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Re: Review of Draft IAR and draft potential conditions under Section 64 of the *Impact Assessment Act*

July 6, 2026

Dear Caitlin Cafaro,

Aroland First Nation ("AFN") has reviewed the draft Impact Assessment Report (IAR) and Proposed Conditions for the Marten Falls Community Access Road (MFCAR) Project. We appreciate the opportunity to provide our comments and have enclosed our detailed review for consideration.

AFN supports the development and approval of the MFCAR Project **for the purpose of community access**. However, this support is limited to the MFCAR as a community access road and does not extend to industrial development in the Ring of Fire, including mining or other future developments. AFN maintains that any such development must proceed only following meaningful consultation at the deepest level with accommodation sufficient to address all our reasonable concerns, comprehensive and coordinated assessment, and with AFN's free, prior, and informed consent, consistent with our governance authority and decision-making responsibilities over our lands. AFN also expects that future decisions be informed by the outcomes of the Regional Assessment once completed.

This standard of consultation, accommodation and consent is grounded in:

- The requirements of UNDRIP and the federal UNDRIP Act which the courts are finding does necessitate fuller engagement to get or seek consent, given the provisions in UNDRIP about the right of indigenous peoples to exercise free, prior and informed consent (or withhold it) in respect of developments on or to their lands (see *Gitxaala v BC* 2025 BCCA and *Kebaowek First Nation v Canadian Nuclear Safety Commission* 2025 FC 319).
- The formal assertion of Aroland First Nation that it has decision-making authority, or jurisdiction over its Territory, based on what was promised in Treaty 9, which is being pursued in a court case in Ontario Superior Court launched in June 2023 and in which Canada and Ontario are defendants.
- The fact that a good portion of the MFCAR is in AFN Territory – it is in overlapping territories between those two First Nations, and thus this part of MFCAR is "Aroland lands" over which the right of free, prior and informed consent and jurisdiction applies.
- Law on the duty of the Crown to act honourably to First Nations when carrying out the duty to consult and accommodate, when implementing treaties such as Treaty 9 and when implementing statutory grants, such that Canada cannot engage in a regional assessment under the Impact Assessment Act and render it meaningless by not applying it to MFCAR, as that would violate the duty to act honourably to the affected and participating First Nations including AFN.

While AFN **supports the MFCAR Project for community access purposes**, our review found that aspects of the draft IAR and Proposed Conditions do not fully support a complete, transparent, and sufficiently rigorous assessment record. In several instances, AFN's concerns are not adequately reflected in the conclusions of the IAR or addressed through enforceable proposed conditions. AFN expects that all project components

with the potential to affect our Aboriginal and Treaty Rights and interests be fully assessed within the current impact assessment process.

More specifically, AFN is concerned that the proposed Species at Risk conditions are limited primarily to the Marten Falls First Nation reserve rather than applying across the full Project area where the Project has the potential to affect species at risk and their habitat. This geographic limitation is inconsistent with the scope of the Project's potential effects and does not provide sufficient assurance that species at risk will be adequately protected throughout AFN's Traditional Territory. AFN expects the proposed conditions to apply wherever Project activities may affect species at risk and their habitat, and that mitigation, monitoring, and adaptive management measures be implemented across the entire Project footprint rather than being restricted to reserve lands.

AFN remains concerned with the Proponent's continued reliance on deferring key project details, operational plans, management measures, and mitigation commitments to future owners, operators, or subsequent regulatory approvals. While such an approach may be permissible within the broader regulatory framework, it is not permissible under constitutional law and the duty the crown owes to Indigenous peoples under section 35 to consult with the intent to substantially address their concerns sufficient to acquire consent (this has been the law in Canada since the 1997 Supreme Court of Canada decision in *Delgamuukw*, and has been strengthened to acquire or to at least take all reasonable steps to acquire consent). You cannot address AFN concerns prior to and as a condition of approving MFCAR, by deflecting and deferring them to the future. Again, such deferral is against the law—the constitutional law. It limits the ability to meaningfully assess potential impacts—particularly cumulative effects—and reduces certainty regarding how impacts to AFN's rights and interests will ultimately be avoided or mitigated. Deferring these matters also constrains meaningful Indigenous participation during the impact assessment process and creates unnecessary risk by postponing important decisions until after the primary assessment has concluded.

