



First Nation Council

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Via email: martenfalls@iaac-aeic.gc.ca

Impact Assessment Agency of Canada
Ontario Region
600 – 55 York Street
Toronto, ON M5J 1R7

Attn: Caitlin Cafaro, Senior Consultation Analyst, Ontario Region

Dear Ms. Cafaro:

Re: Fort Albany First Nation's Comments on the Draft Impact Assessment Report for the Marten Falls Community Access Road Project

Fort Albany First Nation ("FAFN") submits this letter in response to the Impact Assessment Agency of Canada's ("IAAC") Draft Impact Assessment Report ("Draft IA Report") and Draft Potential Conditions for the Marten Falls Community Access Road Project ("the Project" or "MFCAR") released for public comment on June 2, 2026.

This submission includes the following appendices:

- Appendix A – FAFN Technical Comments on the Proponent and IAAC Responses Comments;
- Appendix B – FAFN Comments on Marten Falls Community Access Road Aboriginal and / or Treaty Rights and Interests ("ATRI") ; and
- Appendix C – FAFN Targeted Rights Impact Assessment ("Targeted RIA") for the Marten Falls Community Access Road Project.

The attached materials provide further detail regarding FAFN's concerns and should be read together with this letter. We also expect that these comments will be read in the context of our other submissions throughout this process.

We have received the comments submitted by Attawapiskat First Nation on June 26, 2026. We share their serious concerns about the deficiencies in the process and substance of this impact

assessment (“IA”) and the Draft IA Report, and we endorse and adopt their comments in supplement to those in this letter.

FAFN has consistently raised concerns regarding the adequacy of the federal IA process and assessment record, including concerns related to cumulative effects, induced regional development, impacts on Treaty and Aboriginal rights, governance and stewardship responsibilities, climate change, peatlands and hydrology, wildlife and habitat connectivity, the adequacy of the assessment methodology, the sufficiency of the evidentiary record, and the treatment of uncertainty. FAFN is also concerned about inconsistencies between the Draft Potential Conditions and measures agreed to by the Proponent, which create uncertainty regarding how federal and provincial conditions, mitigation measures, and offsetting requirements will be aligned and implemented.

FAFN remains concerned that the current federal IA record does not provide a sufficient basis for informed, precautionary, and rights-informed decision-making regarding the Project and its long-term implications for Treaty 9 territory, interconnected ecological systems, and the meaningful exercise of Treaty and Aboriginal rights. In particular, FAFN remains concerned that the assessment evaluates the Project too narrowly as a stand-alone undertaking despite its acknowledged role in facilitating broader regional infrastructure expansion, mineral development, changing access patterns, and long-term regional transformation within the Ring of Fire region. FAFN is also concerned that important uncertainties regarding cumulative effects, peatland and hydrological response, wildlife and habitat connectivity, climate-related impacts, downstream effects, and long-term rights impacts continue to be addressed primarily through future monitoring, adaptive management, future studies, and future regional processes rather than being sufficiently resolved prior to decision-making.

FAFN had intended to undertake a broader community-led Rights Impact Assessment informed by engagement with members and knowledge holders. However, compressed timelines, overlapping review processes, and the continued evolution of the assessment record significantly constrained FAFN’s ability to complete this work prior to release of the Draft IA Report. FAFN’s Targeted RIA, attached as Appendix C, was therefore prepared under significant process constraints and should not be interpreted as exhaustive. Nevertheless, it identifies materially greater and more interconnected potential impacts on FAFN’s harvesting systems, cultural continuity, governance responsibilities, stewardship obligations, and the long-term exercise of Treaty and Aboriginal rights than those reflected in the Draft IA Report.

This submission should be read together with FAFN’s previous submissions to IAAC throughout the assessment process, including prior technical comments, correspondence regarding process concerns, and submissions relating to impacts on Treaty and Aboriginal rights.

We acknowledge IAAC’s recent invitations to meet regarding the Draft IA Report. Due to the procedural constraints set out in this letter, our focus was on reviewing the materials and preparing these written comments. Our lack of capacity to also meet with IAAC during this period should not be taken as an indication of disinterest or satisfaction with this consultation process.

Where we have recently engaged directly with IAAC during this process and the related Webequie Supply Road process, the information we have received has been alarming, and has indicated that IAAC's priority is expediting the approval of the Project as quickly as possible, not performing its legal duties in a robust, honourable, and responsible manner. For example:

- At a meeting with us on February 3, 2026, IAAC representative Luc Desroches told us that Canada's goal in this assessment process was to "get out of Ontario's way." This statement was offensive and troubling, given Canada's constitutional and Treaty responsibilities.
- At an information session on the Webequie Supply Road on February 23, 2026, our legal representative received a number of very concerning, inadequate, evasive answers from Loraine Cox, a management representative with IAAC. These answers, while insufficient, strongly indicated IAAC's decision-making is being driven by a political agenda coming from senior levels which is at-odds with IAAC's legal responsibilities and with the Honour of the Crown. For example:
 - Ms. Cox told our legal counsel that IAAC has "pivoted away from getting perfect impact statements" and that "the goal posts are different than in the past." Our legal counsel asked what IAAC considered "perfect" and what that standard would have included that was apparently no longer included, including if this meant that there was now a lower standard in terms of the level of (un)certainty or (un)reliability of information from the Proponent that IAAC would accept. Ms. Cox did not answer this question.
 - Our legal counsel then asked Ms. Cox what IAAC would do if the Proponent did not provide sufficient information to assess likely effects and reasonable mitigation measures. Ms. Cox said that IAAC's "goal" was to "minimize administrative back-and-forth" with the Proponent and to "be more efficient", and that IAAC just wanted information that was clear enough to identify how to manage effects. She also said Canada could rely on provincial mechanisms that could or should be applied if the Project was to proceed.
 - When our legal counsel again asked what IAAC would do if the information provided would not provide that clarity, including whether it would then "do the back and forth" with the Proponent and make a decision later than the June date Canada had apparently arbitrarily committed to, Ms. Cox could not answer, except to say that her and her staff's "directions are to do what is needed to deliver a decision by June" and that only someone more senior could say whether Canada would be willing to make a decision later than June.
 - Our legal counsel then asked how Canada, in apparently relying on provincial mechanisms, was taking into account the weakening of provincial laws and regulations through Bill 5 and other recent changes, which would have clear effect on the prevention, mitigation, and management of effects under federal jurisdiction. Ms. Cox did not answer the question, except to say that Canada was

“taking into account what the provincial mechanisms are and what their objectives are” and that Canada’s “priority” was “to cooperate with Ontario in trying to reach our objectives and manage that relationship.”

- Our legal counsel said the issue was not with the objectives of the provincial legislation, but with its actual effect and the well-known weakening of its substance (for example, legislation relating to species at risk). She again asked if Canada would consider the effectiveness of these laws before relying on them to address impact within federal jurisdiction. Ms. Cox replied that “the *Impact Assessment Act* is not a tool for evaluating conduct in provincial jurisdiction.”
- Our legal counsel emphasized again that she was asking about impacts within *federal* jurisdiction, which Canada was saying it would rely on provincial mechanisms to address. She again asked what degree of scrutiny Canada would apply to the actual effectiveness of those mechanisms before deciding if it was reasonable to rely on them to satisfy federal responsibilities. Ms. Cox (wrongly) claimed to have answered the question. When our legal counsel said that she had not answered the question, and again explained what the question was, Ms. Cox refused to answer it.

1. Limitations of the Assessment Process

1.1. Fragmented and Overlapping Assessment Processes

The Project, the WSR, Northern Road Link and related Ring of Fire infrastructure projects continue to proceed through fragmented and overlapping assessment and regulatory processes despite their functional interdependence and shared role in facilitating broader regional development and industrial access within the Ring of Fire region.

The Project forms part of a broader pattern of transportation and development infrastructure intended to facilitate mineral development and long-term regional transformation across interconnected ecological, hydrological, cultural, and governance systems. However, these projects are being assessed through separate IA processes that operate on different timelines and rely on different records and assumptions regarding cumulative regional change.

This fragmented approach limits the ability to meaningfully assess cumulative effects, induced development, changing access patterns, and the broader implications of interconnected infrastructure for Indigenous Peoples, Treaty and Aboriginal rights, and downstream communities across Treaty 9 territory. It also creates substantial practical burdens for participating Indigenous Nations, which must simultaneously review multiple large and evolving assessment records relating to interconnected projects with overlapping cumulative effects pathways and regional implications.

As a result, the current federal IA process does not provide a sufficiently integrated assessment of the broader pattern of development, access, ecological change, and long-term regional

transformation associated with the proposed Ring of Fire road network and related industrial development.

1.2. Incomplete and Continuously Evolving Assessment Record

The federal IA record continued to evolve throughout the final stages of the federal review process while Indigenous Nations and technical reviewers were attempting to assess the adequacy and implications of the overall record.

The ongoing refinement and supplementation of core assessment materials during the final stages of the process has made it difficult to determine whether the current record provides a sufficiently complete, stable, and internally consistent basis for informed federal decision-making regarding the Project and its long-term implications. As a result, comments submitted by Indigenous Nations, including FAFN, and by members of the public were often based on incomplete information and should be understood in that context.

1.3. Compressed Timelines and Constraints on Meaningful Indigenous Participation

The timelines associated with the final stages of the federal IA process did not provide a meaningful opportunity for Indigenous participation, technical review, community engagement, and Indigenous-led assessment (“ILA”) prior to decision-making.

The timelines for review of the Draft IA Report, Draft Potential Conditions, and associated response materials were exceptionally compressed given the scale, complexity, and evolving nature of the assessment record, particularly in the context of overlapping review processes associated with related Ring of Fire infrastructure projects. This approach made it extremely challenging for FAFN to adapt, plan, and allocate resources. It has also shifted critical periods of the consultation process into a period when it was known that FAFN would not be able to effectively engage due to factors such as evacuation and the drinking water crisis in our community.

These constraints materially limited FAFN’s ability to undertake comprehensive technical review, conduct community engagement, validate Indigenous knowledge, and assess the implications of the Project on FAFN’s Treaty and Aboriginal rights.

The practical burden of simultaneously reviewing multiple large and interconnected assessment records was particularly significant for downstream communities, such as FAFN, which continue to assess the broader cumulative and regional implications of the proposed Ring of Fire road network and related industrial development.

In FAFN’s view, the timelines of the final stages of the federal IA review process did not adequately reflect the scale of the Project, the significance of the potential impacts, or the Crown’s obligations in relation to consultation and accommodation under section 35 of the *Constitution Act, 1982*.

The requirements of the Duty to Consult and Accommodate are context-specific and, in this case, deep. They prevail over, and cannot be constrained by, particular statutory processes. Where a statutory process is insufficient to meet the Duty, it is that process that must be adapted or supplemented; the Duty cannot be truncated to fit the process. As the Supreme Court of Canada (“SCC” or “the Court”) stated in *Clyde River (Hamlet) v. Petroleum Geo-Services Inc.*, [2017 SCC 40](#):

[22] In our view, **while the Crown may rely on steps undertaken by a regulatory agency to fulfill its duty to consult in whole or in part and, where appropriate, accommodate, the Crown always holds ultimate responsibility for ensuring consultation is adequate. [...] Where the regulatory process being relied upon does not achieve adequate consultation or accommodation, the Crown must take further measures to meet its duty. This might entail filling any gaps on a case-by-case basis or more systemically through legislative or regulatory amendments** (see e.g. *Ross River Dena Council v. Yukon*, [2012 YKCA 14](#), 358 D.L.R. (4th) 100). Or, it might require making submissions to the regulatory body, requesting reconsideration of a decision, or **seeking a postponement in order to carry out further consultation in a separate process before the decision is rendered.** [emph added]

Further, as the Court stated in *Chippewas of the Thames First Nation v. Enbridge Pipelines Inc.*, [2017 SCC 41](#):

[32] The Chippewas of the Thames argue that meaningful Crown consultation cannot be carried out wholly through a regulatory process. We disagree. As we conclude in *Clyde River*, **the Crown may rely on steps taken by an administrative body to fulfill its duty to consult** (para. 30). The Crown may rely on a regulatory agency in this way **so long as the agency possesses the statutory powers to do what the duty to consult requires in the particular circumstances** (*Carrier Sekani*, at para. 60; *Clyde River*, at para. 30). However, **if the agency’s statutory powers are insufficient in the circumstances or if the agency does not provide adequate consultation and accommodation, the Crown must provide further avenues for meaningful consultation and accommodation in order to fulfill the duty prior to project approval.** Otherwise, the regulatory decision made on the basis of inadequate consultation will not satisfy constitutional standards and should be quashed on judicial review or appeal.

The inadequate and unfair federal IA process for this Project has paired arbitrary and decontextualized statutory timelines that do not work for us, with shifting expectations of FAFN’s participation during those timelines. This is all while FAFN has been dealing with overlapping demands that we cannot meet. During this comment period, we have been wholly dependent on the work of external technical reviewers and advisors, who have a vital role in informing and supporting us, but who cannot speak for us alone. The result is that the Duty to Consult and Accommodate has not been met.

1.4. Deferred Assessment and Reliance on Future Processes

Important aspects of IA, mitigation, monitoring, cumulative effects management, and Indigenous participation have been deferred to future plans, monitoring frameworks, adaptive management processes, permitting stages, and future engagement processes that have not yet been fully developed or assessed.

Throughout the assessment process, responses to reviewer concerns frequently relied on future studies, permitting decisions, management plans, monitoring programs, adaptive management measures, or owner/operator commitments, rather than clearly defined measures available for assessment at the current stage of the process.

Many of these future measures remain conceptual and lack sufficient detail regarding implementation, governance, accountability, thresholds for action, decision-making authority, timelines, and enforceability. As a result, it is difficult to meaningfully evaluate whether the proposed measures would effectively mitigate or manage long-term Project-related effects on FAFN, our Treaty and Aboriginal rights, wildlife, peatlands, hydrology, climate, and cumulative regional change.

This concern is particularly significant where future monitoring and adaptive management measures are relied upon to address acknowledged uncertainty about Project effects that may be difficult, or even impossible, to reverse once the Project and other related regional development pressures are developed.

1.5. Limitations on Meaningful Indigenous-Led Assessment of Rights Impacts

The process limitations described above also directly implicate IAAC's consideration of ILAs and Indigenous knowledge in federal IA processes, as required under section 22(1) of the *Impact Assessment Act*.

Section 22(1) of the Act requires IAAC to consider:

- Impacts on Indigenous Peoples and impacts on the exercise of Treaty and Aboriginal rights;
- Indigenous knowledge provided with respect to the Project;
- Considerations related to Indigenous cultures; and
- Any assessment of the effects of the Project conducted by or on behalf of an Indigenous governing body.

Throughout the federal IA process, FAFN has consistently raised concerns regarding the assessment of impacts on harvesting, cultural continuity, stewardship responsibilities, governance, cumulative effects, downstream impacts, and the broader conditions required to meaningfully exercise Treaty and Aboriginal rights over time. FAFN also intended to undertake a broader community-informed RIA to understand Project impacts on Treaty and Aboriginal rights and cultural continuity.

However, the compressed timelines, overlapping review processes, and continuously evolving nature of the federal IA record – combined with our state of emergency, evacuation, and other community pressures – materially constrained FAFN’s ability to complete this work prior to the current stage of federal decision-making. These constraints also limited opportunities for FAFN to undertake broader community engagement, iterative validation, and incorporate Indigenous knowledge to understand long-term cumulative and rights-related effects.

As such, FAFN’s Targeted RIA (see Appendix C) should not be interpreted as exhaustive as it reflects a focused and precautionary ILA prepared under constrained process conditions and based on the information reasonably available within those limited timelines.

2. Overarching Concerns with the Draft Assessment Report

2.1. Disconnect Between Acknowledged Uncertainty and Final Conclusions

FAFN is concerned that the Draft IA Report repeatedly acknowledges important uncertainty, adverse pathways of effect, unresolved technical concerns, and the potential for long-term cumulative change, while nevertheless concluding that many of the Project’s effects on Indigenous Peoples, Treaty and Aboriginal rights, fish and fish habitat, species at risk, and broader ecological systems are low magnitude, manageable, or not significant.

Throughout the Draft IA Report, IAAC acknowledges concerns relating to cumulative effects, induced regional development, changing access patterns, peatland and hydrological disturbance, wildlife response, habitat fragmentation, downstream effects, and long-term ecological change. The record also acknowledges unresolved concerns raised by federal authorities, provincial reviewers, Indigenous Nations, and external experts regarding peatland hydrology, fish and fish habitat, cumulative effects, species at risk (“SAR”), and long-term monitoring uncertainty.

However, the Draft IA Report often does not clearly explain how these acknowledged uncertainties and unresolved concerns were weighed when reaching conclusions on impact significance and severity or the adequacy of proposed mitigation measures. In many instances, IAAC’s analysis relies heavily on generalized assumptions about future mitigation effectiveness, monitoring, adaptive management, and future regulatory processes, without clearly demonstrating why the remaining uncertainty is acceptable in the context of a precautionary and rights-informed assessment.

FAFN is particularly concerned by the disconnect between acknowledged impacts on ecological systems and the conclusions reached regarding impacts on Treaty and Aboriginal rights. In several instances, the federal IA record identifies moderate or potentially significant impacts on ecological conditions that directly support harvesting and land-based practices, while simultaneously concluding that impacts on the exercise of Treaty and Aboriginal rights are low or manageable. The Draft IA Report does not clearly explain how those conclusions are reconciled or justified.

In FAFN's view, the central issue is whether the Draft IA Report demonstrates a sufficiently transparent and precautionary basis for concluding that the Project's long-term effects are understood well enough to support approval. FAFN remains concerned that the current record does not clearly demonstrate how IAAC reached this conclusion, given the scale of acknowledged uncertainty and the potential for interconnected and irreversible effects across Treaty 9 territory.

This concern is reinforced by IAAC's own findings. The Draft IA Report acknowledges there to be significant adverse effects to current use of lands and resources for traditional purposes, physical and cultural heritage, and health, social, and economic conditions of Indigenous Peoples. It also acknowledges moderate cumulative effects on hunting of caribou and other ungulates (i.e., moose). FAFN does not understand how these acknowledged impacts can support approval where the proposed response remains largely future-focused and Proponent-led.

For FAFN, effects to fish and fish habitat, water, cultural heritage, current use, health, social conditions, and caribou harvesting are not separate technical categories; they are part of an interconnected rights-based system. They affect the Albany River, traditional foods, travel, harvesting, teaching, cultural continuity, safety, governance, and future generations. The Draft IA Report does not adequately reflect that interconnectedness in its conclusions or proposed conditions.

2.2. Narrow and Fragmented Approach to Assessing Impacts on Treaty and Aboriginal Rights

FAFN is concerned that the Draft IA Report continues to apply a narrow and fragmented framework for assessing impacts on Indigenous Peoples and on the exercise of Aboriginal and Treaty rights.

IAAC's methodology acknowledges broader cultural and cumulative context, but its impact characterization still relies heavily on localized Project overlap, mapped harvesting activity, proximity to the Project corridor, and discrete biophysical pathways of effect. This approach risks understating the broader ecological, cultural, governance-related, and intergenerational conditions necessary to meaningfully exercise of Aboriginal and Treaty rights and to sustain a land-based way of life over time. This is especially problematic for the Albany River, which cannot be understood only as a mapped waterbody, crossing location, or study area feature, but must be understood as part of the living system through which FAFN exercises rights, responsibilities, culture, travel, harvesting, and governance.

FAFN is also concerned that the Draft IA Report does not sufficiently account for Indigenous conceptions of governance, stewardship, and jurisdiction. In many instances, IAAC's analysis considers FAFN's governance impacts narrowly through the lens of participation in administrative or regulatory processes, rather than considering broader Indigenous responsibilities and authority relating to the stewardship and protection of lands, waters, wildlife, and future generations.

These concerns are particularly significant in light of section 22(1)(q) of the *Impact Assessment Act*, which requires consideration of any assessment conducted by or on behalf of an Indigenous governing body. FAFN's Targeted RIA (attached as Appendix C) identifies a materially greater level of concern regarding long-term impacts on harvesting systems, stewardship responsibilities, governance, cultural continuity, and intergenerational rights exercise compared to those reflected in the Draft IA Report.

