedar, sage, sweetgrass

⁵ "The Guidelines should be updated to require a study of mercury on human health and the environment, which takes into account the proposed project and legacy contamination."

⁶ "Greater consideration of breakup and seasonal freeze/thaw patterns in light of climate change should be studied. Effects of climate change with valued components like the physical environment, the environment and human should be included in the Impact Statement."

- Our various uses of these plants should be considered, as well as those which we do not use but which perform an important function in the muskeg environment.
- Some of these plants grow better or worse depending on drainage. This means that changes to the water in the region could have impacts on the plant life.

Terrestrial animals

- Black bears, caribou, deer, moose, beavers, arctic fox, fisher, wolverine, rabbits, and martin
- We note that chronic wasting disease has affected the deer population and is spreading to other animals as well. This should be considered in the impact assessments.
- We support Friends of the Attawapiskat River's Recommendation No. 6⁷ regarding caribou.

Birds and bats

- Red bat, Canada Geese, snow geese, swans, gyrfalcons, loons, and peregrine falcons

Marine animals

- Beluga whales, bowhead whales, seals

Freshwater/riparian animals

- Northern pike, lake sturgeon, brook trout, lake whitefish, pickerel, suckers, lake chub, frogs
- There are species of fish that enter the rivers from James Bay, not all of which may be on the list above. These should be identified and considered in the assessment.
- Some fish are being seen with deformities. We believe this is because of contaminants in the water.

Insects

We have noted that the Guidelines do not appear to consider insects, except to note that insects may be attracted to artificial lights.

It is important that impacts on insects be considered. This includes those insects that are important as food sources for animals, as pollinators, and that perform other roles in the muskeg.

They should also be considered as pests, as this is a big problem in the region during the warmer months. For example, will changes to the distribution or flow of water impact the breeding and population of mosquitoes?

⁷ "The Far North caribou range should be included within the Impact Assessment's mapping of baseline conditions and assessment of cumulative effects. As migratory animals, they will be impacted by the roads and the accompanying mining exploration triggered by the development."

Invasive species

We would also like the issue of invasive species to be studied.

It has been our experience that with the winter road operating, invasive species such as rats can enter as stowaways. This would likely increase with all-season roads.

We have also observed other unusual species in the area in recent years: eagles, some pink birds, polar bears, and sharks in the bay. We need to better understand why they are coming here and how the projects might affect this trend.

Economic impacts

Employment

We welcome the consideration of how these projects could create jobs for Indigenous people in the region, should they go ahead. A planned and resourced Indigenous-priority training and hiring policy, including for supervisory, skilled, and management positions, would be one appropriate measure, in recognition that we all too often bear far more of the consequences of development than the rewards.

We have people in our community who are skilled in different trades and many who have experience constructing our winter road, who could work on road construction, and/or train others.

We agree with the points made in the Guidelines about the importance of mitigating the risks that Indigenous employees will encounter racism from their non-Indigenous co-workers and supervisors who come from other communities, and emphasize that this makes it especially important to prioritize training and hiring Indigenous supervisors and managers wherever possible.

Traditional economy

We are glad to see traditional economies acknowledged in the Draft Guidelines. For us, the land and waters are our “grocery store.” Hunting, trapping, fishing, gathering, and food preservation make up a significant part of our mixed economy, the financial value of which is often underestimated. These activities have major positive impacts on the health and wellbeing of our people, as they keep us active and provide food that is less expensive, better suited to our bodies, and nutritionally superior to the processed foods available in local stores. Further, these activities are also culturally important for us, as they connect us in a living way to our territories, families, histories, customs, ethics, and language.

It should not be taken for granted that a “cash job” is always a complete or superior replacement for a “bush job”, particularly if that job effectively cuts off the possibility of engaging in the traditional economy at all (eg. due to not offering enough time off for travel into the bush). This may have health, cultural, and financial impacts on someone’s household or extended family for

which cash cannot fully compensate. It is important to think about how jobs can be designed to support participation in both economies, including through timing and duration of time off.