AFN's review has been guided by several overarching priorities. These include ensuring the protection of our Aboriginal and Treaty Rights and interests within our Traditional Territory; minimizing impacts from contamination, pollution, and noise; protecting culturally and ecologically important wildlife and fisheries, safeguarding the health and well-being of our members; implementing effective access controls to prevent unauthorized use of the roadway; and ensuring meaningful participation in environmental monitoring, compliance, and enforcement throughout the life of the Project.

AFN also expects to remain a decision-making partner throughout all phases of the Project, including construction, operation, and any future closure activities. Decisions with the potential to affect AFN's rights and interests must not proceed without our free, prior, and informed consent. In addition, AFN expects the Project to deliver meaningful community benefits through employment, training, business opportunities, community infrastructure, and measures that improve safety for road users and land users.

The attached review represents AFN's response to the draft Proposed Conditions for the MFCAR Project. AFN has sought to provide practical, constructive recommendations by identifying specific revisions to existing conditions, proposing alternative wording where appropriate, and recommending additional conditions where necessary. These recommendations are intended to strengthen the enforceability and effectiveness of the conditions, better protect AFN's Aboriginal and Treaty Rights and interests, safeguard the lands, waters, and resources within our Traditional Territory, and ensure that the conditions more fully address the potential effects of the Project while supporting meaningful Indigenous participation in decision-making, monitoring, and oversight.

AFN looks forward to continuing to work collaboratively with the Impact Assessment Agency of Canada, Ontario, and the Marten Falls First Nation Project Team to address the concerns identified in our submission

and to ensure that the final Impact Assessment Report and conditions appropriately recognize and protect AFN's rights, interests, and priorities including as stated herein.

Sincerely,

<Original signed by>

Chief Sonny Gagnon

Cc:

Aroland First Nation Council

Chief Bruce Achneepineskum

Qasim Saddique, Suslop

Kate Kempton, Woodward and Associates

Caitlin Cafaro, Impact Assessment Agency of Canada

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Review of Draft IAR and draft potential conditions under Section 64 of the *Impact Assessment Act*

Original condition	Proposed changes/ re-wording	Reasoning
2. General Conditions- Consultation		
2.2.4 The Proponent shall, where consultation is a requirement of a condition set out in this document: advise as soon as feasible in writing the parties being consulted on how the views and information received have, or have not, been integrated into the subject matter of the consultation by the Proponent and provide a justification as to why views and information received have not been integrated into the subject matter of the consultation.	The Proponent shall, where consultation is a requirement of a condition set out in this document: advise as soon as feasible in writing the parties being consulted on how the views and information received have, or have not, been integrated into the subject matter of the consultation by the Proponent. This should include justification as to why views and information received have not been integrated into the subject matter of the consultation, including a formal record and description of any changes made as a result of the consultation.	Ensures that the proponent maintains and provides a record of changes made as a result of consultation completed.
2. General Conditions- Follow-up requirements		
2.4.5 the levels of environmental, health, social or economic changes relative to baseline that would require the Proponent to implement modified or additional mitigation measures, including instances where the Proponent may require Designated Project activities causing the change to be stopped;	the levels of environmental, health, social or economic changes, including changes that may adversely affect the exercise of Aboriginal and Treaty Rights and Indigenous interests , relative to baseline that would require the Proponent to implement modified or additional mitigation measures, including instances where the Proponent may require Designated Project activities causing the change to be stopped;	Ensures adaptive management may be triggered by impacts to AFN's rights and interests as well as biophysical changes, aligning follow-up programs with the purpose of the impact assessment and AFN's overarching concerns.
2.8 Where consultation with Indigenous groups is a requirement of a follow-up program, the Proponent shall discuss the follow-up program with each group and shall determine, in consultation with each group, opportunities for their participation and resources required to support their participation in the implementation of the	Where consultation with Indigenous groups is a requirement of a follow-up program, the Proponent shall discuss the follow-up program with each group and shall determine, in consultation with each group, opportunities for their participation and resources required to support their participation in the implementation of the follow-up program, including the conduct of monitoring, the analysis	Strengthens Indigenous participation from being merely consultative to a more meaningful role in adaptive management decision-making and creates accountability where AFN recommendations are not accepted.