2.3. Inadequate Assessment of Cumulative Regional Transformation and Induced Development

FAFN is concerned that the Draft IA Report does not provide a sufficiently robust assessment of cumulative effects, induced development, and long-term regional transformation associated with the Project and related infrastructure within the Ring of Fire region.

The assessment record repeatedly acknowledges that the Project is intended to facilitate broader industrial access and mineral development within the Ring of Fire region, and that future regional mining and infrastructure development are reasonably foreseeable. Nevertheless, the Draft IA Report continues to evaluate the Project primarily as a stand-alone undertaking, treating future industrial expansion and regional transformation largely as external cumulative effects rather than as foreseeable outcomes directly enabled by the Project itself.

In FAFN's view, this framing understates the Project's role as enabling infrastructure. The introduction of permanent all-season access into a previously roadless region has the potential to fundamentally alter long-term patterns of industrial development, access, harvesting pressure, ecological connectivity, land use, and governance across Treaty 9 territory. However, the Draft IA Report continues to emphasize localized Project effects and defined study area boundaries, rather than the broader systemic implications of regional transformation associated with permanent industrial access.

The assessment record also acknowledges that cumulative effects may extend beyond the immediate Project footprint, including changing access patterns, ecological fragmentation, downstream effects, and broader regional development pressures. However, the Draft IA Report provides limited explanation regarding how these broader pathways of cumulative change were incorporated into conclusions regarding significance, reversibility, and the adequacy of mitigation.

2.4. Excessive Reliance on Future Mitigation, Monitoring, and Adaptive Management

FAFN is concerned that the Draft IA Report relies extensively on future mitigation refinement, monitoring programs, adaptive management frameworks, future studies, and future regulatory processes to address important areas of unresolved uncertainty. The Draft Potential Conditions developed by IAAC differ from those conditions agreed to under Ontario's parallel review. The difference between these commitments creates further uncertainty and undermines FAFN's confidence in the federal IA process.

Throughout the assessment record, IAAC and the Proponent frequently rely on future monitoring and adaptive management measures when concluding that Project impacts are expected to remain manageable, despite the acknowledged uncertainty regarding long-term ecological response, wildlife movement, peatland hydrology, fish and fish habitat, cumulative effects, changing access conditions, and impacts on Treaty and Aboriginal rights. The inconsistency and lack of clear commitments to address these impacts contributes to high levels of uncertainty for FAFN regarding the management of impacts to the environment and on our way of life.

Monitoring and adaptive management are important tools for environmental management. However, monitoring does not itself prevent impacts from occurring, nor does it address uncertainty regarding whether potentially significant effects are sufficiently understood before approval decisions are made. In several instances, important aspects of effects prediction, mitigation effectiveness, thresholds for intervention, governance arrangements, corrective actions, and accountability mechanisms remain conceptual or undefined.

FAFN is particularly concerned that the Draft IA Report frequently relies on future permitting processes and future regulatory frameworks as part of the rationale for concluding that adverse effects are manageable. In many instances, important issues are deferred to future stages of design, permitting, monitoring, or future owner/operator commitments without clearly explaining how future processes will resolve uncertainties identified in the federal IA record.

There is potential for overlap in Crown jurisdiction regarding Project mitigation and offsetting measures. Conditions developed by both IAAC and other Crown agencies should be aligned and reflect concerns voiced by FAFN and other Indigenous Nations. This lack of alignment further contributes to uncertainty regarding how identified measures will be implemented, and how the future owner/operator will remain accountable.

In FAFN's view, the current assessment record does not clearly demonstrate that the proposed mitigation, monitoring, and adaptive management frameworks provide a sufficient basis for concluding that the Project's long-term ecological and rights-related effects are understood well enough to support a precautionary and rights-informed approval decision under the *Impact Assessment Act*.

3. Specific Comments on the Draft Assessment Report

3.1. Fish and Fish Habitat

FAFN is concerned that the Draft IA Report does not provide a sufficiently reliable or precautionary basis for concluding that Project-related effects on fish and fish habitat are understood, appropriately mitigated, or unlikely to result in serious adverse effects on Indigenous Peoples and the exercise of Aboriginal and Treaty rights.

Fish and aquatic systems are foundational to FAFN's harvesting practices, food security, travel, cultural continuity, stewardship responsibilities, and land-based way of life. From FAFN's perspective, impacts to fish and fish habitat cannot be separated from impacts to water systems

themselves, which are central to the meaningful exercise of Treaty and Aboriginal rights. The rivers, wetlands, peatlands, tributaries, and interconnected aquatic systems within the Hudson Bay Lowlands function as integrated hydrological systems extending far beyond the immediate Project footprint. However, the Draft IA Report continues to assess many aquatic effects primarily through localized watercourse crossings and direct habitat alteration within defined study area boundaries.

The Draft IA Report acknowledges that the Project may affect fish and fish habitat through multiple pathways, including watercourse crossings, altered hydrological conditions, sedimentation, changes to surface water and groundwater interactions, fish passage disruption, changes in water quality, habitat alteration, and cumulative regional effects. However, FAFN remains concerned that several pathways remain understated or insufficiently assessed, including impacts from increased traffic and road runoff, potential 6PPD-quinone contamination from tire wear, downstream effects from shoreline hardening and altered flows at water crossings, sediment transport, erosion, and cumulative impacts from increased all-season access.

The assessment notes that impacts to fish and fish habitat are likely to be significant but limited in their spatial and temporal impact and limited in their effects. This is an inappropriate conclusion for SAR species, such as lake sturgeon. SAR species have unique vulnerabilities, where any population or habitat losses, even at incremental scales, can lead to disproportionate negative impacts on these vulnerable populations. Aquatic SAR species and their habitats require a more precautionary and species-specific assessment because of their vulnerability to incremental habitat loss, altered flow, sedimentation, contamination, and reduced habitat connectivity.

Federal technical reviewers, including Environment and Climate Change Canada (“ECCC”), have identified significant unresolved uncertainty regarding hydrological connectivity, peatland response, culvert design, peat compression, groundwater movement, and the long-term effectiveness of mitigation measures associated with the proposed floating road design. ECCC specifically noted that important information necessary to adequately characterize baseline conditions and assess potential Project effects had not yet been collected or produced. ECCC further concluded that uncertainty remained regarding whether Project effects may extend beyond the local geographic context and stated that it could not confidently assess likely or worst-case scenarios for maintaining long-term peatland hydrological function based on the information available in the assessment record.

Despite these acknowledged uncertainties, the Draft IA Report concludes that residual and cumulative adverse effects on fish and fish habitat are likely significant only to a low extent and can be addressed through mitigation, monitoring, offsetting, and future regulatory processes. FAFN is concerned that the Draft IA Report does not clearly explain how this conclusion was reached given the extent of unresolved uncertainty identified in the assessment. Monitoring and future permitting do not, by themselves, prevent impacts to fish, water, or rights from occurring.

3.2. Albany River, Water, and Downstream Effects

FAFN remains concerned that the Draft IA Report does not adequately assess impacts to the Albany River as a whole living system. IAAC recognizes the Albany River and Ogoki River as important to Indigenous fishing, navigation, harvesting, and use. FAFN has also identified the Albany River as a lifeline. However, recognition in the report is not matched by Albany River-specific protection.

The Albany River is central to FAFN's water, fish, travel, food security, cultural continuity, governance, and Treaty rights. It is not simply a watercourse, a crossing location, or a downstream receptor. The river, connected waters, muskeg, wetlands, fish, wildlife, ice conditions, travel routes, drinking water, and harvesting places function together. Harm to one part of that system can affect the whole.

Existing pressures on the Albany River system include climate change, altered hydrology, changing ice conditions, spring flooding, lower water levels, invasive species, development pressure, and changes to travel safety. These existing pressures mean the Project is not being introduced into a stable and unaffected watershed. It is being introduced into a river system already experiencing ecological change and cumulative stress.

The Draft IA Report does not provide a dedicated Albany River-specific cumulative effects assessment. Although IAAC uses the Albany River basin in parts of its fish and fish habitat analysis, the assessment does not adequately explain whole-watershed impacts to the Albany River system. It does not sufficiently address downstream hydrological change, water chemistry, sediment transport, erosion, fish health, fish populations, fishing pressure, drinking water, ice conditions, cultural use, or FAFN's place-based relationship with the river.

FAFN is also concerned that important pathways of effect remain understated. These include downstream effects from water crossings, altered flows, shoreline hardening, erosion, sedimentation, metal contamination associated with in-water works, runoff from increased all-season vehicle access, potential 6PPD-quinone contamination from tire wear, spills, accidents and malfunctions, winter road maintenance, snow and ice removal, water taking and discharge, increased recreational access, and induced development.

FAFN is also concerned about methylmercury mobilization associated with wetland disturbance, peatland alteration, and improper crossing techniques. This risk is directly connected to fish health, fish tissue, traditional foods, country food confidence, and human health. The absence of sufficient drinking water and human health modelling for the Albany River is a serious gap. FAFN understands that drinking water quality modelling for the Albany River was recommended for transparency, but was not completed as part of the Final EA/IS because the Proponent stated it was not a regulatory requirement. That response is not acceptable to FAFN.

The record does not clearly demonstrate that proposed mitigation measures will maintain the hydrological, ecological, cultural, and rights-supporting functions of the Albany River. The conditions proposed by IAAC are also too narrow. A fish and fish habitat water quality follow-up program is not the same as an Albany River protection framework.

FAFN requires a dedicated Albany River watershed study and Albany River Protection Plan before construction. The plan must include updated baseline information, downstream monitoring, lake sturgeon monitoring, methylmercury and fish tissue monitoring, drinking water-related modelling, ice condition monitoring, recreational access monitoring, enforceable thresholds, corrective actions, stop-work or operational restriction triggers, and funded FAFN participation. Detailed Condition recommendations are provided in Section 4.3 below.

3.3. Caribou, Moose, Wolverine, and Species at Risk

The Draft IA Report does not provide a sufficiently reliable or precautionary basis for concluding that the Project's long-term effects on caribou, wolverine, and other SAR species are adequately understood or manageable.

A central concern is that the Project may contribute to long-term fragmentation and functional degradation of relatively intact northern habitat systems through permanent industrial access, induced regional development, altered predator-prey dynamics, behavioural avoidance, expanding exploration and infrastructure corridors, and cumulative disturbance over time. While the assessment record acknowledges these pathways, as well as uncertainty regarding wildlife response, habitat connectivity, cumulative disturbance, and long-term ecological change, the Draft IA Report generally concludes that Project-related effects are expected to remain manageable through future monitoring, adaptive management, and existing regulatory frameworks.

FAFN remains concerned that the Draft IA Report understates these broader regional risks by focusing heavily on direct Project footprint disturbance, localized habitat metrics, and future monitoring commitments. For disturbance-sensitive species such as caribou, habitat may remain physically present while becoming functionally unsuitable due to noise, access, sensory disturbance, predator pathways, and cumulative industrial activity. The assessment framework places significant analytical weight on direct habitat disturbance while providing comparatively limited assessment of these broader forms of functional habitat loss.

FAFN also shares Attawapiskat First Nation's concerns regarding the assessment of caribou and moose. Attawapiskat has repeatedly identified two important problems with the assessment: first, that impacts to caribou are treated mainly as changes in movement and distribution; and second, that boreal caribou and eastern migratory caribou are grouped in a way that risks understating impacts to Indigenous harvesting and rights.

FAFN agrees that a shift in caribou movement or distribution is not neutral. If caribou avoid areas, lose connectivity, change travel routes, or become harder to harvest, those changes affect rights. They affect food security, teaching, cultural practice, harvesting confidence, and responsibilities to future generations. The assessment should not assume that caribou moving away from the Project area simply means harvesting can continue elsewhere without serious impacts.

FAFN is also concerned that the assessment does not adequately distinguish boreal caribou from eastern migratory caribou. These caribou should not be treated as interchangeable.

Eastern migratory caribou have different movement patterns, seasonal needs, winter habitat use, migration requirements, and sensitivity to disturbance. Applying disturbance assumptions or analytical frameworks developed for boreal caribou to eastern migratory caribou risks understating impacts.

The same concern applies to reliance on caribou ranges, moose regional study areas, and wildlife management units. These are administrative or assessment boundaries. They do not define the full area where animals move, where harvesting occurs, or where rights may be affected. FAFN's rights are not limited by the boundaries of a wildlife study area or by the percentage of overlap between a mapped area and a provincial range.

FAFN is also concerned that moose impacts are not sufficiently addressed. Moose are not only a wildlife population statistic. They are part of FAFN's food security, harvesting practices, teaching, travel, and cultural continuity. The assessment must address how the road may change access, hunting pressure, disturbance, predator movement, avoidance, and the practical ability of FAFN members to continue harvesting moose safely and successfully.

FAFN requires a precautionary approach to caribou, moose, wolverine, and other culturally important wildlife. Uncertainty about movement, sensory disturbance, habitat connectivity, predator pathways, public access, cumulative disturbance, climate change, and future regional development should lead to stronger protections, not lower impact ratings or deferral to future monitoring.

The Draft IA Report concludes that cumulative effects to which the Project contributes are not likely to be significant, except for cumulative effects to caribou and wolverine habitat, which are likely to be significant to a low extent due to habitat loss and degradation on the MFFN reserve interacting with habitat changes from other projects throughout the species' respective ranges.

In FAFN's view, the assessment record demonstrates credible pathways to long-term cumulative fragmentation and functional degradation of relatively intact northern habitat systems critical to sustaining caribou, wolverine, and other SAR species. However, the Draft IA Report does not adequately explain why these long-term cumulative risks were nevertheless concluded to be manageable.

3.4. Impacts on Indigenous Peoples and the Exercise of Rights

FAFN remains concerned that the Draft IA Report does not provide a sufficient basis for understanding the nature, extent, severity, and long-term implications of Project-related impacts on FAFN and the meaningful exercise of FAFN's Treaty and Aboriginal rights.

While the Draft IA Report acknowledges numerous pathways through which the Project may contribute to long-term ecological, cultural, governance-related, and rights-related change affecting FAFN, those findings are not meaningfully carried through into IAAC's final conclusions regarding severity and significance. Throughout Section 4 and Table 13, the Draft IA Report identifies uncertainty regarding cumulative regional development, changing access conditions, wildlife disturbance, hydrological change, social and cultural disruption, impacts on harvesting conditions, and long-term ecological change. Nevertheless, the Draft IA Report generally

concludes that impacts on FAFN's rights are expected to be low, negligible-to-low, or manageable. In FAFN's view, the Draft IA Report does not clearly explain how those conclusions were reached given the breadth of acknowledged pathways of effect, cumulative pressures, and unresolved uncertainty identified throughout the record.

FAFN is also concerned that the Draft IA Report does not adequately account for the already impacted baseline within which FAFN members currently exercise Treaty and Aboriginal rights. The assessment record identifies existing pressures associated with climate change, hydrological change, contamination concerns, cumulative environmental disturbance, changing harvesting conditions, socio-economic pressures, and broader colonial disruption. In FAFN's view, these existing pressures increase the significance of additional Project-related impacts and reduce the resilience of the ecological and cultural systems that support the exercise of rights. The Project must therefore be assessed not within an assumed intact baseline, but within a context where many rights-supporting systems are already under stress.

FAFN's Targeted RIA (Appendix C) identifies materially greater Project-related impacts on harvesting, cultural continuity, governance, stewardship, and the long-term exercise of Treaty and Aboriginal rights than reflected in the Draft IA Report. The Targeted RIA concludes that the Project may result in high severity impacts through the combined effects of hydrological alteration, habitat disturbance and fragmentation, changing access patterns, increased harvesting pressure, induced development, contamination concerns, and cumulative regional transformation. These pathways are interconnected. Hydrological change may affect fish, water quality, travel routes, and confidence in country foods. Habitat fragmentation and increased access may alter wildlife movement, harvesting reliability, and cultural use patterns. Long-term regional industrialization may further alter the ecological and social conditions required to sustain land-based practices and intergenerational knowledge transmission.

FAFN is particularly concerned that the Draft IA Report understates impacts on hunting, trapping, and harvesting rights. The Report itself acknowledges that cumulative effects on hunting of caribou and other ungulates may be moderate in magnitude, long-term in duration, and irreversible. It further acknowledges the potential for reduced harvesting success, altered wildlife movement, habitat fragmentation, sensory disturbance, and increasing cumulative development pressures over time. Nevertheless, the Draft IA Report continues to characterize many harvesting-related impacts on FAFN as low or manageable. In FAFN's view, the Draft IA Report does not adequately explain how acknowledged irreversible cumulative impacts on wildlife populations and harvesting conditions remain compatible with those conclusions.

Similarly, FAFN remains concerned that impacts on fishing and water-related rights are assessed too narrowly. The issue is not simply whether fish remain physically present within particular locations, but whether the Project and associated regional development may affect the ecological, hydrological, and cultural conditions necessary to sustain meaningful fishing practices, safe consumption of country foods, and confidence in waters relied upon by FAFN members for harvesting and travel. The Draft IA Report itself acknowledges uncertainty regarding methylmercury pathways, hydrological change, peatland disturbance, contamination

concerns, and country food confidence. However, these concerns are not meaningfully reflected in the final conclusions regarding impacts on FAFN's fishing and water-related rights.

FAFN also remains concerned that the Draft IA Report approaches governance and stewardship impacts too narrowly by focusing primarily on whether the Project formally alters existing governance structures. From FAFN's perspective, the central issue is whether permanent industrial access and cumulative regional development may undermine FAFN's practical ability to exercise stewardship responsibilities, participate meaningfully in regional decision-making, and maintain authority over lands and waters undergoing incremental transformation through decisions made by external governments and regulators. In FAFN's view, this constitutes a serious and long-term governance concern that is not adequately reflected in the Draft IA Report's conclusions.

Finally, FAFN remains concerned that the Draft IA Report understates impacts on cultural continuity and continued way of life. Continued way of life cannot be meaningfully separated into isolated categories such as harvesting, social conditions, or cultural practice. Rather, it reflects the continuation of interconnected relationships among lands, waters, species, language, teaching, governance, mobility, family responsibilities, and future generations. Where a project contributes to long-term changes in access, wildlife movement, confidence in country foods, social conditions, cultural landscapes, and the character of land-based experience, it also affects cultural continuity and the long-term conditions necessary to sustain FAFN's Treaty and Aboriginal rights across generations.

3.5. Climate Change and Sustainability

FAFN agrees with IAAC's view that the Project would not contribute to Canada's ability to meet its commitments in respect of climate change. However, FAFN remains concerned that the Draft IA Report does not provide a sufficient basis for understanding the Project's long-term climate implications or its consistency with the sustainability purposes of the *Impact Assessment Act*.

The Draft IA Report primarily evaluates greenhouse gas ("GHG") emissions associated with direct construction and operation of the MFCAR itself while largely excluding the broader emissions implications associated with induced regional development that the Project is intended to facilitate. At the same time, the assessment record repeatedly acknowledges that the MFCAR forms part of a broader transportation and infrastructure network intended to support future mining and industrial development within the Ring of Fire region. In FAFN's view, the Draft IA Report therefore evaluates the Project's climate implications too narrowly by separating the Project from the broader development pathways it is intended to enable.

This concern is particularly significant given the long-term and growth-inducing nature of permanent all-season transportation infrastructure. Roads of this scale do not simply create localized effects within the project footprint. They shape future industrial development patterns, access conditions, land use change, and associated GHG emissions over decades. However, the Draft IA Report provides limited assessment of these longer-term "carbon lock-in" implications associated with introducing permanent industrial access into a previously roadless and carbon-rich region.