Due to many pressures and factors, our traditional economy and our ability to engage in it as our ancestors did is changing. However, we are committed to maintaining it as part of a sustainable mixed economy, and all development in the region must happen in a manner that respects our right to do this. As Chris Metatawabin, our Economic Development Officer, says, “we need a muskeg economy, not a Toronto economy.”

In addition to concerns related to environmental changes and river access described above, we have concerns about the pressures that increased traffic of hunters and fishers from the south will put on the regional populations on which we rely. This would have to be carefully considered and managed.

We would urge consultation with our community to come to an appropriate understanding of our traditional economy, including through working with us on any necessary mapping and data collection. This understanding should include an appreciation of the roles of people of different genders and ages. Further, it must include awareness of our traditions of family-based (not top-down) land use and management systems, and how these should shape approaches to consultation.

Social and health impacts

The Draft Guidelines include many aspects of social and health impacts that we consider important and relevant, and we will not repeat them here. Many, but not all, of the potential impacts that we are concerned about have also been explained above. We will work with the Crown and proponents to identify exactly with factors should be considered in the baseline studies and impact assessments related to Fort Albany.

At this stage, we want to emphasize some general things related to the relevant parts of the Guidelines.

First, Fort Albany must have a leadership role in determining how our community, people, and territory are studied, described, and assessed from these perspectives. This includes baseline assessments and assessments of “benefits” and “harms”, as these may be culturally specific. In particular, we believe that Section 2.5 (Qualifications of Individuals Preparing the Impact Statement) of the Draft Guidelines should include a specification that Indigenous Groups must have an important voice in determining who is qualified to prepare information or studies relating to us.

Second, health includes mental, emotional, spiritual, cultural, physical, social, and infrastructural components, and be understood as a concept that applies to individuals, families, the

community, and the environment. We support Friends of the Attawapiskat River's Recommendation No. 9 regarding a human health risk assessment.⁸

Third, the Draft Guidelines say that impact assessments must consider "the extent to which the designated project contributes to sustainability."⁹ We usually see the term sustainability used in relation to economic and environmental factors. It should also be understood to include cultural sustainability for Fort Albany First Nation. Culturally sustainable development means "development that meets the material needs of the present without compromising the ability of future generations to retain their cultural identity, social relationships and values, and to allow for change to be guided in ways that are consistent with existing cultural principles of a people."¹⁰ In our case, it also has to account for the reality and exercise of our legal rights.

Fourth, we support Friends of the Attawapiskat River's comments and Recommendation No. 4 regarding intergenerational impacts.¹¹ It is essential that intergenerational impacts are considered throughout the impact assessment.

Important locations

There are many important locations throughout our territory, including:

- the Albany River system as a whole
- sacred grounds
- lakes near the community
- numerous burial sites
- numerous locations throughout regional river systems, especially the Albany River system
- family traplines
- cabins/camps
- important hunting, fishing, and harvesting areas

⁸ "We strongly encourage that a Human Health Risk Assessment be made a requirement of the IA. Ensuring the projects are assessed in light of their impacts on community health is vital in building trust and ensuring an open and transparent decision-making process."

⁹ Draft Guidelines, page 2.

¹⁰ F. Berkes, P. J. George, R. J. Preston, A. Hughes, J. Turner and B. D. Cummins, "Wildlife Harvesting and Sustainable Regional Native Economy in the Hudson and James Bay Lowland", *Arctic*, Vol. 47, No. 4 (Dec., 1994), pp. 350-360 at p. 358.

¹¹ "Each of the Guidelines' valued components should require consideration of intergenerational effects and accompanying risks imposed on future generations, in the event the roads be constructed, and future mining exploration and development occur in the Ring of Fire."

- old trading posts
- traditional trails

We will not go into detail about these locations in these submissions. Appropriate ways and places for consultation regarding these locations should be discussed with us.