follow-up program, including the conduct of monitoring, the analysis and reporting of follow-up results and whether modified or additional mitigation measure(s) are required, as set out in condition 2.7.	and reporting of follow-up results and whether the determination of whether modified or additional mitigation measure(s) are required, as set out in condition 2.7, and shall incorporate Indigenous knowledge and recommendations into follow-up program implementation and adaptive management, providing written rationale where recommendations are not adopted.	
2. General Conditions-Annual Reporting		
2.9.3 for conditions set out in this document for which consultation is a requirement, how the Proponent considered any views and information that the Proponent received during or as a result of the consultation, including and Indigenous knowledge;	for conditions set out in this document for which consultation is a requirement, how the Proponent considered any views and information that the Proponent received during or as a result of the consultation, including and Indigenous knowledge, as well as a description of how Indigenous recommendations were incorporated into Project decisions and, where recommendations were not adopted, the rationale for not doing so;	Strengthens the condition by requiring the Proponent to report transparently on how AFN's input has been taken into consideration during decision-making. It aligns with the position that consultation must be meaningful and accountable.
2. General Conditions- Changes to the proposed project		
2.16.4 the results of consultation with Indigenous groups on the proposed changes, if the proposed changes may adversely affect those Indigenous groups, including any views on the adverse federal effects referred to in condition 2.16.1 and on the modified or additional mitigation measures and follow-up requirements referred to in condition 2.16.2.	the results of consultation with Indigenous groups on the proposed changes, if the proposed changes may adversely affect those Indigenous groups, including any views on the adverse federal effects referred to in condition 2.16.1 and on the modified or additional mitigation measures and follow-up requirements referred to in condition 2.16.2, and a description of how those views have been incorporated into the proposed changes or, where they have not been incorporated, the rationale for not doing so.	Strengthens accountability by requiring the Proponent to demonstrate how Indigenous input influenced decisions regarding project changes, rather than merely documenting that consultation occurred. Consistent with the position that future project decisions must involve meaningful participation and should not be deferred without adequate Indigenous involvement.
3. Fish and Fish Habitat		
3.1 The Proponent shall develop, prior to in-water work or ground disturbing work, whichever comes first, and implement, during	3.1 The Proponent shall develop, prior to in-water work or ground disturbing work, whichever comes first, and implement, during construction and	The proposed Marten Falls Community Access Road directly overlaps with Aroland First Nation's territory, including numerous