Further, FAFN is concerned that the Draft IA Report understates the climate significance of impacts to peatlands and hydrological systems within the Hudson Bay Lowlands. The assessment record acknowledges substantial uncertainty regarding peat compression, altered hydrology, peatland carbon dynamics, GHG flux, and long-term ecological response associated with the proposed floating road design. Federal and provincial reviewers identified unresolved uncertainty regarding hydrological connectivity, peatland function, groundwater movement, and the long-term effectiveness of proposed mitigation measures. In FAFN's view, the Draft IA Report does not clearly explain how those conclusions were reached given the acknowledged uncertainty regarding long-term peatland response, cumulative ecological change, and climate interactions within one of the world's largest peatland systems. The Report instead relies heavily on future monitoring, adaptive management, and future refinement of mitigation measures despite uncertainty regarding effects that may be long-lasting or effectively irreversible once disturbance occurs.

FAFN is further concerned that the Draft IA Report places weight on comparison of Project-related GHG emissions against national emissions totals. This framing risks minimizing the Project's contribution to long-term cumulative climate change, particularly where the broader emissions implications of induced development, future mining activity, hydrological alteration, and peatland disturbance are not meaningfully assessed.

The Draft IA Report also does not adequately address how the Project may hinder Canada's ability to meet its climate commitments and environmental obligations under section 22(1)(i) of the *Impact Assessment Act*. In FAFN's view, this analysis cannot be limited to direct Project emissions alone where the Project is specifically intended to facilitate broader industrial expansion within a carbon-rich and ecologically sensitive region.

FAFN is similarly concerned that the sustainability analysis in the Draft IA Report is framed too narrowly and procedurally. The *Impact Assessment Act* requires consideration of the extent to which the Project contributes to sustainability, including consideration of long-term ecological, social, economic, cultural, and health conditions. However, the Draft IA Report provides limited consideration of whether the Project may undermine the long-term ecological integrity, hydrological stability, cultural continuity, harvesting systems, and climate resilience upon which FAFN's land-based way of life depends.

From FAFN's perspective, sustainability cannot be understood solely in terms of enabling future economic development opportunities. It must also include maintaining the long-term ecological and cultural conditions necessary to sustain Treaty and Aboriginal rights, healthy watersheds, peatland integrity, wildlife populations, harvesting systems, and intergenerational relationships with the land. FAFN remains concerned that these broader sustainability considerations are not adequately reflected in the Draft IA Report's final conclusions.

4. Comments on Draft Potential Conditions

FAFN acknowledges that IAAC's Draft Potential Conditions include general requirements for consultation, follow-up programs, reporting, information sharing, fish and fish habitat, current

use, SAR species, and accidents and malfunctions. However, FAFN remains concerned that the Draft Potential Conditions do not reflect a sufficiently enforceable or precautionary framework to address the level of uncertainty, cumulative effects, and rights-related impacts identified in the Draft IA Report. There are inconsistencies between Conditions and measures agreed to by the Proponent, which leaves FAFN concerned about overlaps in Crown jurisdiction regarding the Project conditions, mitigations, and offsetting measures. The Conditions developed by IAAC and other Crown Agencies should be aligned and consistently reflect FAFN's concerns about the Project.

4.1. General Concerns with the Draft Conditions

The Draft Conditions rely heavily on future consultation, follow-up programs, monitoring, and adaptive management. Conditions 2.4 to 2.8 require the Proponent to develop follow-up programs, identify monitoring methods, determine thresholds, and implement modified or additional mitigation measures, where needed. While this framework is useful in principle, many important details are deferred to being developed after approval.

In FAFN's view, this approach is insufficient given that the Draft IA Report acknowledges uncertainty regarding fish and fish habitat, hydrology, methylmercury pathways, wildlife movement, habitat connectivity, cumulative regional development, and impacts on Treaty and Aboriginal rights. Conditions should not defer core matters, such as thresholds, corrective actions, stop-work triggers, Indigenous participation, and reassessment requirements, to future planning processes.

Condition 2.1 requires the Proponent to act in a careful and precautionary manner; however, this general statement is not carried through into specific, enforceable Conditions capable of preventing long-term or irreversible effects. Similarly, Conditions 2.2 and 2.3 establish consultation procedures, but they do not require agreement, co-development, dispute resolution, or Indigenous decision-making authority where FAFN disagrees with the Proponent's interpretation of monitoring results or proposed mitigation.

4.2. Indigenous Governance and Rights-Based Oversight

The Draft Potential Conditions identify opportunities for Indigenous groups to be consulted or to participate in some monitoring and mitigation activities, including Conditions 2.3, 2.8, 3.1.3, 6.3.1, 6.5, 6.8, 6.9, 7.2, and 9.1. However, these Conditions largely frame Indigenous involvement as procedural participation rather than shared oversight or rights-based governance.

For example, Condition 2.8 requires the Proponent to determine opportunities and resources for Indigenous participation in follow-up programs, including monitoring, analysis, reporting, and whether modified mitigation is required. However, it does not establish any requirement for Indigenous agreement on monitoring design, thresholds, interpretation of results, or adaptive management responses.

FAFN recommends that the Conditions be revised to require:

- Funded FAFN participation in monitoring design, implementation, interpretation, and reporting, at FAFN's discretion;
- Co-development of thresholds and corrective actions, at FAFN's discretion;
- Dispute resolution mechanisms to be implemented where FAFN disagrees with monitoring conclusions or mitigation responses;
- Mandatory renewed Crown consultation where impacts exceed predictions; and
- Clear mechanisms for FAFN to trigger reassessment or additional mitigation where rights-related effects are identified.

4.3. Fish, Water, and Hydrological Protection

FAFN remains concerned that none of the Conditions directly address impacts on the Albany River watershed. Condition 3.1 requires a follow-up program for fish and fish habitat effects resulting from changes to water quality. While this is important, it is too narrow. It focuses on water quality parameters and comparison to Canadian Council of Ministers of the Environment ("CCME") guidelines, but does not adequately address broader hydrological pathways, water quantity, peatland function, methylmercury pathways, fish passage, downstream effects, or cumulative watershed-scale change.

Condition 3.1.1 includes methylmercury and heavy metals and metalloids among monitored parameters. However, the Condition does not clearly require assessment of methylmercury production, bioaccumulation in fish, country food safety and confidence, or related impacts on Indigenous harvesting. Condition 3.1.2 requires modified or additional measures if monitoring results indicate an exceedance of CCME water quality guidelines in relation to fish and fish habitat from changes to water quality, but it does not identify specific thresholds, timelines, corrective measures, or circumstances that would trigger work stoppage, operational restrictions, or reassessment.

FAFN also recommends that IAAC add a stand-alone Albany River condition requiring a FAFN-supported Albany River watershed study and Albany River Protection Plan to be developed before construction. The Plan must adopt a watershed-based approach and include downstream water quality, water quantity, flow, sediment, contamination, fish health, lake sturgeon, fish tissue, methylmercury, drinking water-related pathways, ice conditions, navigability, tributary effects, recreational access, fishing pressure, and cumulative watershed change.

FAFN recommends that Condition 3.1 be expanded to include:

- Monitoring of ecocultural components of the Albany River watershed with FAFN's funded participation, at FAFN's discretion;
- Hydrological monitoring of groundwater/surface water interactions, peatland drainage, culvert performance, and downstream flow conditions;

- Methylmercury monitoring in water, sediment, and fish tissue;
- Monitoring of fish health and fish habitat function, not only water quality;
- Follow-up monitoring for lake sturgeon;
- Drinking water-related modelling and human health pathways for the Albany River watershed;
- Monitoring of recreational access and fishing pressure;
- Enforceable thresholds and mandatory corrective measures;
- Clear stop-work or operational restriction triggers where water quality, fish habitat, or methylmercury risks exceed predictions; and
- Funded FAFN participation in monitoring, interpretation, and decisions regarding corrective action, at FAFN's discretion.

4.4. Current Use, Wildlife, and Harvesting Conditions

Conditions 6.1 to 6.9 address current use of lands and resources for traditional purposes, but remain limited in scope. Conditions 6.1 and 6.2 focus mainly on complaints and sensory disturbances, including dust, noise, and changes to air quality. While relevant, these factors do not fully address the broader pathways through which the Project may affect FAFN's harvesting rights, including changed access, altered wildlife movement, increased harvesting pressure, reduced confidence in country foods, and cumulative regional transformation.

Condition 6.9 requires a follow-up program for wildlife of importance to Indigenous groups, including caribou. While important, the Condition is too general as it does not distinguish between boreal caribou and eastern migratory caribou nor does it address moose, ungulate harvesting, movement routes, sensory disturbance, access pressure, predator pathways, collision risk, hunting pressure, or rights-based harvesting indicators.

FAFN requires species-specific conditions for boreal caribou, eastern migratory caribou, moose, wolverine, and other culturally important wildlife, with enforceable thresholds and mandatory corrective action. FAFN also requires Indigenous-led monitoring and a direct role in interpreting monitoring results and determining mitigation responses.

FAFN recommends that Condition 6.9 be revised to include:

- Species-specific monitoring for caribou, wolverine, moose, and other culturally important species;
- Monitoring of behavioural avoidance, movement patterns, habitat connectivity, access-related disturbance, and harvesting conditions;
- Cumulative disturbance thresholds;

- Mandatory access-management measures;
- Reassessment triggers where wildlife response exceeds predictions; and
- FAFN participation in interpreting monitoring results and determining mitigation responses, at FAFN's discretion.

4.5. Species at Risk

The SAR species Conditions are especially limited. Conditions 8.1 to 8.4 focus mainly on SAR birds and bats on the MFFN reserve. They do not adequately address caribou, wolverine, lake sturgeon, or broader SAR species concerns across the full Project corridor and connected habitats.

This is a major gap. IAAC's Draft IA Report acknowledges significant residual adverse effects on SAR species, including on caribou and wolverine. It also concludes that the Project does not contribute to Canada's environmental obligations because adverse effects on SAR species are predicted to remain. FAFN does not understand how IAAC can acknowledge these remaining effects while proposing SAR species Conditions that do not include enforceable caribou, wolverine, lake sturgeon, or corridor-wide habitat protections.

FAFN recommends that the SAR species Conditions be expanded to include:

- Specific conditions for caribou and wolverine, lake sturgeon, and other aquatic and terrestrial SAR species;
- Enforceable habitat connectivity and disturbance thresholds;
- Restrictions on activities that cause sensory disturbance during sensitive periods;
- Cumulative effects monitoring across the broader Ring of Fire road network;
- Access restrictions where increased access adversely affects SAR species;
- Incorporation of mitigations around maternity roosting habitats throughout the Project area;
- Mandatory corrective actions where monitoring identifies greater-than-predicted Project effects; and
- Independent review of proposed mitigation measures developed during construction and monitoring results by SAR experts and Indigenous knowledge holders.

4.6. Health, Social Conditions, and Community Readiness

Condition 5.1 requires the Proponent to develop and implement measures to promote safe, respectful, and inclusive conduct in the workplace and community within four months of the start of construction and during operation. FAFN is concerned that this timing is too late and that the Condition is too narrow.

The Condition focuses mainly on workplace conduct, harassment, bullying, discrimination, violence, drug and alcohol use, worker code of conduct, and complaint processes for Designated Project employees. These measures are necessary, but they do not fully address the broader health, social, safety, and community impacts identified in the Draft IA Report. IAAC itself concludes that cumulative effects on health, social, and economic conditions of Indigenous Peoples would be significant to a moderate extent. The Conditions should reflect the seriousness of that finding.

FAFN recommends that Condition 5.1 be revised to require measures before construction begins, including

- Community safety planning,
- FAFN participation in development and review of the plan;
- Clear funding commitments for implementation;
- Community safety and access-management measures;
- Monitoring of social and health effects in affected communities;
- Mandatory reporting and corrective actions where adverse social effects are identified; and
- Mechanisms to address impacts outside the workplace, including impacts associated with increased access and regional development.

5. Conclusions

FAFN remains concerned that the current assessment record does not provide a sufficient basis for a precautionary, rights-informed, and fully informed public-interest decision under the *Impact Assessment Act*.

The assessment record continues to contain important unresolved uncertainty regarding cumulative effects, peatland and hydrological response, fish and fish habitat, wildlife movement and habitat connectivity, species at risk, climate implications, induced regional development, and the long-term effects of permanent all-season access within the Ring of Fire region. At the same time, the Draft IA Report repeatedly relies on future monitoring, future studies, adaptive management, future permitting processes, and future regulatory frameworks to conclude that these effects are expected to remain manageable.

FAFN is particularly concerned that the Draft IA Report does not adequately assess the Project as enabling infrastructure capable of contributing to broader, and potentially irreversible, regional transformation across interconnected ecological, hydrological, cultural, governance, and harvesting systems within Treaty 9 territory. In FAFN's view, the Project cannot be meaningfully understood as a stand-alone undertaking isolated from the broader industrial development and access patterns it is intended to facilitate.

FAFN also remains concerned that the Draft IA Report understates the nature and severity of impacts on FAFN's Treaty and Aboriginal rights. As described in FAFN's Targeted RIA (Appendix C), the Project has the potential to contribute to interconnected and cumulative impacts on harvesting systems, stewardship responsibilities, governance, cultural continuity, mobility, confidence in country foods, and the long-term conditions necessary to sustain a land-based way of life across generations.

The Draft Potential Conditions similarly do not yet provide a sufficiently robust, enforceable, or precautionary framework to address the scale of uncertainty and cumulative risk identified throughout the assessment record. In particular, the Conditions do not adequately establish enforceable thresholds, reassessment mechanisms, rights-based oversight, Indigenous governance roles, cumulative effects safeguards, or clear triggers for corrective action where impacts exceed predictions.

Given the significance of the Project and its broader regional implications, FAFN respectfully submits that additional work is required and necessary before the Crown can reasonably conclude that the Project's long-term effects are sufficiently understood or that impacts on FAFN's Treaty and Aboriginal rights can be effectively avoided, mitigated, or managed over time.

FAFN therefore requests that IAAC:

- Carefully reconsider the conclusions reached in the Draft IA Report regarding significance, severity, and the adequacy of mitigation;
- Revise the Draft IA Report to more fully reflect the scale of acknowledged uncertainty and cumulative regional change associated with the Project;
- Strengthen the draft conditions consistent with the recommendations provided in this submission;
- Ensure meaningful consideration of FAFN's Targeted RIA and prior submissions in the Final IA Report and in the Final Conditions; and
- Ensure that any future decision under the *Impact Assessment Act* reflects a precautionary, cumulative-effects-informed, and rights-based approach that is consistent with the honour of the Crown and section 35 of the *Constitution Act, 1982*.

FAFN reserves the right to provide additional submissions and comments as the federal IA process continues and as further information becomes available.

Yours truly,

<Original signed by>

Chief Robert Nakogee

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Appendix A - FAFN Technical Comments on the Proponent and IAAC Responses Comments

Row #	Comment ID from Source	Communication Date	Group Name	Question/Concern/Issue Raised	Proponent Response	IAAC Response	FAFN Round 2 Comments
20	1	10-Apr-26	Fort Albany First Nation	For the reasons set out in earlier written and verbal communications with the Crown, FAFN continues to strongly object to the expedited regulatory processes for the MFCAR, and considers them unconstitutional, reckless, and a demonstration of bad faith and dishonourable conduct. These processes are not providing the quality of information and the opportunity for meaningful review, understanding, and engagement necessary to allow for free, prior, and informed consent	The comments are directed at government agencies and outside the scope of the Community Access Road. We would therefore encourage you to direct these to the regulators, as they will be best positioned to address them.	IAAC notes the view expressed about the timeline of the assessment process for the project. The Government of Canada remains committed to implementing the Impact Assessment Act in a manner that is consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration). IAAC understands the free, prior, and informed consent standard in the UN Declaration as requiring a robust process of consultation. As part of a robust consultation process, IAAC wants to ensure that Fort Albany First Nation has access to the necessary information to exercise their free, prior, informed consent. IAAC has taken steps to support Fort Albany First Nation's capacity to participate in the impact assessment of MFCAR by providing participant funding, keeping Fort Albany First Nation informed of process steps and timelines throughout the impact assessment process, and preparing a summary, for Fort Albany First Nation's review and validation, of what IAAC had heard regarding potential impacts on Fort Albany First Nation from MFCAR since the beginning of the	Unresolved. The response does not address the concern regarding free, prior and informed consent. The response focuses on consultation activities, participant funding, information sharing, and opportunities for engagement. However, the issue is not whether meetings occurred or information was provided. The issue is whether the process provided the conditions necessary for free, prior and informed consent. It did not. Large volumes of technical information were provided within compressed timelines while FAFN was simultaneously reviewing other major assessment processes, including the Webequie Supply Road. Meaningful review required time to analyze technical materials, obtain expert

Row #	Comment ID from Source	Communication Date	Group Name	Question/Concern/Issue Raised	Proponent Response	IAAC Response	FAFN Round 2 Comments
						consultation process. These steps will ensure the impact assessment decision by the Minister of Environment, Climate Change and Nature considers an informed understanding of the potential impacts on Fort Albany First Nation's rights and interests.	advice, engage with community members, assess implications for rights and interests, and undertake Nation-based decision-making. Those conditions were not provided. Requests for additional time were made because the information could not reasonably be reviewed within the timelines imposed. The responses do not explain why those timelines were considered sufficient, how meaningful community engagement could occur under those circumstances, or how informed decision-making was expected to take place. The response also conflates consultation with consent. Free, prior and informed consent is not achieved simply because information is provided and comments are received. Consultation may contribute to consent, but it does not replace it. A process that overwhelms communities with information, limits the time available for review, and proceeds toward approval

Row #	Comment ID from Source	Communication Date	Group Name	Question/Concern/Issue Raised	Proponent Response	IAAC Response	FAFN Round 2 Comments
							despite unresolved concerns cannot be characterized as supporting free, prior and informed consent. The concern is further compounded by the continued lack of transparency regarding the broader purpose of the Project. Concerns have repeatedly been raised regarding the Project's role in facilitating broader Ring of Fire development and regional mining expansion. Those concerns remain largely unanswered. Meaningful consent cannot be achieved where significant questions regarding the purpose, implications, and long-term consequences of the Project remain unresolved. The response does not demonstrate that the conditions necessary for free, prior and informed consent existed. The concern remains unresolved.
21	2	10-Apr-26	Fort Albany	In its answer to FAFN's	The Community Access	IAAC is unaware of any agreement	Unresolved.

