

September 25, 2020

Jessica Metuzals

Dillon Consulting Limited

235 Yorkland Boulevard Suite 800 Toronto, Ontario, M2J 4Y8

C - <Personal information removed>

T - 416.229.4646 ext. 2498

F - 416.229.4692

<Email address removed> www.dillon.ca

Re: Preliminary Aboriginal and Treaty Rights & Interests Study
Areas Memo

Jessica,

General Comments.

The onus is on the Proponent to establish that its proposed route is the best route for the road.

Neskantaga was not involved in routing decisions taken by the Proponent to-date. Neskantaga has had no input into the selection of routing criteria.

The Project footprint is not small or confined. The Project is a 190-230 km linear development. Depending on how the zone of influence is determined, the Project represents one of the (if not the) largest developments in the Region.

We are concerned that the proposed study area considerations are inadequate for considering ecological (e.g., caribou, wolverine, lake sturgeon, migratory birds, freshwater fish biodiversity, eskers, peatlands) and social (e.g., eskers, transportation, cultural and sacred sites, traditional land use) impacts.

We recommend a zone-of-influence analytical approach (e.g., Boulanger et al. 2012, Plante et al. 2018), including consideration of this road segment being part of the larger industrial access road to the Ring of Fire that will be eventually developed.

References.

Estimating the zone of influence of industrial developments on wildlife: a migratory caribou Rangifer tarandus groenlandicus and diamond mine case study

Authors: [John Boulanger](#), [Kim G. Poole](#), [Anne Gunn Wierzchowski](#) and [Jack Wierzchowski](#)

Date: June 2012

From: [Wildlife Biology](#) (Vol. 18, Issue 2)
 Publisher: Nordic Board for Wildlife Research

[Biological Conservation](#)

[Volume 224](#), August 2018, Pages 129-143
 Human disturbance effects and cumulative habitat loss in endangered migratory caribou

[Sabrina Plante](#)^{ab}

[Christian Dussault](#)^{ac} [Julien H. Richard](#)^{ab} [Steeve D. Côté](#)^{ac}

Fish.

Table 1. Preliminary Study Areas for Other Key Valued Components for the Project

Valued Component	Proposed Local Study Area	Proposed Regional Study Area
Fish and Fish Habitat	2.5 km of the centreline of the Route Alternatives and 2.5 km buffer around temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	Includes the quaternary watersheds crossed by the road alignments and temporary infrastructure.

Comment.

The proposed road will be located in relatively intact watersheds and contain relatively unperturbed fish populations. Fish are an important cultural and economic resource for the affected First Nations including Neskantaga. As such, the secondary watershed is the largest relevant scale for considering project impacts on fish.

Caribou.

Comment

The assessment area must be large enough to assess the accumulated environmental conditions and to capture stressors from actions other than the proposed Project. This will require an assessment of impacts on caribou based on the entire herd ranges.

Neskantaga VCs.

Neskantaga have a more expansive definition of VCs. For example, way of life, capacity to govern and steward their territory; water, traditional knowledge and culture, local capacity (i.e., human resources); health and emergency services; and community health and well being. This list of VCs is not an exhaustive list.

Jurisdiction

Neskantaga have their own indigenous laws and governance structures.

Jurisdiction of Neskantaga with respect to land and resources in their territory is a Neskantaga VC. This VC relates to a wide variety of issues and concerns of Neskantaga, including strong linkages to governance, self-determination and reconciling

Neskantaga land and resource uses with the Ontario and federal governments. Neskantaga advocates for the recognition of its inherent rights to govern in its territory and steward its lands and resources. Neskantaga actively pursue agreements with proponents and governments to embed its own governance processes into land and resource decision making to increase their authority over resource decision making.

Peatland.

The study areas should acknowledge and include the particular importance of peatlands.

Consultation and the Pandemic.

Project consultation/engagement on an unmodified schedule and in a modified format (ie. Online or by telephone) ignores the practical, capacity-based realities in Neskantaga and other Indigenous communities affected by the COVID-19 pandemic. Unaltered timelines for consultation amidst the pandemic crisis leaves the process at risk of providing only hurried and/or cursory opportunities for engagement with Neskantaga and other Indigenous communities.

The definition of valued components is heavily influenced by Neskantaga community hall meetings and direct dialogue with elders, land users and knowledge holders. All of these activities are severely limited by the pandemic.

Recommendation.

Neskantaga proposes creating a Treaty and Aboriginal Rights working group[when the pandemic conditions allow] with the Proponent and other affected Matawa First Nations. The Working Group would hold joint discussions on routing, the science behind decisions, share information and be a forum for

ongoing engagement on routing.

Outstanding Issue.

We provided a proposed amendment to the MFFN Draft IK Sharing Agreement for your review and consideration. We await a response.

Regards,

David Peerla

9/25/20