construction and operation of the Designated Project, a follow-up program to verify the accuracy of the impact assessment and determine the effectiveness of mitigation measures with respect to effects from the Designated Project on fish and fish habitat resulting from changes to water quality. The Proponent shall develop the follow-up program in consultation with Marten Falls First Nation with respect to waterbodies located on the Marten Falls First Nation reserve, and in consultation with Indigenous groups, Fisheries and Oceans Canada, Environment and Climate Change Canada and the Ontario Ministry of Natural Resources with respect to waterbodies located on non-federal lands within the Local Study Area.	operation of the Designated Project, a follow-up program to verify the accuracy of the impact assessment and determine the effectiveness of mitigation measures with respect to effects from the Designated Project on fish and fish habitat resulting from changes to water quality. The Proponent shall develop the follow-up program in consultation with Marten Falls First Nation with respect to waterbodies located on the Marten Falls First Nation reserve, and in consultation with Aroland First Nation, other impacted Indigenous groups, Fisheries and Oceans Canada, Environment and Climate Change Canada, and the Ontario Ministry of Natural Resources with respect to waterbodies located on non-federal lands within the Local Study Area.	waterways that are culturally significant and provide high quality fish habitat, including for SAR. Therefore, Condition 3.1 must include specific mention of Aroland First Nation as part of the co-development of, and consultation for, the follow-up program.
3.1.1 monitor, beginning during in-water work and ground disturbing work and continuing until a three-year trend analysis during operation indicates that water quality will not change due to effects attributed to the Designated Project, water quality parameters in groundwater and in waters frequented by fish, including total suspended solids, acidity (pH), electrical conductivity, ammonia, sulphates, nitrates, dissolved organic carbon, methylmercury and heavy metals and metalloids, including aluminum, total mercury, arsenic, copper, iron, lead, manganese, nickel, and zinc; Proposed new Conditions 3.1.4 and 3.1.5	3.1.1 monitor, beginning during in-water work and ground disturbing work and continuing until a three-year trend analysis during operation indicates that water quality will not change due to effects attributed to the Designated Project, water quality parameters in groundwater and in waters frequented by fish, including temperature, total suspended solids, turbidity, acidity (pH), electrical conductivity, ammonia, sulphates, nitrates, dissolved organic carbon, methylmercury and heavy metals and metalloids, including aluminum, total mercury, arsenic, copper, iron, lead, manganese, nickel, and zinc. 3.1.4 Establish water level monitoring stations, at minimum within waterways containing potential spawning habitat for fish species of concern, where	The Draft Impact Assessment Report states within <i>Section 2.1: Fish and Fish Habitat</i> that “climate change is expected to affect the project over time through warmer temperatures and more frequent extreme precipitation and runoff events.” As such, it is crucial that water quantity is monitored in addition to water quality. The addition of temperature to the water monitoring parameters will help identify warming trends over time, as well as identify when temperatures are approaching the upper limits for the survival of certain fish species of concern. If more extreme precipitation events and subsequent runoff lead to sedimentation of fish-bearing waterways along the proposed road, it is imperative

	the proposed road will cross these waterways, with water level triggers established so that any notable fluctuation of water levels due to major precipitation events or low water levels are identified and addressed promptly. 3.1.5 Monitor, as part of the follow-up program, the condition of any channel realignment works where avoidance was not possible, to ensure that mitigation measures are preventing any adverse changes in water quality, hydrology, and fish passage.	that turbidity be added as a parameter to monitor. Water level monitoring would also benefit the structural integrity and safety of the proposed road, while simultaneously providing an opportunity for additional mitigation measures to be applied to help protect fish and fish habitat.
Proposed new Conditions 3.2, 3.2.1, 3.2.2, and 3.2.3	3.2 The Proponent shall co-develop, prior to any in-water work or works that directly impact fish habitat, in collaboration with Aroland First Nation and other impacted Indigenous groups, an offsetting plan. The Proponent must submit the offsetting plan to DFO for review and approval before any construction works can begin. 3.2.1 The offsetting measures specified within the offsetting plan will be monitored as part of the follow-up program, to ensure that any new or restored fish habitat is functioning as intended, and that there is no net loss of habitat or habitat function as a result of the Project. 3.2.2 As part of the offsetting plan, the Proponent must identify contingency measures in the case that any offsetting is deemed ineffective through follow-up monitoring, or in the case that temporal lags result in further offsetting required.	The Draft Impact Assessment Report states within <i>Section 2.1: Fish and Fish Habitat</i> that “with the implementation of the recommended mitigation measures identified in Section 2.1.4, IAAC is of the view that the residual effects of the project on fish and fish habitat are likely to be significant to a low extent as local habitat loss may not be fully offset.” Due to the largely pristine and undisturbed nature of the proposed route, DFO notes that it may be difficult to find suitable locations within the same reach or watershed to offset habitat loss. As such, alternative locations within the region should be considered, so that there is no net loss of habitat and habitat function from the Project. Further, any offsetting measures that are undertaken should be included in the follow-up program to ensure that they are functioning as intended, as have not resulted in a further loss of habitat.