Row #	Comment ID from Source	Communication Date	Group Name	Question/Concern/Issue Raised	Proponent Response	IAAC Response	FAFN Round 2 Comments
			First Nation	Comment 21 in Appendix C5 ("Feedback and Response Log Indigenous Communities Fort Albany First Nation"), the proponent wrote "Although the Community Access Road is frequently linked to larger regional efforts such as the Ring of Fire, Marten Falls First Nation underscores that this Environmental Assessment / Impact Assessment process is focused solely on the advancement of the Community Access Road itself—an infrastructure project the Marten Falls community has been advocating for almost four decades." This comment suggests that the MFCAR itself is not directly about the Ring of Fire. While FAFN does not doubt the longstanding wish for a community access road, it is plain from the project route, the Final EA/IS, and the proponent's and Crown's public statements, that the reason and manner in which the MFCAR is proceeding now is primarily to facilitate mining access, with community access being a side benefit. There is little reason to believe that the MFCAR would be funded or built for community	Road is a multi-purpose, all-season road, as described in the Final EA/IS. The multi-use nature of the road is referenced in several sections of the Final EA/IS, including Section 2.2, which states, "While the main use of the Community Access Road will be for our Community, the road will also be used for potential future roads for mine developments that are not known at this time." This statement confirms that, although the primary purpose of the Community Access Road is to serve the Marten Falls First Nation community, we have planned and assessed the road with consideration for potential future uses, including connections to future mine development roads. With respect to Fort Albany First Nation's request for documentation related to alleged agreements or conditions influencing Crown support for the	between the proponent and the federal Crown, including in relation to a "development agenda".	The response confirms the concern rather than resolving it. The Proponent acknowledges that the road is multi-purpose and has been planned with consideration for future mine development roads. That acknowledgement is important. It means the Project cannot be treated as only a community access road for assessment purposes. The response does not address the real issue: the MFCAR is permanent access infrastructure that will help open the region to mining, industrial activity, and further road development. That has direct implications for cumulative effects, induced development, access, water, fish, wildlife, the Albany River system, and FAFN rights. IAAC's response that it is unaware of an agreement with the federal Crown is far too narrow. It does not address Ontario's role, public statements about Ring of Fire development, funding

Row #	Comment ID from Source	Communication Date	Group Name	Question/Concern/Issue Raised	Proponent Response	IAAC Response	FAFN Round 2 Comments
				access purposes only. Indeed, FAFN is concerned that Crown support for this process has been contingent on the proponent's willingness to enter into agreements that would advance the Crown's development agenda. FAFN's requests to see copies of related agreements have been unsuccessful.	Community Access Road, we do not possess copies of the agreements referenced in the comment. Given the nature of the concern raised, it is recommended that Fort Albany First Nation direct requests for relevant documentation to both Marten Falls First Nation and the Crown/regulator, as these parties would be best positioned to address them.		arrangements, access management, ownership, future road connections, or the broader development purpose of the Project. The response does not provide the transparency required for informed review or consent. The concern remains unresolved.
22	5	10-Apr-26	Fort Albany First Nation	Together with Attawapiskat First Nation, we submitted a joint request for a reasonable extension of the timeline for this review and for the review of the WSR EA/IS to Minister Todd McCarthy on March 9, 2026. Having received no acknowledgement of this letter by March 16 (just four days before the WSR provincial comment deadline), we again requested a response, stressing the urgency of this matter. As of today's submission of these comments, we have not received any response except for an email from the Director of the Environmental Assessment Branch of MECP on the night of	The comments are directed at government agencies and outside the scope of the Community Access Road. We would therefore encourage you to direct these to the regulators, as they will be best positioned to address them.	IAAC notes that the comment is directed to Ontario, and understands that Ontario has responded to the March 9, 2026, request.	Unresolved. The response fails to address the adequacy of the review timeline. A meaningful review process requires enough time to understand the Final EA/IS, review supporting technical materials, obtain legal and technical advice, meet with members, consider impacts to rights, and prepare an informed response. That did not occur here. The Proponent redirects the issue to regulators. IAAC states only that Ontario responded. That is not a

Row #	Comment ID from Source	Communication Date	Group Name	Question/Concern/Issue Raised	Proponent Response	IAAC Response	FAFN Round 2 Comments
				March 16, 2026 stating that “the request in that letter is being reviewed by the Ministry and we will respond as soon as we are able.” We have received no further response. If the province cannot answer this one important question in a month, why are First Nations expected to review, consult with members about, and comment on thousands of pages of dense material in fewer than two months?			substantive answer. It does not explain how the imposed timeline was reasonable, how consultation remained meaningful, or how informed participation was possible while FAFN was also responding to the WSR process and other related materials. A process cannot be considered meaningful simply because comments were invited before a deadline. The timeline affected the quality, reliability, and legitimacy of the review. The concern remains unresolved.
23	9	10-Apr-26	Fort Albany First Nation	Second, the assessment relies too heavily on future monitoring and future refinement to manage present uncertainty. This is particularly clear in relation to peatlands, groundwater, hydrologic connectivity, caribou, and rights-related impacts. In several places, the record acknowledges significant effects or high uncertainty, but then points to future work as the basis	The Final EA/IS and the Technical Support Documents were prepared to meet the requirements outlined in the Terms of Reference, the Tailored Impact Statement Guidelines and the technical discipline-specific study plans. The Ministry of the Environment, Conservation and Parks will	IAAC is conducting its impact assessment and is considering information from the proponent, comments and input from Indigenous communities, information from federal authorities and Ontario ministries, and public comments. The assessment focuses on adverse federal effects, including effects on fish and fish habitat, migratory birds, Indigenous Peoples and impacts on Indigenous rights. IAAC’s preliminary assessment	Unresolved. The response does not resolve FAFN’s concern that the proponent’s assessment relies on future monitoring and future refinement to manage present uncertainty. In several places, the record acknowledges significant effects or high uncertainty, but then points to future work

Row #	Comment ID from Source	Communication Date	Group Name	Question/Concern/Issue Raised	Proponent Response	IAAC Response	FAFN Round 2 Comments
				for reassurance. FAFN does not consider that approach adequate for decision-making. Significant effects and unresolved uncertainty cannot simply be deferred to future project phases.	determine if the EA/IS meets the provincial requirements; while the Agency will make a determination on whether or not it meets the key issues under federal jurisdiction. The comments are directed at government agencies and outside the scope of the Community Access Road. We would therefore encourage you to direct these to the regulators, as they will be best positioned to address them.	of these effects and impacts on Indigenous rights, along with recommended mitigation and monitoring measures, will appear in IAAC's draft Impact Assessment Report, which also will include recommended mitigation and follow-up program measures that are proposed for development into potential conditions. IAAC's draft Impact Assessment Report and potential conditions will be posted on the Canadian Impact Assessment Registry for a public comment period that is currently anticipated to run from June 1, 2026, to July 2, 2026. Fort Albany First Nation and other Indigenous communities are encouraged to provide IAAC with feedback on the draft Impact Assessment Report during the public comment period.	as the basis for reassurance. FAFN does not consider that approach adequate for decision-making. Likewise, IAAC's draft Impact Assessment Report acknowledges this uncertainty, and describes potential conditions, mitigations, and follow-up program measures. However, significant effects and unresolved uncertainty cannot simply be deferred to future project phases.
24	12	10-Apr-26	Fort Albany First Nation	FAFN also remains concerned that the consultation and rights record does not transparently or reliably show how our concerns were received, tracked, interpreted, and addressed in the final analysis. That undermines confidence in the integrity of the final record itself.	We acknowledge Fort Albany First Nation's concerns. The Record of Consultation and Engagement for the Community Access Road is comprised of milestone-based reports prepared at	IAAC acknowledges the comment as directed at Ontario for a response and wishes to share information on federal conditions that may be included in the Decision Statement issued by the federal Minister of the Environment, Climate Change and Nature. IAAC will consider the comments and	Unresolved. The response does not address FAFN's concern that the consultation and rights record remains incomplete, fragmented, and unreliable for decision-making.

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				Taken together, the enclosed comments set out why FAFN does not consider significant portions of the final assessment to be supported or reasonably relied upon for decision-making. Where the Crown nevertheless considers proceeding, which FAFN strongly opposes, FAFN has identified some minimum conditions that would be required. These conditions must not be understood as curing the underlying deficiencies in the assessment or signaling that there is sufficient information to support responsible decision-making. Rather, they represent some minimum safeguards FAFN requires if the Crown proceeds notwithstanding those deficiencies - safeguards which are only identified as a harm reduction measure in circumstances where the Crown has given many indications that it intends to proceed regardless of the sufficiency of the assessment or the gravity of the impacts. We stress that we have prepared these conditions based on limited technical advice, on the basis of incomplete and	key stages of the EA/IA process. Four Milestone Progress Reports were issued and provided to Indigenous communities, including Fort Albany First Nation, each with opportunities for review and feedback prior to the reports becoming part of the public record. To support accessibility, communications within the Milestone Reports and the Record of Consultation and Engagement are summarized, while complete, verbatim correspondence is included in the appendices. The final Record of Consultation and Engagement was made available for review from February 20, 2026, to April 10, 2026. Fort Albany First Nation's comments will be included in the public record to be prepared by MECP. As part of the EA/IA process, the regulator will also post responses to comments received on the final	concerns raised, including with respect to impacts on Indigenous Peoples and their rights, in developing its draft Impact Assessment Report for the project, which will include IAAC's recommended mitigation measures to prevent or minimize significant adverse federal effects, the recommended follow-up program and IAAC's analysis, rationale and conclusions. The recommended mitigation and follow-up monitoring measures will be used to inform the development of potential conditions. The draft potential conditions must be technically and economically feasible for the proponent and must mitigate adverse federal effects resulting from the project. IAAC will provide these draft potential conditions to the Indigenous communities identified in the Indigenous Engagement and Partnership Plan for comment. The draft potential conditions may also serve to accommodate potential adverse impacts on Indigenous rights. IAAC's draft Impact Assessment Report and potential conditions will be posted on the Canadian Impact Assessment Registry for a public comment period that is currently anticipated to run from June 1, 2026, to July 2, 2026.	The Proponent points to milestone reports, summarized engagement records, and the opportunity to review the Record of Consultation and Engagement. IAAC points to the future Draft IA Report, Draft Potential Conditions, and the Minister's later decision-making role. These responses do not answer the concern. FAFN's issue is not whether records exist or whether future steps are available. The issue is whether FAFN's concerns were accurately tracked, understood, responded to, and reflected in the assessment, mitigation, accommodation, and conditions. FAFN's comments cannot simply be placed on the record. They must be substantively addressed. The responses do not show how FAFN's concerns changed the assessment, how

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				flawed information and almost no member input or engagement due to lack of time and capacity. As it stands, we oppose acceptance of the EA/IS and approval of the MFCAR even if all of these minimum conditions are met, because we believe the important gaps and flaws in the EA/IS cannot be overlooked. FAFN asks that the enclosed comments be treated as part of the formal decision record and be directly considered in any Crown decision regarding project approval, project conditions, follow-up requirements, and any future justification of adverse effects on rights and interests.	documentation, present findings from their review, and include any approval conditions, as applicable.	Fort Albany First Nation and other Indigenous communities are encouraged to provide IAAC with feedback on the draft Impact Assessment Report and potential conditions during the public comment period. Under the Impact Assessment Act, the Minister must consider IAAC's Impact Assessment Report, including the recommended draft potential conditions, when making a decision on the adverse federal effects of the project and whether they are justified in the public interest. The Minister's reasons will be included in the Decision Statement issued to the proponent, which will also include any conditions that must be complied with by the proponent.	unresolved concerns were considered, why certain concerns were not incorporated, or how the Draft Potential Conditions respond to the rights and technical issues FAFN raised. FAFN requires a clear FAFN-specific response record showing each concern raised, how it was interpreted, whether it changed the assessment or conditions, and why any concern was not incorporated.
25	13	10-Apr-26	Fort Albany First Nation	The assessment concludes that changes to surface water quantity, quality, and sediment processes associated with waterbody crossings and land cover change will be localized, negligible, and reversible. This conclusion is not supported by the analysis. During construction, the assessment identifies multiple	We acknowledge Fort Albany First Nation's concerns. The Final EA/IS and the Technical Support Documents were prepared to meet the requirements outlined in the Terms of Reference, the Tailored Impact Statement Guidelines and the technical discipline-specific study plans. The Ministry of	Please see the IAAC response in Row #24.	Unresolved. As previously stated, FAFN does not consider the Proponent's conclusions regarding negligible and non-significant effects on Surface Water to be supported by the assessment, and they cannot be reasonably relied upon for decision-making.

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				mechanisms for hydrologic alteration, including water diversions, channel modification at crossings, and increased runoff from disturbed land and peatlands. However, these mechanisms are evaluated in isolation and consistently characterized as short-term and spatially limited, without assessing how multiple crossings may interact to alter drainage patterns, flow regimes, and sediment transport across connected systems. The assessment also identifies 73 unmapped or ephemeral water features that are excluded from crossing design on the basis that they lack defined beds or banks. These features are not evaluated as components of the hydrologic network, despite their role in maintaining drainage connectivity, particularly in peatland-dominated terrain. Their exclusion introduces additional uncertainty regarding flow obstruction, pooling, and downstream alteration of hydrologic regimes, and reinforces the treatment of hydrologic processes as discrete rather than interconnected.	the Environment, Conservation and Parks will determine if the EA / IS meets the provincial requirements; while the Agency will make a determination on whether or not it meets the key issues under federal jurisdiction. As noted in Fort Albany First Nation's Aboriginal and/or Treaty Rights and Interests: Impact Assessment Report, proposed mitigation measures include the collaboration with local existing environmental advisory committees to support the development and implementation of all environmental monitoring programs. The objective is to include Indigenous interests and perspectives, particularly concerning resources utilized for rights-based purposes. In the absence of an existing advisory committee with an aligned mandate to Marten Falls First Nation, a Terms of Reference between relevant agencies and Fort		The draft project conditions describe a follow-up water quality monitoring program to measure the effectiveness of mitigation measures with respect to fish and fish habitat (Draft Condition 3.1). However, it does not address FAFN's concerns, including: - Lack of hydrological modeling or analysis of changes to ice formation, freeze-thaw timing, or ice-jam related flooding risks in the Albany River system; - There are 73 unmapped or ephemeral water features that are excluded from crossing design; and - Reliance on catchment-scale disturbance thresholds; and - The cumulative or downstream propagation of hydrologic changes through the watershed (e.g., to the Albany River and its tributaries). FAFN recognizes the potential for overlap in Crown jurisdiction regarding assessment requirements and project mitigation or offsetting measures for

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				These limitations persist into operations. The assessment assumes that hydrologic changes at crossings will be infrequent, short-term, and reversible through monitoring and maintenance. This approach conflates structural performance (e.g., culvert function) with hydrologic and ecological function. It does not evaluate whether permanent infrastructure will result in persistent changes to flow velocities, water levels, erosion–sedimentation processes, or drainage connectivity over time. The reliance on catchment-scale disturbance thresholds (e.g., <5%) and the characterization of affected waterbodies as small or intermittent further obscures the potential for system-level effects. In peatland-dominated systems, small and localized alterations can propagate through connected hydrologic networks, resulting in broader changes to water movement and storage. Across both construction and operations, the assessment does not evaluate the cumulative	Alabny First Nation will be established. Recommendations that are directed at government agencies are outside the scope of the Community Access Road. We would therefore encourage you to direct these to the regulators, as they will be best positioned to address them.		freshwater ecosystems and their associated valued components. FAFN emphasizes that conditions established by IAAC, and other Crown agencies should be aligned and consistently reflect FAFN concerns. FAFN requires that approval be conditional on the following: a) Implementation of a watershed-scale hydrologic monitoring program co-developed with FAFN, including upstream and downstream monitoring of flow, water levels, sediment, and water quality at representative crossings and receiving waters, including ephemeral and unmapped flow paths; b) Establishment of enforceable thresholds (e.g., for turbidity, flow alteration, and water level change) that trigger mandatory management responses; c) Development of an adaptive management framework with authority to require modification, retrofit, or closure of crossings where

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				or downstream propagation of hydrologic changes through the watershed. As a result, it does not address whether connected systems, including the Albany River and its tributaries, will continue to function as integrated systems capable of supporting travel, harvesting, and cultural use over time. In our comments on the draft EA/IS, FAFN stated: The Draft EA/IS does not provide predictive hydrological modeling or analysis of changes to ice formation, freeze-thaw timing, or ice-jam related flooding risks in the Albany River system. This is a significant omission because freeze-thaw cycles and ice formation processes are critical to river dynamics, ecological health, and flood risk management. Understanding how the project may affect these processes, especially in the context of changing climate conditions, particularly under future climate change scenarios, is necessary to assess potential impacts on aquatic systems, infrastructure, and Indigenous land use.			hydrologic function is being degraded, with FAFN participation; and d) Explicit consideration of peatland hydrology and connectivity in monitoring and response measures, including provisions to address cumulative effects across multiple crossings and along unmapped or ephemeral drainage pathways.

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				Please revise the EA/IS to include the following: 1. Predictive hydrological modeling or analysis of potential changes to ice formation, freeze-thaw cycles, and the risk of seasonal flooding along the Albany River system. 2. An assessment of these risks under both current and projected future climate scenarios. The proponent declined to conduct this modeling or analysis on the basis that it was not necessary, including because “water level and flows will not change under normal conditions” (Appendix C5, Comment 2). Given the above-identified issues with the hydrology-related assessment, FAFN does not have confidence in the proponent’s position with respect to this request. Recommendations Given these limitations, FAFN does not consider the conclusions regarding negligible and non-significant effects on Surface Water to be supported by the assessment, and they			

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				cannot be reasonably relied upon for decision-making. If the Crown proceeds notwithstanding these deficiencies, which FAFN opposes, FAFN requires that approval be conditional on the following: - Implementation of a watershed-scale hydrologic monitoring program co-developed with FAFN, including upstream and downstream monitoring of flow, water levels, sediment, and water quality at representative crossings and receiving waters, including ephemeral and unmapped flow paths; - Establishment of enforceable thresholds (e.g., for turbidity, flow alteration, and water level change) that trigger mandatory management responses; - Development of an adaptive management framework with authority to require modification, retrofit, or closure of crossings where hydrologic function is being degraded, with FAFN participation; and - Explicit consideration of peatland hydrology and connectivity in monitoring and response measures, including			

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				provisions to address cumulative effects across multiple crossings and along unmapped or ephemeral drainage pathways.			
26	14	10-Apr-26	Fort Albany First Nation	The assessment identifies changes to surface water quality from accidental spills and leaks as a potential effect during construction and operations but does not meaningfully assess contaminant pathways, transport, or downstream consequences. Instead, it relies on mitigation measures, regulatory compliance, and spill response planning to conclude that effects will be localized and not significant. This approach substitutes regulatory compliance for assessment and does not support the conclusions reached. The assessment does not sufficiently evaluate the range of contaminant sources associated with the Project or how contaminants may enter and move through connected surface water systems. These include: - acute releases (e.g., spills, vehicle collisions, hazardous materials transport incidents); - chronic inputs (e.g., road dust,	Refer to response 13.	Please see the IAAC response in Row #24.	Unresolved. The response does not resolve FAFN's concern that the Proponent's assessment does not adequately consider the range of contaminant sources associated with the Project or how contaminants may enter and move through connected surface water systems, including acute releases, chronic inputs, construction and operations-related sources, geochemical processes, and atmospheric deposition of contaminants. The draft project conditions describe a follow-up water quality monitoring program to measure the effectiveness of mitigation measures with respect to fish and fish habitat (Draft Condition 3.1). However, it does not address FAFN's concerns, including: - the need to evaluate long-term contaminant loading from routine operations or

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				runoff, and routine maintenance activities such as dust suppressants and de-icing agents); - construction-related sources (e.g., blasting residues, including nitrogen compounds and hydrocarbons); - geochemical processes (e.g., acid rock drainage and metal leaching from aggregate materials); - transformation processes (e.g., production of methylmercury associated with peatland disturbance and hydrologic change); and - atmospheric deposition of contaminants, including those predicted to exceed thresholds at distances beyond the immediate project footprint. The assessment does not evaluate how these contaminants may be transported through interconnected systems, including peatlands, wetlands, tributaries, and downstream receiving environments such as the Albany River system and James Bay. Nor does it consider the potential for persistence, accumulation, or			cumulative effects across the Project lifecycle; - the potential for persistence, accumulation, or bioaccumulation in aquatic ecosystems; and - the production and mobilization of methylmercury over the long term. FAFN recognizes the potential for overlap in Crown jurisdiction regarding assessment requirements and project mitigation or offsetting measures for freshwater ecosystems and their associated valued components. FAFN emphasizes that conditions established by IAAC, and other Crown agencies should be aligned and consistently reflect FAFN concerns. FAFN requires that approval be conditional on the following: a) Implementation of a watershed-scale water quality monitoring program co-developed with FAFN, including monitoring at downstream receiving environments;

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				bioaccumulation in aquatic ecosystems. In peatland-dominated terrain, hydrologic connectivity between surface water and groundwater systems facilitates the movement of contaminants over large spatial scales. Changes to water levels and flow pathways can also enhance contaminant transformation processes, including the production and mobilization of methylmercury, a bioaccumulative contaminant that can affect fish and downstream food webs. The assessment does not evaluate these pathways or their implications for fish health, harvesting, or food security. The assessment also does not consider the likelihood of repeated small releases or the challenges of spill detection, containment, and recovery in remote, wetland-dominated environments. Nor does it evaluate long-term contaminant loading from routine operations or cumulative effects across the Project lifecycle. As a result, the conclusion that			b) Establishment of enforceable thresholds and response protocols for contaminant detection in surface water; and c) Commitments to fund and support FAFN involvement in spill response planning, monitoring, and adaptive management, with authority to require additional mitigation or operational restrictions where contamination risks are identified.