Draft Indigenous Engagement and Partnership Plan

We broadly agree that the steps, objectives, and principles set out in the Draft Plans are necessary, and repeats our points made near the beginning of these submissions regarding concerns with the procedural limitations, and the lack of real “partnership” in important respects.

Group-specific plan

We request an early opportunity to discuss the option and development of a group-specific Plan for Fort Albany. This discussion should include consideration of coordinated consultation activities with other First Nations where appropriate (eg. conducting joint meetings or studies, sharing data), especially those in Treaty Nine territory.

We also ask that this plan be coordinated with our participation in the provincial environmental assessment process, to make best use of resources, attention, and time.

Given the seasonal limitations of certain key community members’ availability (described below), it will be important to plan meeting schedules in advance.

Methods of consultation and engagement

Our members have identified many things that can help ensure adequate and quality consultation:

1. Provide facilitation, interpretation, and important materials in our local Cree dialect (N-dialect).
2. Materials should use infographics and other visuals whenever possible.
3. Relatively convenient times to plan community meetings include:
 - a. Mid-May through August
 - b. November (as it is winter but the winter road is not yet built);
 - c. other winter months (noting however that many community members may be away because of the winter road); and
 - d. the 16-18 or 23-25 of the month, as these are the final days before social services payments come in and people will attend meetings if food is provided;
4. Relatively inconvenient times of year to plan community meetings include:

- a. spring breakup (late April/early May);
 - b. moose hunting season (late September until freeze up); and
 - c. the early weeks of the winter road opening.
5. Meetings will be better attended if there are food, drinks, and door prizes (eg. electronics, camping gear, payments toward hydro bills).
6. Consider using technologies like Facebook Live and videos to engage youth or people outside the community (but keep in mind the internet access and bandwidth limitations and lack of IT expertise in the community).
7. While all-community meetings are sometimes appropriate, there should also be particular meetings tailored for subgroups of the community, including women, children, youth, hunters, environmentalists, Elders, traditionalists, churchgoers, band office employees, etc.
8. Consideration should be given to responsibilities of caregivers (eg. provide childcare when necessary to allow caregivers to participate)
9. There need to be plans for reaching off-reserve members (eg. virtual or in-person meetings in Timmins, Thunder Bay, and Ottawa).
10. There need to be plans for reaching people who can't travel to meetings independently (eg. those in chronic care, those without appropriate transportation).
11. We need materials and methods of presentation and discussion that are appropriate for different generations. For example, youth- and child-friendly versions of key materials should be made.
12. Spend good lengths of time in the community, to ensure there is enough time for people to listen, explain, discuss, and understand. If possible, make time to go out on the land and water to learn that way.
13. Think about how to advertise appropriate meetings so that community members will know about them. Don't just inform Chief and Council. Use Facebook, Wawatay radio, posters in key community centers, and so on.
14. Coordinate and plan well to avoid making people sit through the same information again and again. Where information provided at a meeting is very important, consider scheduling the same meeting at multiple times so different people can attend.

With respect to #5, please recognize that we are a highly "studied" community and that our members' time has value. Making meeting schedules work with the Agency's or proponents' schedules when they are generally bad for community members, especially when the benefits to the community of these projects will likely be minimal, may require showing some recognition of the time, inconvenience, or lost opportunity costs to those who attend. Appropriate budgets for

food, travel, honoraria, and prizes are ways to do this. These things will encourage more and better participation.

While our community is highly studied, we also have important gaps in the information we want. Wherever possible, these consultation processes should allow for co-planned, co-led, high quality and professional information production (eg. mapping, surveys, reports, studies, land use planning exercises, etc.) that meet the requirements of the consultation while also providing a benefit to the community by giving us a resource or tool we can use.

We have many articles, reports, studies, and so on that may be useful for these assessments. We can provide them, while reserving the right to correct or update them.

Consider ways that the assessments can provide opportunities to build capacity, infrastructure, or useful knowledge in the community.

Thank you for this opportunity to give feedback. We look forward to seeing our comments integrated into the final Guidelines and Plan.

Yours truly,


<original signed by>

Chief Leo Metatawabin