	3.2.3 Offsetting ratios will be determined in collaboration with impacted First Nations and DFO to ensure that they are sufficient to account for SAR habitat loss and potential temporal loss of habitat function.	The draft Impact Assessment Report states within <i>Section 2.1.1.1: Degradation and loss of fish habitat</i> that “the project would result in the loss and physical degradation of 8.3 hectares of fish habitat” ... “including 2.6 hectares of habitat for lake sturgeon along the proposed route.” As lake sturgeon are a Species of Conservation Concern as well as culturally important to Aroland First Nation, it is crucial that habitat offsetting ratios are set in collaboration between the Proponent and Indigenous groups as this loss of habitat further slows the recovery of the species.
4. Migratory Birds		
4.2 The Proponent shall determine, under the direction of a qualified individual, the presence or likely presence of migratory bird nest(s) protected under the <i>Migratory Birds Convention Act, 1994</i> and its regulations and residences protected under the <i>Species at Risk Act</i> that may be adversely affected by any Designated Project activity prior to initiating the activity. The Proponent shall use non-intrusive methods to determine the presence or likely presence of migratory bird nests.	4.2 The Proponent shall determine, by employing under the direction of a qualified individual, the presence or likely presence of migratory bird nest(s) protected under the <i>Migratory Birds Convention Act, 1994</i> and its regulations and residences protected under the <i>Species at Risk Act</i> that may be adversely affected by any Designated Project activity prior to initiating the activity. The Proponent shall use non-intrusive methods to determine the presence or likely presence of migratory bird nests. Migratory bird nest protection requirements for the project shall include the following: 4.2.1 If nest detection is compromised by weather, vegetation, or surveyor limits, assume nests are	IAAC and the proponent have determined residual and cumulative effects on migratory birds, even with the implementation of recommended mitigation measures. The existing project footprint and corresponding study areas represent relatively undisturbed habitat, with the project representing significant contributions to total cumulative effects in the region (based on geographic extent of habitat removal and time lag to regeneration). Detectability of migratory birds may change throughout a survey, varying with the type and quality of habitat, density of vegetation growth, and surveyor experience. The draft condition is not stringent enough to capture potential mortality risks for

	present and apply avoidance and mitigation measures per the precautionary principle. 4.2.2 Complete nest surveys immediately before/after the ECCC General Nesting Period for the appropriate climatic zone until there is proof no nesting is occurring. 4.2.3 Surveys are only valid for 48 hours. If disturbance does not take place within two days, the area shall be re-surveyed. 4.2.4 A qualified professional must determine species-specific setbacks and disturbance thresholds (i.e., alert or flush). 4.2.5 Halt all personnel and ground disturbance activities within the established buffer zones, as defined in 4.2.1.4. 4.2.6 Submit an annual report demonstrating full compliance with the conditions outlined in 4.2.	migratory birds in the project area or ensure that project activities adhere to the protections established under the MBCA and SARA. AFN's proposed changes would ensure the condition aligns with these protections.
4.3 The Proponent shall establish and delineate, under the direction of a qualified individual, setback distances around the nest(s) and residence(s) whose presence or likely presence is determined pursuant to condition 4.2 within which that activity shall not occur while those nests are protected under the <i>Migratory Birds Convention Act, 1994</i> and its regulations or the <i>Species at Risk Act</i>, or both. When establishing setback distances, the Proponent shall take into account Environment and Climate Change	4.3 The Proponent shall establish and delineate, under the direction of as determined by a qualified individual, species-specific setback distances around the nest(s) and residence(s) whose presence or likely presence is determined pursuant to condition 4.2, within which that activity shall not occur while those nests are protected under the <i>Migratory Birds Convention Act, 1994</i>, and its regulations or the <i>Species at Risk Act</i>, or both. When establishing setback distances, the Proponent shall take into account the recommendations of the qualified personnel (pursuant to condition 4.2)	Disturbance to active nests is in contravention of the MBCA regardless of timing. Inexperienced surveyors should not complete nesting surveys during the General Nesting Period (GNP), as nests are well-concealed and birds can be elusive during breeding season. Species-specific setback buffers should be applied by a qualified individual to features that are presumed active.