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				effects on water quality will be localized and not significant is not supported, as it is based on assumed mitigation effectiveness rather than an evaluation of contaminant pathways under realistic conditions. Recommendations: Given these limitations, FAFN does not consider the conclusions regarding negligible and non-significant effects on Surface Water to be supported by the assessment, and they cannot be reasonably relied upon for decision-making. If the Crown proceeds notwithstanding these deficiencies, which FAFN opposes, then FAFN requires that approval be conditional on the following: - Implementation of a watershed-scale water quality monitoring program co-developed with FAFN, including monitoring at downstream receiving environments; - Establishment of enforceable thresholds and response protocols for contaminant detection in surface water; and			

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				- Inclusion of FAFN in spill response planning, monitoring, and adaptive management, with authority to require additional mitigation or operational restrictions where contamination risks are identified.			
27	15	10-Apr-26	Fort Albany First Nation	The assessment acknowledges that waterbody crossings may restrict fish passage, fragment habitat, and limit access to upstream areas, including where multiple crossings occur within a watershed. Despite this, it concludes that residual effects on fish survival, reproduction, distribution, and habitat function will be negligible. This conclusion is not supported. The assessment does not adequately evaluate: - species-specific passage requirements (e.g., swimming ability, life stage, seasonal timing); - the likelihood of passage impairment under varying flow conditions; - cumulative effects of multiple crossings within connected systems; or - long-term performance risks (e.g., blockage, degradation,	Refer to our response to #13.	Please see the IAAC response in Row #24.	Unresolved. The response does not resolve FAFN's concern that the Proponent's assessment does not adequately consider the species-specific passage requirements, consideration of passage across different flow conditions, cumulative impacts of crossings, risk of long-term performance without clear commitments for inspection and maintenance of these crossings. FAFN also continues to have concern regarding lack of adequate and sufficient design of water body crossings, and the baseline hydrological data that would need to be collected to inform designing sufficient passage options for fish species impacted. FAFN remains concerned that conclusions about negligible impact are

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				maintenance limitations). The operations-phase assessment is particularly limited. It assumes that inspection and maintenance will prevent passage impairment, but does not define inspection frequency, monitoring parameters, or performance criteria, nor does it establish how monitoring results will trigger corrective action. This conflates structural performance with ecological function. The assessment also lacks sufficient design basis information. While various crossing types are proposed, the EA does not specify culvert types, locations, or design criteria. Baseline hydrological data were not collected at all crossings, and site-specific surveys are deferred to later stages without informing the current assessment. Given the importance of connectivity for species such as Lake Sturgeon and Walleye, and the potential for cumulative fragmentation across the watershed, the assessment does not demonstrate that fish			not supported, given that the baseline information and the proposed mitigations remain lacking. IAAC's draft project conditions describe the requirements generally for follow-up monitoring programs (Draft Condition 2.4), and specific conditions related to fish and fish habitat monitoring (Draft Condition 3.1). However, there are no clear conditions nor commitment to ensure adequate planning, implementation, and follow-up monitoring for water body crossings. FAFN recognizes the potential for overlap in Crown jurisdiction regarding assessment requirements and project mitigation or offsetting measures for freshwater ecosystems and their associated valued components. FAFN emphasizes that conditions established by IAAC, and other Crown agencies should be aligned and consistently reflect FAFN concerns.

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				passage and connectivity will be maintained over time. Recommendations Given these limitations, FAFN does not consider the conclusions regarding negligible and non-significant effects on fish passage to be supported by the assessment, and they cannot be reasonably relied upon for decision-making. If the Crown proceeds notwithstanding these deficiencies, which FAFN opposes, FAFN requires that approval be conditional on the following: - Establishment of enforceable fish passage requirements at all waterbody crossings, including design standards that ensure passage for all relevant species and life stages under a range of flow conditions; - Implementation of post-construction monitoring to verify fish passage effectiveness and overall habitat connectivity; - Definition of clear performance criteria for fish passage and connectivity, with mandatory corrective actions (e.g., retrofit, replacement, or redesign of			FAFN requires that approval be conditional on the following: a) Establishment of enforceable fish passage requirements at all waterbody crossings, including design standards that ensure passage for all relevant species and life stages under a range of flow conditions; b) Implementation of post-construction monitoring to verify fish passage effectiveness and overall habitat connectivity; c) Definition of clear performance criteria for fish passage and connectivity, with mandatory corrective actions (e.g., retrofit, replacement, or redesign of structures) where performance standards are not met; d) Development of monitoring protocols that specify inspection frequency, parameters, and reporting requirements, and that are directly linked to enforceable adaptive management triggers; and e) Explicit consideration of

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				structures) where performance standards are not met; - Development of monitoring protocols that specify inspection frequency, parameters, and reporting requirements, and that are directly linked to enforceable adaptive management triggers; and - Explicit consideration of the cumulative effects of multiple crossings on fish movement and habitat connectivity at the watershed scale, including implications for downstream Nations such as FAFN.			the cumulative effects of multiple crossings on fish movement and habitat connectivity at the watershed scale, including implications for downstream Nations such as FAFN.
28	16	10-Apr-26	Fort Albany First Nation	The assessment identifies approximately 12.7 hectares of fish habitat that will be lost or altered due to crossings and associated infrastructure, yet concludes that effects will be minor and not significant. This conclusion is not supported. The scale of habitat loss represents a substantive and permanent change, particularly in systems supporting culturally and ecologically important species such as Lake Sturgeon. The assessment does not adequately consider the ecological or cultural importance	Refer to our response to #9.	Please see the IAAC response in Row #24.	Unresolved. The response does not resolve FAFN's concern that the Proponent's assessment of minor and not significant impact remains unsubstantiated. FAFN continues to have concern regarding the lack of consideration of culturally and ecologically important species and their habitat, especially where they are currently located. This assumption relies heavily on the western science viewpoint that impacts to species and their

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				of affected habitats, nor demonstrate that losses fall within ecosystem resilience limits. While future regulatory approvals are anticipated, the EA does not demonstrate that offsetting will achieve no net loss of ecological or cultural function. Recommendations Given these limitations, FAFN does not consider the conclusions regarding negligible and non-significant effects on fish habitat to be supported by the assessment, and they cannot be reasonably relied upon for decision-making. If the Crown proceeds notwithstanding these deficiencies, which FAFN opposes, FAFN requires that approval be conditional on the following: - Development and implementation of a Fisheries Act offsetting plan that achieves no net loss of fish habitat function, including ecological and culturally important functions; - Application of offsetting ratios			habitats is minimized if suitable habitat remains or is replaced elsewhere. This perspective does not acknowledge the important and unique value of the habitats that will be directly and indirectly impacted by the proposed works, nor how the location-specific relationships between FAFN and impacted species may be affected. IAAC's draft project conditions describe the requirements generally for follow-up monitoring programs (Draft Condition 2.4), and specific conditions related to fish and fish habitat monitoring (Draft Condition 3.1). However, fish and fish habitat impact monitoring conditions are limited to evaluate the assessment of water quality impacts during construction on fish and fish habitat only. As stated in FAFN's responses in Row #25, 26, and 27, FAFN does not have assurances in the conclusions nor mitigations proposed, given that baseline information and information on the proposed mitigations

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				that exceed 1:1 (e.g., $\geq 2:1$) to account for uncertainty, time lags, and risk of failure, supported by a clear rationale; - Demonstration that proposed offsetting measures will achieve functional equivalency over the long term, including consideration of habitat productivity, connectivity, and use by culturally important species; and - Formal involvement of FAFN in the design, implementation, monitoring, and adaptive management of offsetting measures to ensure ecological and cultural equivalency.			remain lacking for freshwater ecosystems as a whole. FAFN recognizes the potential for overlap in Crown jurisdiction regarding assessment requirements and project mitigation or offsetting measures for freshwater ecosystems, including for fish and fish habitat. FAFN emphasizes that conditions established by IAAC, and other Crown agencies should be aligned and consistently reflect FAFN concerns. FAFN requires that approval be conditional on the following: a) Development and implementation of a Fisheries Act offsetting plan that achieves no net loss of fish habitat function, including ecological and culturally important functions; b) Application of offsetting ratios that exceed 1:1 (e.g., $\geq 2:1$) to account for uncertainty, time lags, and risk of failure, supported by a

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							clear rationale; c) Demonstration that proposed offsetting measures will achieve functional equivalency over the long term, including consideration of habitat productivity, connectivity, and use by culturally important species; and d) Commitments to fund and support FAFN in the design, implementation, monitoring, and adaptive management of offsetting measures to ensure ecological and cultural equivalency.
29	17	10-Apr-26	Fort Albany First Nation	The assessment recognizes that the Project may alter drainage patterns, groundwater flow, and surface water levels, and that these changes may affect fish habitat. However, it concludes that residual effects will be negligible without sufficient analysis. The assessment does not adequately evaluate: - the magnitude, extent, or persistence of hydrologic changes;	Refer to our response to #13.	Please see the IAAC response in Row #24.	Unresolved. The response does not resolve FAFN's concern that the Proponent's assessment does not adequately consider how the predicted altered drainage patterns, groundwater flow, and surface water levels may affect fish habitat. The Proponent's assessment concludes that residual effects will be negligible without sufficient analysis.

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				- cumulative effects of crossings, peatland disturbance, and drainage alteration; - sensitivity of fish habitat to flow changes; or - downstream propagation of hydrologic effects. The operations assessment relies on generalized mitigation (e.g., maintenance of crossings) without evaluating long-term effectiveness or risk. Critically, the assessment does not consider how hydrologic changes in peatland systems may influence contaminant dynamics, including methylmercury production and downstream bioaccumulation in fish. This represents a key pathway linking project effects to fish health, harvesting, and food security. Recommendations Given these limitations, FAFN does not consider the conclusion of negligible hydrologic effects on fish habitat to be supported by the assessment, and they cannot be reasonably relied upon for decision-making.			IAAC's draft project conditions describe a follow-up water quality monitoring program to measure the effectiveness of mitigation measures with respect to fish and fish habitat monitoring (Draft Condition 3.1) However, it does not address FAFN's concerns, including: - the magnitude, extent, or persistence of hydrologic changes; - cumulative effects of crossings, peatland disturbance, and drainage alteration; - sensitivity of fish habitat to flow changes; or - downstream propagation of hydrologic effects. FAFN recognizes the potential for overlap in Crown jurisdiction regarding assessment requirements and project mitigation or offsetting measures for freshwater ecosystems and their associated components such as surface waters, groundwater, and fish and fish habitat. FAFN emphasizes that conditions

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				If the Crown proceeds notwithstanding these deficiencies, which FAFN opposes, FAFN requires that approval be conditional on the following: - Implementation of an integrated monitoring and adaptive management framework for hydrologic effects, including monitoring of flow regimes, water levels, and drainage patterns across representative and connected water systems; - Monitoring of fish habitat condition, including indicators such as temperature, habitat availability, and aquatic productivity, to assess the effects of hydrologic change on habitat function; - Establishment of clear performance thresholds and mandatory response measures where hydrologic changes result in degradation of fish habitat or habitat function; - Explicit assessment and monitoring of the linkage between hydrologic change, peatland disturbance, and downstream fish impacts, including contaminant dynamics such as methylmercury			established by IAAC, and other Crown agencies should be aligned and consistently reflect FAFN concerns. FAFN requires that approval be conditional on the following: a) Implementation of an integrated monitoring and adaptive management framework for hydrologic effects, including monitoring of flow regimes, water levels, and drainage patterns across representative and connected water systems; b) Monitoring of fish habitat condition, including indicators such as temperature, habitat availability, and aquatic productivity, to assess the effects of hydrologic change on habitat function; c) Establishment of clear performance thresholds and mandatory response measures where hydrologic changes result in degradation of fish habitat or habitat function; d) Explicit assessment and monitoring of the linkage between hydrologic change, peatland disturbance, and

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				production and bioaccumulation; and - Implementation of fish tissue monitoring (e.g., mercury levels) in areas where hydrologic alteration and peatland disturbance may increase contaminant exposure, with thresholds and response measures developed in collaboration with FAFN.			downstream fish impacts, including contaminant dynamics such as methylmercury production and bioaccumulation; and e) Implementation of fish tissue monitoring (e.g., mercury levels) in areas where hydrologic alteration and peatland disturbance may increase contaminant exposure, with thresholds and response measures developed in collaboration with FAFN.
30	18	10-Apr-26	Fort Albany First Nation	The assessment acknowledges that increased access may increase harvest pressure but concludes that effects on fish populations will be minor. This conclusion is not supported. The assessment does not adequately evaluate: - the magnitude of increased access or fishing pressure; - cumulative effects on fish populations; - off-highway vehicle-related impacts (e.g., sedimentation at stream crossings); - implications for Indigenous harvesting and food security; or	Refer to our response to #13.	Please see the IAAC response in Row #24.	Unresolved. The response does not resolve FAFN's concern that the Proponent's assessment of minor and not significant impact remains unsubstantiated. FAFN remains concerned that the assessment does not adequately consider the potential impact of increased access, including alongside cumulative pressures, and its implications for Indigenous harvesting and food security. As previously raised by

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				- access-related contamination pathways (e.g., illegal dumping). The assumption that access will remain limited due to remoteness is not substantiated and does not account for construction activity or regional development. Given the well-established linkage between access and ecological disturbance, the potential for impacts on fish populations and harvesting cannot be dismissed. Recommendations Given these limitations, FAFN does not consider the conclusion of minor effects related to increased access and harvest pressure to be supported by the assessment, and it cannot be reasonably relied upon for decision-making. If the Crown proceeds notwithstanding these deficiencies, which FAFN opposes, FAFN requires that approval be conditional on the following: - Implementation of a monitoring program to document access			FAFN, the well-established linkage between access and ecological disturbance, the potential for impacts on fish populations and harvesting cannot be dismissed. IAAC's draft project conditions describe the requirements generally for follow-up monitoring programs (Draft Condition 2.4), and specific conditions related to fish and fish habitat impact monitoring (Draft Condition 3.1). However, fish and fish habitat impact monitoring conditions are limited to evaluate the assessment of water quality impacts during construction on fish and fish habitat only, and do not specify the need to engage with FAFN on this monitoring program (Draft Condition 3.1). Additional commitments and conditions are required to manage and monitor access impacts on fish and fish habitat are required to address FAFN's concerns. FAFN recognizes the potential for overlap in Crown

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				and associated use, including fishing pressure, off-highway vehicle (OHV) activity, and other land-based activities facilitated by the Project; - Establishment of enforceable access management measures where monitoring identifies adverse effects on fish populations, fish habitat, or aquatic systems, including restrictions or closure of unauthorized access routes; - Implementation of measures to prevent and manage unauthorized access and associated activities (e.g., illegal dumping), including monitoring, enforcement, and response mechanisms; - Explicit consideration of the implications of increased access for Indigenous harvesting, food security, and rights in project decision-making, including for downstream Nations such as FAFN; and - Formal involvement of FAFN in the monitoring, management, and decision-making related to access and its effects, including the identification of areas requiring protection or access control.			jurisdiction regarding assessment requirements and project mitigation or offsetting measures related to access and fish and fish habitat. FAFN emphasizes that conditions established by IAAC, and other Crown agencies should be aligned and consistently reflect FAFN concerns. FAFN requires that approval be conditional on the following: a) Implementation of a monitoring program to document access and associated use, including fishing pressure, off-highway vehicle (OHV) activity, and other land-based activities facilitated by the Project; b) Establishment of enforceable access management measures where monitoring identifies adverse effects on fish populations, fish habitat, or aquatic systems, including restrictions or closure of unauthorized access routes; c) Implementation of measures to prevent and manage unauthorized access

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							and associated activities (e.g., illegal dumping), including monitoring, enforcement, and response mechanisms; d) Explicit consideration of the implications of increased access for Indigenous harvesting, food security, and rights in project decision-making, including for downstream Nations such as FAFN; e) Commitments to fund and support FAFN in the design, implementation, monitoring, and adaptive management of and decision-making related to access and its effects, including the identification of areas requiring protection or access control.
31	19	10-Apr-26	Fort Albany First Nation	The assessment of groundwater quantity and flow does not adequately characterize the scale, persistence, or ecological consequences of groundwater alteration associated with the Project. During construction, the assessment acknowledges that road development may interrupt groundwater flow in peatlands	Refer to our response to #13.	Please see the IAAC response in Row #24.	Unresolved. The response does not resolve FAFN's concern that the Proponent's assessment does not adequately characterize the scale, persistence, or ecological consequences of groundwater alteration associated with the Project.

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				but relies on generalized mitigation measures (e.g., culverts, permeable materials) without demonstrating that these will maintain pre-construction groundwater regimes. During operations, it assumes that changes to recharge will be negligible based on the proportion of disturbed area, without accounting for the sensitivity of peatland systems to localized hydrologic changes or the potential for the road to alter flow pathways and recharge distribution over time. Across both phases, the assessment does not provide a quantitative evaluation of groundwater alteration (e.g., drawdown, mounding, or flow redistribution), does not differentiate between peatland types or hydrologic regimes, and does not assess the spatial extent of effects beyond the disturbance footprint. The conclusion that effects will be negligible is therefore based on regional disturbance metrics rather than site-specific hydrologic function and is not supported.			IAAC's draft project conditions describe a follow-up water quality monitoring program to measure the effectiveness of mitigation measures with respect to fish and fish habitat monitoring (Draft Condition 3.1). However, it does not address FAFN's concerns, including: - the magnitude, extent, and persistence of groundwater drawdown; and - effects on connected receptors including fish and fish habitat. FAFN recognizes the potential for overlap in Crown jurisdiction regarding assessment requirements and project mitigation or offsetting measures for direct and indirect groundwater impacts. FAFN emphasizes that conditions established by IAAC, and other Crown agencies should be aligned and consistently reflect FAFN concerns. FAFN requires that approval be conditional on the following: a) Identification and

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				This limitation is reinforced by insufficient baseline data. The assessment relies on approximately two years of seasonal groundwater monitoring, with no winter data, to define the natural range of variability. This is not sufficient to capture interannual variability in peatland systems, where water table dynamics are strongly influenced by seasonal and climatic conditions. As a result, the baseline against which project effects are assessed is not adequately established. The assessment also does not adequately evaluate key project activities that may alter groundwater conditions. Groundwater withdrawals associated with construction and operations are not defined in terms of location, volume, timing, or duration, nor is the location of discharge described. Similarly, the assessment identifies that dewatering of aggregate pits or quarries may result in groundwater level changes exceeding 50% of natural seasonal variability but does not define the number, location, or			assessment of all groundwater extraction and discharge activities, including location, volume, timing, and duration, and their effects on groundwater levels, flow pathways, and connected surface water and peatland systems; b) Implementation of enforceable monitoring requirements for groundwater levels and peatland condition, including clearly defined thresholds that trigger mandatory corrective actions where groundwater alteration is detected; c) Establishment of a binding adaptive management framework, including specific contingency measures (e.g., retrofit of crossings, additional flow equalization measures) where groundwater flow regimes or levels deviate from expected conditions; d) Demonstration, prior to construction, of the effectiveness of proposed mitigation and rehabilitation measures, including how groundwater recharge, flow regimes, and water quality will be maintained or

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				scale of these activities, or the volume and rate of water removal. Without this information, the magnitude, extent, and persistence of groundwater drawdown and redistribution cannot be assessed, nor can effects on connected receptors such as wetlands, vegetation, and culturally important species. Finally, the determination that there will be no residual effects on groundwater quantity or quality is not supported. This conclusion relies on mitigation and rehabilitation measures that are not defined in sufficient detail to evaluate their effectiveness. The assessment assumes that groundwater flow regimes and recharge will be maintained or restored but does not demonstrate how this will be achieved. Taken together, these limitations indicate that the role of groundwater in sustaining peatland function, and the consequences of its disruption, are not adequately reflected in the assessment.			restored; and e) Commitments to fund and support FAFN involvement in groundwater monitoring, oversight, and adaptive management throughout construction and operations.