Canada's <i>Guidelines to Avoid Harm to Migratory Birds</i> .	and Environment and Climate Change Canada's <i>Guidelines to Avoid Harm to Migratory Birds</i>. When establishing species sensitivities, the Proponent and qualified personnel shall take into account the provincial <i>Fish and Wildlife Conservation Act</i> Species Schedules, and year-round protections afforded to species listed under the <i>Migratory Bird Regulations</i>.	Disturbance to active nests is in contravention of the MBCA regardless of timing. AFN's proposed conditions would ensure nesting surveys and mitigation measures comply with the MBCA and minimize impacts to migratory birds including species of cultural importance.
Proposed new condition 4.5	4.5 Wildlife Adaptive Management Plan - the proponent shall develop, implement, and maintain an Adaptive Management and Corrective Action Plan to minimize wildlife (including avian) mortality and acclimation. The plan shall employ suitable passages, exclusions, and vegetation removal, as informed by engagement with local stakeholders and potentially impacted Indigenous groups. At minimum, the plan must require the proponent to: 4.5.1 (Define action thresholds) Establish measurable triggers. If monitoring reveals wildlife injury or mortality, immediately implement the pre-determined corrective actions. 4.5.2 (Assess on case-by-case basis) Review localized spikes in wildlife presence to implement continuous, active mitigation or increased surveillance. 4.5.3 (Submit annual compliance reports) Provide annual documentation of compliance, monitoring logs, incidental observations, and any corrective actions taken as a result.	The proponent identified a tracking and reporting approach will be used as a mitigation measure for wildlife VCs. This approach should be expanded to include avian species at the project (i.e., focal species selected as VCs, cultural and traditional use species, SAR/SOCC).
Proposed new condition 4.6	4.6 - (Migratory bird protection and Indigenous collaboration) The proponent must fulfill the	Conservation objectives and recommendations under the BCR strategies

	following ongoing conditions throughout the duration of the project: 4.6.1 - Baseline and Population monitoring: Develop and implement a follow-up program to quantify regional, population-level impacts on migratory birds. Conduct targeted surveys to (a) target avian Species at Risk Public Registry listings, (b) monitor culturally significant species identified by locally affected Indigenous groups, and (c) integrate western science with Indigenous Traditional Knowledge. 4.6.2 - Ongoing engagement and reclamation: Formalize ongoing engagement with locally affected Indigenous groups and regulators to (a) co-develop targeted reclamation and rehabilitation to benefit migratory birds, and (b) align the reclamation process with traditional end land uses. 4.6.3 - Adaptive management and Corrective Action: Co-develop management thresholds and triggers with locally affected Indigenous groups to guide adaptive management or corrective actions (i.e., vegetation management, wildlife exclusion or passage).	are to be used as the basis to develop guidelines and BMPs that adhere to the MBCA and SARA. As such, a thorough evaluation of cumulative effects on the focal species chosen for the Bird VC at a regional scale is recommended under this new draft condition.
Current use of lands and resources for traditional purposes		
6.5 The Proponent shall provide, prior to vegetation clearing near known harvesting sites, opportunities for: 6.5.1 Marten Falls First Nation to harvest plants on Marten Falls First Nation reserve; and	6.5 The Proponent shall provide, prior to vegetation clearing near known harvesting sites, opportunities during suitable growing seasons for: 6.5.1 Marten Falls First Nation to harvest plants on Marten Falls First Nation reserve; and	It is a priority for Indigenous groups to be able to harvest traditional use vegetation species in known harvesting sites. Harvesting practices must take place during the appropriate growing seasons for the species being harvested.