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				In addition to the above comments, FAFN supports Kashechewan First Nation's comments regarding water levels, peatland crossings, and equalization culverts. Recommendations Given these limitations, FAFN does not consider the conclusion that groundwater effects will be negligible or not significant to be supported by the assessment, and it cannot be reasonably relied upon for decision-making. If the Crown proceeds notwithstanding these deficiencies, which FAFN opposes, FAFN requires that approval be conditional on the following: - Identification and assessment of all groundwater extraction and discharge activities, including location, volume, timing, and duration, and their effects on groundwater levels, flow pathways, and connected surface water and peatland systems; - Implementation of enforceable monitoring requirements for groundwater levels and peatland			

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				condition, including clearly defined thresholds that trigger mandatory corrective actions where groundwater alteration is detected; - Establishment of a binding adaptive management framework, including specific contingency measures (e.g., retrofit of crossings, additional flow equalization measures) where groundwater flow regimes or levels deviate from expected conditions; - Demonstration, prior to construction, of the effectiveness of proposed mitigation and rehabilitation measures, including how groundwater recharge, flow regimes, and water quality will be maintained or restored; and - Formal involvement of FAFN in groundwater monitoring, oversight, and adaptive management throughout construction and operations.			
32	20	10-Apr-26	Fort Albany First Nation	The assessment of effects on peatland ecosystems does not adequately characterize the scale, connectivity, or consequences of hydrologic alteration within peatland systems.	Refer to our response to #9.	Please see the IAAC response in Row #24.	Unresolved. The response does not resolve FAFN's concern that the Proponent's assessment does not adequately characterize the scale,

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				During construction, the assessment acknowledges that road development may alter drainage patterns, groundwater regimes, and peatland function, but relies on generalized mitigation measures (e.g., culverts, “floating road” design, and adaptive management) without demonstrating that these will maintain pre-construction hydrologic conditions. During operations, it assumes that effects will be minimal based on localized changes at crossings and land cover disturbance, without assessing peatland-specific hydrologic processes or system-wide responses. Across both phases, peatlands are not assessed as integrated hydrologic systems. The assessment does not evaluate hydrologic connectivity across peatland complexes, does not quantify the spatial extent or persistence of water level changes, and does not differentiate between peatland types or sensitivities. Instead, it relies on localized surface water indicators and future monitoring to address uncertainty. The			connectivity, or consequences of hydrologic alteration within peatland systems. IAAC’s draft project conditions describe a follow-up water quality monitoring program to measure the effectiveness of mitigation measures with respect to fish and fish habitat (Draft Condition 3.1). However, it does not address FAFN’s concerns, including: - Peatlands are not assessed as integrated hydrologic systems; - Interactions with climate change or permafrost conditions have not been assessed; and - There is not enough evidence to provide confidence that the proposed design measures will maintain hydrologic connectivity. FAFN recognizes the potential for overlap in Crown jurisdiction regarding assessment requirements and project mitigation or offsetting measures for

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				conclusion that effects will be negligible is therefore not supported. This limitation is reflected in a fundamental inconsistency in the assessment: hydrology-driven effects on peatlands are characterized as negligible through surface water pathways but significant through groundwater pathways, despite arising from the same underlying mechanisms of flow disruption. This indicates that peatland hydrology has not been assessed as an integrated system. The assessment also does not demonstrate that proposed design measures will maintain hydrologic connectivity. Culvert placement, size, spacing, and design are not defined, and no analysis is provided to show that surface or groundwater flow patterns will be maintained across the road corridor. Given the sensitivity of peatland systems to small and persistent changes in water levels and flow pathways, this represents a critical gap.			peatland ecosystems, including for surface and groundwater flows. FAFN emphasizes that conditions established by IAAC and other Crown agencies should be aligned and consistently reflect FAFN concerns. FAFN requires that approval be conditional on the following: a) Completion of a revised assessment of peatland impacts prior to approval, which evaluates peatlands as integrated hydrologic systems, considers the scale, permanence, and functional importance of peatland loss, and incorporates Indigenous Knowledge and cultural values rather than relying on proportional landscape comparisons; b) Demonstration, prior to approval, that peatland hydrologic function will be maintained, including preservation of surface and groundwater connectivity across the road corridor and maintenance of lateral flow pathways within peatland systems;

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				In addition, the Project will result in the direct loss of approximately 2,150 hectares of wetland ecosystems, most of which is expected to be permanent. Despite the scale and permanence of this loss, the assessment concludes that residual effects are not significant based primarily on proportional comparisons to the broader landscape. This approach does not consider the ecological, hydrological, or cultural functions of the affected peatlands, nor their role within connected systems. As a result, the significance determination is not supported. The assessment further relies on future restoration and rehabilitation measures to address peatland disturbance but does not provide sufficient detail to demonstrate their effectiveness. There is no evidence that restoration will re-establish peatland hydrologic or ecological function, nor that it will address the loss of culturally important values. Given the long timeframes and uncertainty associated with peatland restoration, the assumption that			c) Implementation of enforceable monitoring and adaptive management for peatland systems, including monitoring of water levels, hydrologic connectivity, vegetation condition, and ecosystem function, with clearly defined thresholds that trigger mandatory corrective actions and requirements to retrofit or modify infrastructure where hydrologic disruption is detected; d) Development and implementation of a peatland offsetting framework where loss or degradation cannot be avoided, designed to maintain peatland form and function (including hydrologic and ecological integrity), apply appropriate offsetting ratios reflecting uncertainty and time lags, and be co-developed with FAFN to ensure ecological and cultural equivalency (however, FAFN has serious doubts as to whether an acceptable level or quality of offsetting would be feasible in the largely undisturbed area); e) Development and

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				disturbed systems can be effectively restored is not supported. Finally, the assessment does not adequately consider interactions with climate change or permafrost conditions. Disturbance to peatland systems may contribute to permafrost thaw, altered hydrology, and changes in carbon and contaminant dynamics, including methylmercury production. These interactions may amplify long-term degradation and are not evaluated. Taken together, these limitations indicate that the potential for long-term and irreversible change to peatland systems is not adequately assessed. Recommendations The assessment concludes that the combined residual effects on peatland ecosystems are significant, driven in part by high levels of uncertainty regarding groundwater and hydrologic processes. The assessment then relies on future studies, design refinement, and monitoring to reduce this			implementation of peatland restoration and rehabilitation measures that include clear, measurable objectives for restoring hydrologic and ecological function, are supported by best available evidence, include long-term monitoring and enforceable performance thresholds, and require mandatory corrective actions where outcomes are not achieved; f) Explicit consideration of climate change and permafrost interactions in both assessment and monitoring, including implications for hydrology, carbon dynamics, and contaminant release (e.g., methylmercury); and g) Commitments to fund and support FAFN in the design, implementation, monitoring, and adaptive management of all peatland-related mitigation, restoration, and offsetting measures.

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				uncertainty and support the conclusion that peatland ecosystems will remain self-sustaining and ecologically effective. FAFN does not consider this approach to be appropriate for decision-making. Significant effects and high uncertainty cannot be deferred to future project phases. The assessment does not demonstrate, at the time of decision, that these effects are understood, mitigated, or acceptable. If the Crown proceeds notwithstanding these deficiencies, which FAFN opposes, FAFN requires that approval be conditional on the following: - Completion of a revised assessment of peatland impacts prior to approval, which evaluates peatlands as integrated hydrologic systems, considers the scale, permanence, and functional importance of peatland loss, and incorporates Indigenous Knowledge and cultural values rather than relying on proportional landscape comparisons;			

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				- Demonstration, prior to approval, that peatland hydrologic function will be maintained, including preservation of surface and groundwater connectivity across the road corridor and maintenance of lateral flow pathways within peatland systems; - Implementation of enforceable monitoring and adaptive management for peatland systems, including monitoring of water levels, hydrologic connectivity, vegetation condition, and ecosystem function, with clearly defined thresholds that trigger mandatory corrective actions and requirements to retrofit or modify infrastructure where hydrologic disruption is detected; - Development and implementation of a peatland offsetting framework where loss or degradation cannot be avoided, designed to maintain peatland form and function (including hydrologic and ecological integrity), apply appropriate offsetting ratios reflecting uncertainty and time lags, and be co-developed with FAFN to ensure ecological and			

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				cultural equivalency (however, FAFN has serious doubts as to whether an acceptable level or quality of offsetting would be feasible in the largely undisturbed area); - Development and implementation of peatland restoration and rehabilitation measures that include clear, measurable objectives for restoring hydrologic and ecological function, are supported by best available evidence, include long-term monitoring and enforceable performance thresholds, and require mandatory corrective actions where outcomes are not achieved; - Explicit consideration of climate change and permafrost interactions in both assessment and monitoring, including implications for hydrology, carbon dynamics, and contaminant release (e.g., methylmercury); and - Formal involvement of FAFN in the design, implementation, monitoring, and adaptive management of all peatland-related mitigation, restoration, and offsetting measures.			

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33	21	10-Apr-26	Fort Albany First Nation	The final record does not transparently or reliably reflect FAFN's participation in the assessment process or show how FAFN's concerns were addressed in the final analysis. This is not a minor record-keeping problem. It undermines confidence in the integrity of the consultation record and in the final rights assessment itself. The final EA/IS indicates that FAFN provided comments during the Draft EA/IS review period. However, Appendix XE states that FAFN did not provide comments or note specific interests from October 29, 2021, to September 5, 2025 (this is wrong, as FAFN submitted many comments and noted many specific interests during that time). That inconsistency is serious on its face. At the same time, Appendix O states that community-specific ATRI impact assessment reports were prepared, but that the final community-specific reports are confidential and will not be publicly distributed. FAFN has not yet received a	We acknowledge Fort Albany First Nation's concerns. The Final ATRI Reports will be provided to each Indigenous community in May 2026. Recommendations that are directed at government agencies are outside the scope of the Community Access Road. We would therefore encourage you to direct these to the regulators, as they will be best positioned to address them.	Please see the IAAC response in Row #24.	Unresolved. The response does not resolve the lack of transparency in the consultation and rights record. A final FAFN-specific ATRI provided after the EA/IS comment deadline does not allow meaningful integrated review of project effects and rights impacts before decisions are made. The response also does not resolve the inconsistency in the record about FAFN's participation. A record that misstates or fails to clearly reflect FAFN's submissions cannot be relied on as a complete or accurate basis for decision-making. The issue is not simply whether the ATRI will eventually be provided. The issue is whether FAFN had a meaningful opportunity to review, test, correct, and respond to the rights assessment before approval decisions are made. That did not occur. The concern

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				final FAFN-specific ATRI. We have been told that one will be provided in the spring, on a yet-unspecified date. It is troubling that this is being released after the comment deadline, which necessarily fragments and undermines our review of the Final EA/IS and leaves it unclear if, how, and when any further review and comment we are able to do will inform decision-making in this expedited process ,in which the Crown has signalled that it will make decisions as rapidly as possible. Taken together, this leaves FAFN in an unacceptable position. The Proponent says FAFN participated. The public consultation appendix says FAFN did not. The public ATRI appendix says FAFN-specific rights reports exist, but FAFN cannot yet review the final version of its own Nation-specific assessment. The result is that FAFN is expected to trust that its concerns were considered, while being denied a clear and accessible record showing what was received from FAFN, how it was interpreted, whether it changed anything, and where the resulting responses can			remains unresolved.

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				actually be found. FAFN should not be forced to search across thousands of pages of technical material to determine whether and how its submissions were received, tracked, and responded to, especially in the context of limited First Nation capacity and expedited review timelines. That is not transparent or respectful, and it is not a reliable basis for Crown decision-making. When FAFN will be able to review its final ATRI report, it will be after the deadline for comment on the EA/IS itself has passed, precluding our integrated and wholistic review of both. Recommendations The current consultation and rights record is not sufficiently transparent or reliable to support confidence that FAFN's concerns were properly received, tracked, and addressed. Further, we have not yet even received the FAFN-specific ATRI report. As a result, FAFN does not consider the current record sufficient to support project approval.			

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				If the Crown proceeds despite these deficiencies, which FAFN opposes, minimum requirements should include: 1. Formal acknowledgment of receipt of FAFN's submissions and comments. 2. Provision of a final FAFN-specific ATRI, or an equivalent Nation-specific rights assessment record, with meaningful opportunity for FAFN to review and comment on this record, and if necessary to prepare its own rights impact report, before Project approval. 3. FAFN-specific response table identifying the key concerns raised by FAFN and where and how those concerns were addressed in the final EA/IS; and 4. Written explanation of any FAFN concerns that were not incorporated and why.			
34	22	10-Apr-26	Fort Albany First Nation	The final ATRI does not provide a sufficient basis to determine whether FAFN's rights can continue to be exercised in a meaningful way over time. The framework remains too dependent on study-area boundaries, Area of Interest overlap, and activity-based indicators. That approach	Refer to response 21.	Please see the IAAC response in Row #24.	Unresolved. The response does not address the core weakness in the rights assessment. The assessment remains too dependent on mapped overlap, study-area boundaries, and activity-specific indicators. That

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				understates FAFN's rights because FAFN's relationship to its territory is not limited to mapped use points or to whether a particular activity can still occur somewhere in theory. From FAFN's perspective, the central issue is whether enough healthy water, fish, wildlife, access routes, teaching places, quiet and intact conditions, and cultural relationships remain for members to continue exercising rights and maintaining a meaningful Omushkegowuk way of life across generations. The final framework still does not answer that question. It continues to treat rights as though they can largely be captured through mapped overlap and discrete indicators, when the deeper issue is whether the conditions that make life on the land possible are being maintained. The ATRI also continues to allow impacts beyond the immediate Project area to be minimized through study-boundary, distance, and overlap logic, even though FAFN's rights depend on connected watersheds, broad			approach does not answer whether enough healthy water, fish, wildlife, access routes, teaching places, quiet areas, and intact land-based conditions will remain to support the meaningful exercise of FAFN rights over generations. Rights are not protected simply because an activity can still occur somewhere in theory. Rights depend on the continued health, accessibility, trustworthiness, and cultural meaning of lands and waters. The response does not explain how the assessment considered connected watersheds, the Albany River system, cumulative regional change, climate-related access changes, or long-term effects on an Omushkegowuk way of life. The concern remains unresolved. FAFN requires not any approval unless the following conditions are done: a) A proponent-funded and FAFN-supported study of downstream effects to the

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				harvesting territories, wildlife movement, seasonal travel, and cumulative regional change. Climate and seasonal access add another layer to this problem. The broader EA/IS recognizes changing winter-road reliability and broader climate pressures, but the ATRI framework does not adequately carry those realities through as rights issues affecting harvesting, travel safety, seasonal access, and continuity of land-based life. Recommendations Given the limitations described above, the ATRI does not provide a sufficient basis to determine whether the Project will maintain the ecological, cultural, and practical conditions required for FAFN members to continue exercising their rights and sustaining a land-based way of life over time. As a result, FAFN does not consider the current assessment sufficient to support project approval. If the Crown proceeds with approval despite these deficiencies, the following			Albany River system; b) Monitoring of water quality, flow, sediment, contamination, crossing effects, and cumulative watershed change; c) Clear thresholds tied to Albany River health, navigability, and use; and d) Authority to modify, suspend, or restrict activities if river conditions are degraded.

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				represent minimum requirements necessary to address outstanding risks to FAFN rights and interests: 1. FAFN-specific analysis must be provided that clearly demonstrates how FAFN's knowledge, concerns, and territorial perspective were incorporated into the final assessment, including how the conditions required for FAFN's way of life were evaluated. 2. Reassessment of spatial and temporal scope using ecological connectivity, travel systems, cumulative territorial change, and customary historical use. 3. Require, as a condition of any approval, the development of a co-developed Rights Monitoring and Adaptive Management Framework with FAFN, which: - evaluates changes in ecological, cultural, and access conditions across FAFN's broader territory, not limited to the Project footprint or LSA/RSA boundaries; - includes FAFN-defined indicators of rights vitality, cultural continuity, and land-based wellbeing; and - provides FAFN with a formal role in monitoring, interpretation of results, and triggering adaptive			

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				management responses. 4. Where it cannot be demonstrated that these conditions can be maintained, a precautionary approach must apply to project implementation, including the ability to modify, suspend, or limit activities that pose risks to FAFN's rights and land-based way of life.			
35	23	10-Apr-26	Fort Albany First Nation	The EA/IS recognizes that FAFN relies heavily on the Albany River and its tributaries for drinking water, travel, and subsistence fishing, and that these practices rely on clean water for cultural continuity. That is an important acknowledgement. The problem is that the final record still does not show what the combined findings on water, fish, traditional foods, community well-being, and rights mean for the Albany River system as a whole from FAFN's perspective. It also does not explain whether those changes may impair the Albany River's continuing role as a route of travel, a source of nourishment, a place of teaching, and a foundation of cultural continuity for FAFN.	Refer to our response to #13.	Please see the IAAC response in Row #24.	Unresolved. The response fails to address the Albany River system as an integrated rights-supporting system. The Albany River is not just one environmental feature among many. It supports drinking water, travel, fishing, harvesting, teaching, cultural continuity, and the exercise of FAFN rights. The assessment does not explain what combined effects on water quality, water quantity, sediment, fish, contaminants, access, and cumulative watershed change mean for the river system as a whole. The response relies on general cross-references rather than addressing

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				This matters because FAFN's concerns about the Albany River are not narrow or abstract. FAFN has long raised concerns about lower water levels, damming and diversion, flooding, sediment and debris, contamination, mercury, invasive species, and the cumulative effect of multiple crossings and future regional development. These are not isolated technical concerns. They go directly to whether the river system will remain usable and trustworthy for drinking, travel, fishing, teaching, and the continuation of land-based life. The final record also does not confront downstream uncertainty. That remains one of the clearest unresolved gaps. If downstream and connected-system effects remain uncertain, then the current record does not provide a defensible basis to conclude that the Albany River system will continue to support FAFN rights and way of life in the manner the record itself says is so important. Recommendations The current record does not provide a sufficient basis to			downstream uncertainty. That is not sufficient for a river system of central importance to FAFN. Where the assessment cannot demonstrate that the Albany River system will remain healthy, usable, navigable, and trustworthy over time, it cannot support a conclusion that effects on FAFN rights are understood or acceptable. The concern remains unresolved. FAFN requires: a) A proponent-funded and FAFN-supported study of downstream effects to the Albany River system; b) Monitoring of water quality, flow, sediment, contamination, crossing effects, and cumulative watershed change; c) Clear thresholds tied to Albany River health, navigability, and use; and d) Authority to modify, suspend, or restrict activities if river conditions are degraded.

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				determine whether the Project will maintain the Albany River system in a condition capable of supporting FAFN drinking water, travel, fishing, teaching, and cultural continuity over time. As a result, FAFN does not consider the current assessment sufficient to support project approval. If the Crown proceeds despite these deficiencies, which FAFN opposes, minimum requirements should include: 1. Proponent-funded, FAFN-supported study on downstream effects to the Albany River system, including water quality, flow, sediment, contamination, crossing effects, and cumulative watershed change. 2. Direct FAFN involvement in monitoring, interpretation of results, and development of adaptive management measures related to the Albany River system. 3. Clear thresholds and response triggers tied to Albany River system health, navigability, and river-based use. 4. The ability to modify, suspend, or seasonally restrict activities if monitoring shows degradation of river conditions relevant to FAFN			

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				rights.			
36	26	10-Apr-26	Fort Albany First Nation	The final materials recognize governance, stewardship, and Omushkego law in principle, but do not meaningfully embed them in the assessment, mitigation, or implementation framework. The final ATRI includes “changes in ability to exercise governance and stewardship rights” as an indicator, framed mainly through consistency with community-based land use plans and changes in decision-making authority. That is too narrow. Governance and custodianship are not exhausted by formal planning documents. They are lived responsibilities to care for lands, waters, animals, and future generations and are inseparable from the exercise of rights and the continuation of a land-based way of life. The draft FAFN-specific ATRI draft is stronger on this point. It recognizes that FAFN’s values and land uses are strongly interconnected through a wholistic worldview and that stewardship responsibilities, family territories, and natural law	Governance, custodianship, consent, and shared decision-making fall outside the scope of the Community Access Road. Recommendations intended for government agencies should be directed to the appropriate regulators, who are best positioned to address them.	Please see the IAAC response in Row #24.	Unresolved. The response improperly treats governance, custodianship, consent, and shared decision-making as outside the scope of the Project. These matters are directly relevant to impacts on rights. FAFN’s responsibilities to care for lands, waters, animals, and future generations are not separate from the exercise of rights. They are part of the rights and part of the impact. The assessment may recognize stewardship in principle, but it does not operationalize it. It does not show how Omushkego law, custodial responsibilities, Treaty 9 understandings, or free, prior and informed consent informed significance determinations, mitigation, monitoring, adaptive management, or decision-making. Consultation and notification

Row #	Comment ID from Source	Communication Date	Group Name	Question/Concern/Issue Raised	Proponent Response	IAAC Response	FAFN Round 2 Comments
				shape where people harvest, travel, camp, and spend time on the land. However, the final ATRI still does not operationalize this. It does not show how Omushkego law, custodial obligations, or consent-based decision-making affect significance, mitigation, monitoring, or adaptive management. The final ATRI also does not explain how FAFN's free, prior, and informed consent, or Treaty 9-based understandings of shared authority, are reflected in the assessment and future implementation framework. Consultation and notification are not the same as recognition of jurisdiction, consent, and shared decision-making. Recommendations The current record does not provide a sufficient basis to conclude that FAFN governance, custodianship, and legal responsibilities will be respected if the Project proceeds. If the Crown proceeds despite these deficiencies, which FAFN opposes, minimum requirements			are not recognition of jurisdiction. They are not consent. They are not shared decision-making. The concern remains unresolved.

Row #	Comment ID from Source	Communication Date	Group Name	Question/Concern/Issue Raised	Proponent Response	IAAC Response	FAFN Round 2 Comments
				should include: 1. Formal, co-developed role for FAFN in monitoring, interpretation of results, enforcement, and adaptive management. 2. Recognition that FAFN governance and custodianship interests do not depend on the existence of a formal land use plan or other provincial planning document. 3. Clear confirmation of how FAFN's jurisdiction, status as a signatory to Treaty 9, and free, prior, and informed consent are to be reflected in future implementation and decision-making. 4. Conditions allowing Project activities to be modified, suspended, or limited where FAFN-defined rights indicators show deterioration in the lands, waters, or conditions necessary to uphold FAFN responsibilities and way of life.			
37	27	10-Apr-26	Fort Albany First Nation	The final materials indicate that the Project and cumulative development may affect caribou through habitat disturbance, linear barriers to movement, predator and public access corridors, collision risk, and	Refer to our response to #9	Please see the IAAC response in Row #24.	Unresolved. The response does not address how impacts on caribou translate into impacts on FAFN rights. The record acknowledges

Row #	Comment ID from Source	Communication Date	Group Name	Question/Concern/Issue Raised	Proponent Response	IAAC Response	FAFN Round 2 Comments
				broader regional change. The FAFN-specific ATRI draft is clearer still, stating that the Project is likely to affect the availability of caribou during both construction and operations, primarily due to linear barriers, and that cumulative effects on caribou and furbearers may affect FAFN rights-based practices, including hunting and trapping. FAFN is concerned that these findings are not consistently carried through into the residual rights analysis. If the assessment accepts that caribou movement, distribution, access, and availability may be altered, then it should explain what that means for FAFN harvesting, land-based teaching, cultural continuity, and long-term way of life. Instead, the final record leaves too much uncertainty about how acknowledged ecological effects on caribou translate into impacts on FAFN's rights. FAFN is also concerned that the caribou assessment remains incomplete. The final record does not distinguish what has			risks to caribou movement, habitat, distribution, availability, and cumulative effects. The response does not explain what those risks mean for harvesting, trapping, land-based teaching, cultural continuity, and the long-term exercise of rights. The response also relies on future monitoring without clearly distinguishing what is known now from what is being deferred. Monitoring cannot replace assessment, especially for a species already under serious pressure and culturally important to land-based life. The response also does not address eastern migratory caribou as a distinct issue. The concern remains unresolved. Before any approval FAFN requires a further assessment of caribou-related rights impacts, separate consideration of eastern migratory caribou, and the ability to modify, suspend, or limit activities where caribou-

Row #	Comment ID from Source	Communication Date	Group Name	Question/Concern/Issue Raised	Proponent Response	IAAC Response	FAFN Round 2 Comments
				actually been assessed now from what is effectively left to future monitoring and follow-up. That is a serious problem for a species that is culturally, ecologically, and practically important to FAFN's land-based life, and which is under increasing threats to its wellbeing and survival. In addition, the assessment does not address impacts on eastern migratory caribou as a distinct issue. If eastern migratory caribou use, movement, vulnerability, and cultural importance differ, those differences should be assessed directly rather than obscured through a generic "all caribou" approach. The current reliance on future monitoring to resolve uncertainty is also a major concern. Monitoring may be necessary, but it does not replace the need to understand the rights implications of caribou impacts before project decisions are made. In addition to the above comments, FAFN supports			related effects are worse than predicted.

Row #	Comment ID from Source	Communication Date	Group Name	Question/Concern/Issue Raised	Proponent Response	IAAC Response	FAFN Round 2 Comments
				Attawapiskat First Nation's comments regarding the deficiencies in the assessment of impacts on caribou. Recommendations The current record does not provide a complete or reliable basis for decision-making on caribou-related impacts to FAFN rights. As a result, FAFN does not support project approval on the basis of the current caribou assessment. If the Crown proceeds with approval despite these deficiencies, which FAFN opposes, caribou must be treated as a major unresolved issue requiring further work and precautionary management. At minimum, the Crown should require the Proponent to: 1. Reassess caribou and broader ecological relations through an FAFN rights lens and applying a robust, precautionary, and region-specific approach to factors like habitat disturbance thresholds (for example, drawing on the work of Dr. Phil McLaughlin conducted with Attawapiskat First Nation). 2. Clarify how cumulative effects			

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				on caribou affect long-term harvestability, land-based teaching, and cultural continuity, not only habitat metrics and general wildlife conclusions. 3. Assess eastern migratory caribou separately, rather than relying on a generic “all caribou” approach. 4. Expand the analysis to include broader effects on furbearers and other species important to FAFN’s way of life. 5. Distinguish what has actually been assessed now from what is being deferred to future monitoring. 6. Adopt a precautionary approach where uncertainty remains high, including the ability to modify, suspend, or limit activities if caribou-related effects are worse than predicted.			
38	28	10-Apr-26	Fort Albany First Nation	The EA/IS acknowledges some local residual and cumulative impacts on core rights-supporting conditions, but does not provide a mitigation, monitoring, and adaptive management framework that is strong enough or specific enough to address them. Much of the response is deferred to future commitments, working	Refer to our response to #13.	Please see the IAAC response in Row #24.	Unresolved. Monitoring is not a substitute for assessment. The response continues to rely on future monitoring, working groups, and adaptive management without clear thresholds, mandatory corrective actions, timelines, decision points, or

Row #	Comment ID from Source	Communication Date	Group Name	Question/Concern/Issue Raised	Proponent Response	IAAC Response	FAFN Round 2 Comments
				groups, monitoring, and generic adaptive management language rather than clear thresholds and enforceable outcomes. Working groups and monitoring may be useful, but they are not substitutes for enforceable mitigation, co-developed thresholds, clear corrective measures, and a meaningful FAFN role in implementation and response. Where the record itself acknowledges ongoing uncertainty, residual risks, and future reliance on monitoring, a precautionary approach backed by real project conditions is required. This is especially important because the final record repeatedly points to future monitoring and future adjustments as the answer to unresolved uncertainty. That is not enough. If the current information is not sufficient to understand the real extent of the risk, then the answer cannot simply be to approve now and study later without clear conditions, decision points, and consequences. The problem is not the existence of monitoring.			consequences. A monitoring program that only observes harm after approval does not protect rights. Monitoring must be tied to enforceable responses. This is especially important where the assessment itself relies on future work to manage uncertainty. If uncertainty remains high, approval conditions must be precautionary, enforceable, and capable of stopping or changing activities where impacts to rights, waters, fish, access, or land-based conditions occur. The concern remains unresolved. Before any approval FAFN requires a co-developed Rights Monitoring and Adaptive Management Framework with: a) FAFN-defined indicators of rights vitality, cultural continuity, and land-based wellbeing; b) FAFN involvement in monitoring, interpretation, and

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				The problem is the lack of defined thresholds and binding responses. Recommendations The current mitigation, monitoring, and adaptive management framework is not sufficient to support project approval as a rights-protective regime. If approval proceeds despite these deficiencies, which FAFN opposes, minimum requirements should include: 1. Co-developed Rights Monitoring and Adaptive Management Framework with FAFN. 2. Assurance that FAFN will be directly involved in monitoring, interpretation of results, development of the adaptive management plan, and decisions about when adaptive responses are triggered. 3. Precautionary project conditions that apply where uncertainty remains high, including the ability to modify, suspend, or limit activities where monitoring shows risks to FAFN rights, downstream waters, traditional foods, access, or			decisions on adaptive responses; c) Clear thresholds, triggers, response timelines, and mandatory corrective measures; d) Authority to modify, suspend, or limit activities where risks emerge; and e) Funding and technical support for FAFN participation over the life of the Project.

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				land-based conditions. 4. FAFN-defined indicators of rights vitality, cultural continuity, and land-based wellbeing. 5. Clear thresholds, triggers, response timelines, and mandatory corrective measures. 6. Sufficient funding, technical support, and capacity resources to enable FAFN to participate meaningfully in monitoring, adaptive management, and follow-up over the life of the Project.			
39	31	10-Apr-26	Fort Albany First Nation	Implication of the Final EA/IS for project approval Significant Effects on Core Ecological and Human Systems	Refer to our response to #9	Please see the IAAC response in Row #24.	Unresolved. The response relies on cross-references and does not address the substance of FAFN's concern. IAAC's Draft IA Report acknowledges significant adverse effects to core ecological and human systems, including effects connected to current use, fish and fish habitat, physical and cultural heritage, and health, social, and economic conditions of Indigenous Peoples. FAFN's concern is that these acknowledged effects are not matched by

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							strong, enforceable conditions. The concern remains unresolved. Significant effects require more than general mitigation, monitoring, and future follow-up.
40	32	10-Apr-26	Fort Albany First Nation	Implication of the Final EA/IS for project approval High Uncertainty and Deferral of Critical Information	Refer to our response to #9	Please see the IAAC response in Row #24.	Unresolved. The response does not address FAFN's concern that the assessment relies on future studies, future monitoring, future permitting, and adaptive management to deal with uncertainty that should be resolved before approval. Monitoring may be useful, but it is not a substitute for assessment. If uncertainty remains high in relation to peatland hydrology, water, fish, caribou, access, cumulative effects, and rights, then approval conditions must be precautionary,

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							enforceable, and capable of changing or stopping activities where impacts exceed predictions.
41	33	10-Apr-26	Fort Albany First Nation	Implication of the Final EA/IS for project approval Climate Change and Peatland Carbon Dynamics	Refer to our response to #9	Please see the IAAC response in Row #24.	Partially resolved. FAFN's concern is partly resolved only to the extent that IAAC acknowledges the Project is not likely to contribute to Canada's ability to meet its climate change commitments. The concern remains unresolved because the Draft Potential Conditions do not adequately address peatland carbon dynamics, greenhouse gas mitigation, induced development emissions, hydrological change, or long-term climate-related effects associated with opening permanent all-season access into a carbon-rich peatland region. FAFN requires conditions that

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							address peatland carbon disturbance, hydrological alteration, monitoring of greenhouse gas-related effects, climate interactions, and the broader climate implications of road-enabled regional development.
42	34	10-Apr-26	Fort Albany First Nation	Implication of the Final EA/IS for project approval Induced Development and Regional Transformation	Refer to our response to #9	Please see the IAAC response in Row #24.	Unresolved. The response does not address FAFN's concern that the Project is enabling infrastructure for broader Ring of Fire development. Future project-specific assessments and later permitting cannot replace assessment of the regional transformation that this road is intended to facilitate. The concern remains unresolved. Before approval, the Crown must assess induced development, connected infrastructure, future mining access,

Row #	Comment ID from Source	Communication Date	Group Name	Question/Concern/Issue Raised	Proponent Response	IAAC Response	FAFN Round 2 Comments
							increased claim staking and exploration, cumulative watershed effects, and the long-term implications for FAFN rights, governance, harvesting, water, fish, wildlife, and cultural continuity.
43	35	10-Apr-26	Fort Albany First Nation	Implication of the Final EA/IS for project approval Implications for Aboriginal and Treaty Rights	Refer to our response to #9	Please see the IAAC response in Row #24.	Unresolved. The response does not address the implications of the Project for the meaningful exercise of FAFN's Treaty and Aboriginal rights. FAFN's concern is not only whether individual harvesting activities may continue somewhere in a study area. The concern is whether the lands, waters, wildlife, fish, access routes, cultural places, governance relationships, and teaching conditions necessary to sustain rights over time will remain healthy, accessible, and trustworthy. The concern remains

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							unresolved. FAFN requires the Draft IA Report and Draft Potential Conditions to be revised to reflect the full rights implications of the Project, including cumulative effects, induced development, Albany River impacts, caribou and moose harvesting, water and fish impacts, cultural continuity, and FAFN governance and custodianship responsibilities.
44	1	9-Apr-26	Ginoogaming First Nation	The EA/IS, as finalized, fails to meaningfully acknowledge the scale, permanence, and severity of impacts to GFN's rights, and thus far neither the Proponent nor the Crown have offered commensurate accommodation for those impacts	Potential impacts to Ginoogaming First Nation's Aboriginal and/or Treaty Rights and Interests (ATRI) were assessed through a community-specific ATRI Impact Assessment Report. A draft copy of which was provided to Ginoogaming First Nation for feedback and which is being finalized for release in May 2026. The ATRI Impact Assessment Report includes specific mitigation measures to reduce impact. The comment regarding	IAAC's draft Impact Assessment Report and potential conditions will be posted on the Canadian Impact Assessment Registry for a public comment period that is currently anticipated to run from June 1, 2026, to July 2, 2026. IAAC will consider the comments and concerns raised, including with respect to impacts on Indigenous Peoples and their rights, in its draft Impact Assessment Report for the project, which will include IAAC's recommended mitigation measures to prevent or minimize significant adverse federal effects, the recommended follow-up program and IAAC's analysis,	

Row #	Comment ID from Source	Communication Date	Group Name	Question/Concern/Issue Raised	Proponent Response	IAAC Response	FAFN Round 2 Comments
					accommodations from the Crown is directed at government agencies and outside the scope of the Community Access Road. We would therefore encourage you to direct these to the regulators, as they will be best positioned to address them.	rationale and conclusions. The recommended mitigation and follow-up monitoring measures will be used to inform the development of potential conditions. The draft potential conditions must be technically and economically feasible for the proponent and must mitigate adverse federal effects resulting from the project. IAAC will provide these draft potential conditions to the Indigenous communities identified in the Indigenous Engagement and Partnership Plan for comment. The draft potential conditions may also serve to accommodate potential adverse impacts on Indigenous rights. Ginoogaming First Nation and other Indigenous communities are encouraged to provide IAAC with feedback on the draft Impact Assessment Report and potential conditions during the upcoming public comment period. Under the Impact Assessment Act, the Minister of Environment, Climate Change and Nature must consider IAAC's Impact Assessment Report, including the recommended draft potential conditions, when making a decision on the adverse federal effects of the project and whether they are	

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						justified in the public interest. The Minister's reasons will be included in the Decision Statement issued to the proponent, which will also include any conditions that must be complied with by the proponent.	
59	25	10-Apr-26	Fort Albany First Nation	The cumulative-effects assessment remains too narrow and does not adequately assess the Project's role in opening the region to broader industrial development and related impacts on FAFN rights. The final EA/IS identifies a broad cumulative project universe that includes Eagle's Nest, Black Thor, Black Bird, Big Daddy, Black Label, ore transport, and mineral exploration activity / mining claims. It also says that the cumulative list is based on publicly available information as a snapshot in time ending in September 2025, that each	Following the guidance of the IAAC Policy Framework for Assessing Cumulative Effects under the Impact Assessment Act, the EA/IS includes information on projects which have publicly available information and which are reasonably foreseeable activities. We are unable to assess effects of projects that do not have a reasonably foreseeable footprints or activities. Additionally under the existing MNR land use planning and permitting process the direct effects of	IAAC acknowledges that this question was first addressed to the proponent for a response, and wishes to share information on IAAC's consideration of cumulative effects for the project. IAAC is conducting a cumulative effects assessment for each likely residual adverse effect of the project, considering how each residual adverse effect would interact with the adverse effects of other past, present and reasonably foreseeable projects, and considering information from the proponent, comments and input from Indigenous communities (including shared Indigenous Knowledge), information from federal authorities and	Unresolved. Response to the proponent: The response relies on future project-specific assessments and the absence of finalized details. That approach excludes the very effects that make this Project significant from FAFN's perspective. This is particularly serious for the Albany River system. Road-enabled development may affect water quality, water quantity, fish, wetlands, groundwater, contaminants, access, and cumulative watershed conditions. These

Row #	Comment ID from Source	Communication Date	Group Name	Question/Concern/Issue Raised	Proponent Response	IAAC Response	FAFN Round 2 Comments
				discipline determined which activities should be considered for cumulative effects, and that assumed buffers were used where location data were incomplete. It is based on oversimplified and unduly narrow spatial and temporal overlap criteria, and a general and unsubstantiated claim that there is insufficient information about certain projects to be able to make a reasonable assessment of potential effects. That is a major weakness from a FAFN perspective. The issue is not just whether each mine has a finalized footprint today. The issue is whether this road is enabling a broader regional transformation that is clearly foreseeable and that may affect water, fish, wildlife, traditional foods, access, stewardship, and cultural continuity across a much broader territory. The final cumulative approach does not reflect the broader direction in the Tailored Impact Statement Guidelines and related federal technical guidance which recognize that induced development should be considered where it is	all future activities including mining will be assessed separately. The Ministry of the Environment, Conservation and Parks will determine if the EA/IS meets the provincial requirements; while the Agency will make a determination on whether or not it meets the key issues under federal jurisdiction.	Ontario ministries, and public comments. IAAC's assessment of effects to the health, social and economic conditions of Indigenous Peoples takes into account various stressors on the social condition of Indigenous communities, including those related to road safety and the influx of people, and IAAC's preliminary assessment of adverse federal effects, including cumulative effects, will appear in IAAC's draft Impact Assessment Report, along with any associated recommended mitigation measures and follow-up program, as well as a preliminary assessment of impacts on Indigenous rights. IAAC's draft Impact Assessment Report and potential conditions will be posted on the Canadian Impact Assessment Registry for a public comment period that is currently anticipated to run from June 1, 2026, to July 2, 2026. Fort Albany First Nation and other Indigenous communities are encouraged to provide IAAC with feedback on the draft Impact Assessment Report and potential conditions during the public comment period.	effects cannot be properly understood if each future activity is deferred to a later assessment and the regional opening caused by the road is ignored. Response to IAAC: FAFN is requesting not to approve the project until the IAAC's cumulative effects assessment is finalized and has a consent from FAFN.