6.5.2 Indigenous groups to harvest plants on non-federal lands within the Plant Harvesting Local Study Area.	6.5.2 Indigenous groups to harvest plants on non-federal lands within the Plant Harvesting Local Study Area.	Notifications should reflect the importance of local methods of collection, preparation, and consumption, because food harvesting practices, preservation, treatment, and/or cooking methods vary throughout the year.
6.7 The Proponent shall implement, during construction and operation, mitigation measures to control fugitive dust emissions attributed to the Designated Project on the Marten Falls First Nation reserve to mitigate adverse federal effects on air quality. In doing so, the Proponent shall implement, at a minimum, the use of water or an environmentally acceptable alternative to stabilize the surface of Designated Project roads and areas within the Marten Falls First Nation Reserve that may generate dust.	6.7 The Proponent shall implement, during construction and operation, mitigation measures to control fugitive dust emissions attributed to the Designated Project on the Marten Falls First Nation reserve and Aroland First Nation Reserve , to mitigate adverse federal effects on air quality. In doing so, the Proponent shall implement, at a minimum, the use of water or an environmentally acceptable alternative to stabilize the surface of Designated Project roads and areas within the Marten Falls First Nation Reserve and Aroland First Nation Reserve that may generate dust. 6.7.1 The proponent shall maintain safe and undisturbed access to river crossing locations during construction to the extent feasible.	The Project connects directly to the Anaconda and Painter Lake forestry roads, which require significant upgrades to accommodate project traffic but were not included in the cumulative effects assessment. The Anaconda and Painter Lake roads connect to the community access road and pass through Aroland First Nation reserve lands and Traditional Territory, raising concerns about increased dust, noise, traffic safety, and impacts on harvesting and cultural use. Project river systems include mapped caribou critical habitat and are identified by Aroland First Nation as important for species of cultural importance (e.g., moose), harvesting (e.g., wild rice), and floodplain functions that regulate water flow and reduce erosion and flooding.
9. Accidents and malfunctions		
9.1.3 for each type of accident and malfunction referred to in condition 9.1.1, the roles and responsibilities of those involved in the implementation of the measures referred to in condition 9.1.2, including the Proponent,	for each type of accident and malfunction referred to in condition 9.1.1, the roles and responsibilities of those involved in the implementation of the measures referred to in condition 9.1.2, including the Proponent, each relevant authority, affected	This recognizes AFN as an active participant in emergency response planning rather than simply a party to be consulted, reflecting AFN's reasonable expectation of ongoing

each relevant authority, and any other party that may be called upon to respond to an accident or malfunction.	Indigenous groups , and any other party that may be called upon to respond to an accident or malfunction, including procedures for coordinating emergency response, information sharing, and Indigenous participation in response and recovery activities.	involvement in Project oversight and decision-making.
9.3.2 notify, as soon as feasible, Indigenous groups of the accident or malfunction and notify the Agency in writing no later than 48 hours following the accident or malfunction. In doing so, the Proponent shall specify:	notify, as soon as feasible and in any event no later than 24 hours after becoming aware of the accident or malfunction , Indigenous groups of the accident or malfunction and notify the Agency in writing no later than 48 hours following the accident or malfunction. In doing so, the Proponent shall specify:	Timely notification is critical where accidents may affect AFN's lands, waters, harvesting activities, or community health. Establishing a maximum notification time frame provides undeniable certainty and enables AFN to respond promptly, rather than relying on the vague standard of "as soon as feasible."