Row #	Comment ID from Source	Communication Date	Group Name	Question/Concern/Issue Raised	Proponent Response	IAAC Response	FAFN Round 2 Comments
				reasonably foreseeable or facilitated by the Project. Here, the road is plainly intended to facilitate broader Ring of Fire development. It is therefore not sufficient to limit the analysis mainly to projects with already-defined public footprints while excluding the wider industrial change the road is meant to unlock. This was powerfully illustrated in a letter to Marten Falls First Nation from Eabametoong First Nation dated December 19, 2025, in which Eabametoong First Nation reported an alarming surge in mining claims following the announcement of the “Federal – Provincial Cooperation on the Ring of Fire Project Assessment” and Ontario’s cooperation agreement with Marten Falls First Nation: [...] within a week of the events described above, there was a near doubling of recorded mining claims in Eabametoong traditional territory, which are spatially linked to the Road route. [...] This reality, and further staking of claims which can be expected, must be recognized, documented, and			

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				meaningfully assessed – with mitigation measures identified – prior to the submission of a final EA. We view this to be a necessity in both the direct and cumulative effects assessments, and in relation to all Valued Components, including Aboriginal and Treaty rights. FAFN agrees with Eabametoong's concern and the broader principles it reflects. If these foreseeable consequences are left out of the assessment, then some of the most important long-term effects of the MFCAR are also left outside the assessment. For FAFN, that is unacceptable, because it is precisely this broader opening of the territory that may most seriously affect the continued exercise of rights and members' relationship to the land. This concern is especially serious for water. The current approach appears to treat Eagle's Nest and other foreseeable mines largely through mapped-footprint assumptions while failing to assess foreseeable effects from			

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				dewatering, water withdrawals, acid generation, metal leaching, waste rock, tailings, groundwater interaction, and downstream surface-water pathways. From FAFN's perspective, excluding those pathways from cumulative analysis of water, fish, wetlands, and rights is not defensible. The road is not a neutral project. It invites claim staking, exploration, infrastructure planning, and future extraction pressure. The final cumulative framework still does not adequately address that in a sufficiently realistic way. In addition to the above comments, FAFN supports Attawapiskat First Nation's comments regarding the deficiencies with the cumulative effects assessment. In particular, FAFN urges careful attention to their comments regarding the misalignment between the proponent's approach and IAAC's guidance with respect to induced development, the nature of the MFCAR as "frontier development", and the highly deficient treatment of the Eagle's Nest Mine in the cumulative			

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				effects assessment. Recommendations The current cumulative effect assessment is fundamentally insufficient and should not be relied upon to support project approval. A road whose very purpose is to open the region to broader industrial development cannot lawfully or responsibly be approved without a cumulative effect assessment that actually addresses the regional opening it is intended to cause. Before any approval decision is made, the Proponents should be required to complete a revised cumulative effect assessment that addresses induced development, downstream and connected watershed effects, broader regional infrastructure, and the long-term implications of road-enabled development for FAFN rights and way of life.			

Appendix B - FAFN Comments on Marten Falls Community Access Road Aboriginal and / or Treaty Rights and Interests

Group Name	Comment ID from Source	Question / Concern / Issue Raised	Response	Addressed in the ATRI Report	FAFN Comments	Internal ID
Fort Albany First Nation	1	The ATRI references key Omushkego legal principles but treats them as cultural background rather than embedding them into the governance or monitoring framework. This results in symbolic recognition without operational influence. FAFN's responsibilities for land stewardship/custodianship, legal traditions, and governance systems are not reflected in how the project will be assessed, monitored, or regulated. Please revise the ATRI to include the following: 1. Recognition of FAFN's governance authority and the need for FAFN's inclusion in any rights-based governance framework to be developed through future processes. 2. Incorporate Omushkego law into significance determination and mitigation planning. For example,	1. Information on Fort Albany First Nation's governance authority and associated expectations has been added to Section 5.4 of the Fort Albany Aboriginal and/or Treaty Rights and Interests: Existing Conditions and Impacts Assessment (ATRI Report). At the present time, a governance framework has not been developed for the Community Access Road. As noted in Fort Albany ATRI Report, proposed mitigation measures include the collaboration with local existing environmental advisory committees to support the development and implementation of all environmental monitoring programs. The objective is to include Indigenous interests and perspectives, particularly concerning resources utilized for rights-based purposes. In the absence of an existing advisory committee with an aligned mandate to Marten Falls First Nation, a Terms of Reference between relevant	Revisions made to Sections 5.4, 5.7.4, and 7.4.2.2.	Unresolved. FAFN requested that governance, stewardship responsibilities, Omushkego law, custodianship obligations, Natural Law, and responsibilities to future generations be integrated into the assessment framework and decision-making process. Although additional discussion appears to have been added, the assessment still does not incorporate FAFN governance systems into impact assessment, significance determinations, monitoring, thresholds,	1

Group Name	Comment ID from Source	Question / Concern / Issue Raised	Response	Addressed in the ATRI Report	FAFN Comments	Internal ID
		significance could be evaluated using Omushkego concepts such as Wahkohtowin and holistic wellbeing. 3. Recognition of FAFN's stewardship/custodial responsibilities and jurisdictional role throughout the project lifecycle.	agencies and Fort Albany First Nation will be established. 2. The Omushkego concept of Wahkotowin, which is understood to require Fort Albany First Nation to maintain good relations with other species through respect for their right to survival and well-being (as described by Fort Albany First Nation in a comment below), has been incorporated into the assessment, specifically in the assessment of changes in the connection to the land and ability to practice and transmit cultural traditions (Section 7.4.2.2.5 of the ATRI Report). Therefore, the concept has also be factored into the severity determination. 1. 2. 3. Fort Albany First Nation's responsibilities for land stewardship/custodianship, legal traditions, and governance systems and associated expectations have been added to or further emphasized in Section 5.7.4 of the ATRI Report. 3. 4. Reference:		adaptive management, or decision-making. The assessment also continues to rely on narrow project boundaries that do not reflect the broader pathways through which impacts affect governance, stewardship, travel routes, watersheds, harvesting areas, cultural landscapes, and responsibilities to future generations. Recognition without implementation is not resolution. As FAFN explained in its Final EA/IS submissions, governance and custodianship are lived responsibilities to care for lands, waters, animals, and future generations. Those responsibilities remain	

Group Name	Comment ID from Source	Question / Concern / Issue Raised	Response	Addressed in the ATRI Report	FAFN Comments	Internal ID
			5. Crown-Indigenous Relations and Northern Affairs Canada. (March 1, 2023). The Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government. https://www.rcaanc-cirnac.gc.ca/eng/1100100031843/1539869205136.		inadequately assessed and inadequately protected.	

Group Name	Comment ID from Source	Question / Concern / Issue Raised	Response	Addressed in the ATRI Report	FAFN Comments	Internal ID
Fort Albany First Nation	2	FAFN's documented concerns, including those related to cumulative impacts, regional development, and intergenerational wellbeing, are acknowledged but not clearly reflected in the structure or findings of the ATRI. There is no indication that FAFN's input shaped assessment boundaries, significance criteria, or the selection of mitigation measures. This suggests that participation was procedural rather than substantive. Please revise the ATRI to include the following: 1. A clear record of how FAFN's submissions and engagement activities informed assessment scope, thresholds, and recommendations. 2. An explanation of how FAFN's concerns were incorporated. If they were not incorporated, please describe why not.	1. We have been working to engage with all potentially affected Indigenous communities, including Fort Albany First Nation, since 2019. Input on the assessment boundaries was first sought in August 2020. In September 2020, Fort Albany First Nation provided input indicating that the delineation of the Local Study Area (LSA) reflected good practice and that the use of a combined quaternary watershed approach for the Regional Study Area (RSA) was appropriate, as it allows for consideration of potential downstream Project effects. Additional revisions to the assessment boundaries were shared with all Indigenous communities between 2021 and 2024. The most recent revisions were communicated in October 2024. At that time, it was noted that the selection of the technically preferred route, along with changes to the assessment boundaries for other Valued Components (VCs), resulted in changes to the assessment boundaries used for the ATRI assessment, given its reliance on other boundaries (e.g., Surface Water, Wildlife).	Comment noted; see response for details	Unresolved. FAFN requested a transparent FAFN-specific record showing: What FAFN raised; • How concerns were interpreted; • Whether concerns changed the assessment; • Where changes were made; and • Why concerns were rejected where they were not incorporated. The ATRI provides additional discussion regarding meetings and engagement activities but still does not provide a clear issue-tracking record demonstrating how FAFN concerns affected the assessment.	2

Group Name	Comment ID from Source	Question / Concern / Issue Raised	Response	Addressed in the ATRI Report	FAFN Comments	Internal ID
			These changes resulted in significant increases to the assessment boundaries. Specifically, the Local Study Area (LSA) increased from a 5 km buffer around the road to a 10 km buffer, and the Regional Study Area (RSA) more than doubled in size as the boundary shifted from a quaternary (smaller) to a tertiary (larger) watershed extent. MFFN did not receive any further input from Fort Albany First Nation regarding the revised assessment boundaries. The revised assessment boundaries are aligned with those identified in Fort Albany First Nation's Indigenous Knowledge and Use Study Report for the Project. The LSA used for the assessment—a 10 km buffer around the road corridor—is larger than the LSA identified by Fort Albany First Nation, which applied a 5 km buffer. Fort Albany First Nation identified a larger RSA than the one used in the assessment. The Fort Albany First Nation RSA encompasses all watersheds interacting with the LSAs of all three route alternatives, including downstream extents of the Albany, Attawapiskat,		FAFN also remains concerned about inconsistencies in the consultation record itself. As identified in FAFN's Final EA/IS submissions, portions of the record acknowledge FAFN participation while other portions incorrectly suggest FAFN did not provide comments or identify specific interests during periods when FAFN in fact submitted extensive comments and raised numerous concerns. FAFN did not ask for more narrative about consultation. FAFN asked for accountability and traceability. The record still does not reliably show what FAFN submitted, how those submissions were interpreted, whether they changed the assessment, and where those changes	

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			Ekwan, Wataiabei, and Winisk rivers. In contrast, the RSA used in the assessment relates specifically to the technically preferred route and consists of the combined area of the three tertiary watersheds intersected by that route. A watershed-based approach was therefore applied to define the RSA to capture potential downstream effects. Given concerns regarding potential Project effects on caribou, the RSA used for the caribou effects assessment was also incorporated into the ATRI assessment (referred to as the Caribou RSA). Consistent with Fort Albany First Nation's approach, the RSAs used in the assessment were delineated to capture areas where indirect and less perceptible environmental effects on ATRI may occur. These RSAs were informed by those defined for related valued components, including fish and fish habitat, surface water, vegetation, wildlife, and caribou, based on potential impact pathways. 2. During consultation on the Community Access Road, Fort Albany First Nation raised questions regarding the scope and		can be found. That remains missing.	

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			timeline of the cumulative effects assessment, as well as how historical information was used to inform the existing conditions and cumulative effects analyses. In response, the Final EA/IS and supporting Technical Support Documents were prepared in accordance with the approved Terms of Reference, the Tailored Impact Statement Guidelines, and discipline-specific study plans. Historical information was incorporated into the discipline-specific existing conditions studies presented in Section 8 of the EA/IS and informs the assessment of project effects, cumulative effects, mitigation measures, and monitoring programs described in Sections 9 and 10. This includes consideration of past and ongoing regional development activities, Indigenous current use of land and resources for traditional purposes, and cultural continuity and well-being. The cumulative effects assessment is documented in Section 8 of the ATRI Report and Section 10 of the Final EA/IS. In addition, Section 5 of the Draft ATRI Report recognizes the importance to Fort			

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			Albany First Nation of maintaining intergenerational experiences on the land—where language and traditions are practiced and family and community connections are strengthened—in support of cultural continuity.			

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Fort Albany First Nation	3	The ATRI does not mention Free, Prior, and Informed Consent (FPIC) or UNDRIP, despite the serious implications of the project on FAFN's future. While concepts such as notification and consultation are included, the right to withhold or condition consent is not addressed. In the Treaty 9 context, FPIC can not be reduced to a procedural step, consent is a substantive right and must be recognized as central to FAFN's jurisdiction and authority. Please revise the ATRI to include: 1. Integration of FPIC principles, including the right to consent, across all project phases. 2. Reference to the UNDRIP Act and explicit consideration of the Treaty 9 context, which emphasizes consent and shared decision-making.	MFFN agrees that UNDRIP, the UN Declaration Act, and the Impact Assessment Act ("IAA") together establish a legislative and regulatory framework that must be interpreted and applied in a manner consistent with Indigenous rights, including the obligation of Canada to consult and cooperate with indigenous peoples in order to obtain the right to free, prior and informed consent ("FPIC") of their representative institutions under Article 32(2) of UNDRIP. The MFCAR's project footprint is entirely within the traditional territory of MFFN. Canada must seek FPIC from MFFN in order to approve the project and has done so. Canada may also be required to seek FPIC from other First Nations for the project if the project will have a meaningful impact on a substantive right of that community, but Article 32(2) does not require Canada to obtain FPIC from all potentially affected Indigenous peoples. MFFN does not agree that UNDRIP has the same trigger as the duty to consult under Section 35 of the Constitution Act, 1982. To date, these regimes have distinctive elements. As such, the Crown's constitutional	Revisions made to Section 5.4	Unresolved. The response acknowledges UNDRIP and FPIC, but says FPIC is required for MFFN and may only be required for other First Nations where there is a meaningful impact on a substantive right. The response does not accept that FPIC is required for all potentially affected Indigenous peoples. This response does not resolve FAFN's concern. FAFN did not ask for FPIC to be treated as a narrow procedural trigger. FAFN is a Treaty 9 Nation whose rights, waters, harvesting areas, governance responsibilities, cultural continuity, and relationship to the Albany	3

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			consultation obligations to neighbouring communities do not automatically trigger the requirement for FPIC from every consulted community. Article 26(2) of UNDRIP applies here because of the existence of traditionally occupied lands. This Article provides MFFN with the right to use, develop and control its traditional territory. This Article also supports MFFN's right to be the Indigenous proponent of the MFCAR. The MFCAR is sited on MFFN's traditional territory, and the consultation process for the MFCAR has provided extensive opportunities for two-way dialogue not only to MFFN, but to more than 20 indigenous communities. MFFN agrees Article 37 requires States to honour and respect treaties. MFFN is a Treaty 9 signatory. As such, Article 37 protects MFFN's treaty rights, including the rights exercised through the Project. Pursuant to the IAA, MFFN has carried out a robust, evidence-based assessment of cumulative, regional, and downstream effects of the proposed MFCAR in accordance with the IAA and the Tailored Impact Statement Guidelines. This MFFN response to its statutory obligations under the IAA is		River system may be affected. Consultation is not the same as consent. Notification is not the same as shared decision-making. The ATRI still does not explain how FAFN's right to withhold or condition consent will be considered before approval, during permitting, during construction, during monitoring, or during any future transfer of road responsibility. The response narrows the issue instead of addressing the real concern: whether the process and decision framework give practical effect to FAFN's jurisdiction, Treaty rights, and consent. Any approval must include enforceable consent-	

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			related to, but not reducible to, how MFFN addresses UNDRIP.		based engagement requirements with FAFN for detailed design, permitting, construction planning, monitoring, adaptive management, access management, and any future transfer or change in road ownership or responsibility. FAFN's non-consent and outstanding rights concerns must be expressly identified in the Crown decision record.	

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Fort Albany First Nation	4	The ATRI outlines generic impact pathways between the project and rights, including those related to the Albany River, Ogoki River and Kenogami River area, key tributaries used for travel and harvesting, seasonal goose harvesting areas, and trapping/hunting zones. However, predicted effects on these areas are generally rated as low, with justification focused on the limited spatial extent of direct disturbances, anticipated maintenance of access, and proposed mitigation measures. 1. Please revise the ATRI to correct the underlying spatial data. The data used in the ATRI is inaccurate and leads to misrepresentation of where impacts may occur. Updated and accurate data must be used before effect ratings can be considered reliable.	1. The ATRI assessment was informed by the findings of the assessments undertaken for other related Valued Components (which have the potential to indirectly impact rights). We note the concern regarding spatial data; however, the spatial datasets used in the ATRI are the same verified and project-approved datasets applied consistently across all disciplines. As such, no revisions to the ATRI Report were completed.	Comment noted; see response for details	Unresolved. FAFN requested a rights assessment focused on whether the conditions necessary to sustain rights and responsibilities will remain available over time. The assessment continues to focus primarily on whether activities can theoretically continue rather than whether the ecological, cultural, social, and governance conditions necessary to sustain those activities will remain intact. As FAFN explained in its Final EA/IS submissions, the central question is not whether an activity can still occur somewhere in theory. The question is whether enough healthy water, fish, wildlife,	4

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					access routes, teaching places, cultural relationships, governance capacity, and intact land-based conditions will remain for rights and responsibilities to continue across generations. That request remains inadequately addressed.	

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Fort Albany First Nation	5	The ATRI briefly acknowledges the importance of intangible cultural values, such as spiritual practices, solitude, and intergenerational teaching. However, it is unclear whether these components have been assessed for location, significance, and vulnerability to project impacts. Without such assessment, they can not be effectively translated into enforceable protections or meaningful mitigation. Without mechanisms to protect or promote cultural continuity, the project risks further eroding vital aspects of community identity and wellbeing. Please revise the ATRI to include the following: 1. Identification, assessment and protection of areas important for solitude, ceremony, and cultural learning. 2. Supports for seasonal use patterns and protocols that uphold cultural rhythms.	1. Section 8.3.2.2.2 of the ATRI Report includes an assessment of the potential cumulative effects of the Community Access Road on the Connection to the Land and Ability to Practice and Transmit Cultural Traditions. This assessment explicitly considers cultural values such as spiritual practices, solitude, ceremony, and intergenerational teaching and cultural learning. The section acknowledges that Fort Albany First Nation's present-day connection to land and cultural practices has been influenced by historical and socio-political changes, while also recognizing the continued importance of using land-based areas to pass on traditions, knowledge, and laws. Potential effects on these culturally important areas were assessed as part of the cumulative effects assessment, and the magnitude and severity of cumulative impacts were characterized as low. 2. Section 8.3.2.2.2 of the ATRI Report also considers how changes to land use and access associated with the Community Access Road, in combination with other past, present, and reasonably	Still determining if revisions are required	Unresolved. FAFN asked for identification, assessment, and protection of areas and conditions important for solitude, ceremony, cultural learning, spiritual well-being, and intergenerational knowledge transfer. FAFN also asked for cultural indicators to track changes in access, use, and spiritual well-being. The response says Section 8.3.2.2.2 assesses cumulative effects on connection to land and ability to practice and transmit cultural traditions. It says the assessment considers spiritual practices, solitude, ceremony, intergenerational teaching, cultural learning, seasonal practices,	5

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		3. Cultural indicators to track changes in access, use, and spiritual well-being.	foreseeable future activities, may influence the exercise of rights tied to seasonal land use and cultural practices. The assessment recognizes that community members continue to follow cultural rhythms through seasonal activities and land-based practices despite existing disturbances. The cumulative effects assessment concluded that the Community Access Road is not expected to result in a meaningful change to the ability of Fort Albany First Nation members to continue seasonal use patterns and culturally appropriate land-use protocols. 3. Cultural indicators related to connection to land, access and use of culturally important areas, spiritual practices, language, and intergenerational knowledge sharing are addressed qualitatively within the cumulative effects assessment framework in Section 8.3.2.2.2 of the ATRI Report. The assessment considers how further loss of connection to land could influence cultural continuity and well-being, including teaching, learning, and knowledge transmission. Based on this evaluation, the cumulative impact of		access, and cultural indicators qualitatively. It then concludes cumulative impacts are low. This is partly addressed in discussion, but not resolved. FAFN acknowledges that the ATRI now refers to some of these cultural values. However, FAFN's concern was not only that solitude, ceremony, teaching, and spiritual well-being be mentioned. The concern was whether these values were assessed in a way that reflects how they are actually experienced by FAFN members and whether they are protected through enforceable measures. The ATRI identifies the pathway but then minimizes the result. It	

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			the Community Access Road on these cultural indicators was characterized as low, as the Project represents a small, discernible change from existing conditions and is not expected to affect the exercise of cultural rights or overall spiritual well-being. In addition, mitigation measures have been recommended to support the cumulative effects assessment and help making sure that the cumulative effects of the Community Access Road, in combination with other activities, are not significant. As these matters are addressed within the existing assessment framework, no further revision to the ATRI is required.		recognizes that the Project and other developments may affect connection to land, preferred places, cultural transmission, resources, access, and the experience of being on the land. However, it still concludes impacts are low. FAFN does not accept that conclusion. Cultural and spiritual impacts cannot be minimized simply because there is limited site-specific mapped information or because impacts are assumed to be limited by study-area boundaries. Solitude, ceremony, teaching, and spiritual well-being are not only mapped points. They depend on broader land, water, access, quiet, privacy, ecological integrity, and cultural	

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					continuity conditions. Approval must require enforceable FAFN-specific protections for solitude, ceremony, cultural learning, spiritual well-being, and intergenerational knowledge transfer. These must include FAFN-defined cultural indicators, protection of culturally important places and seasonal use periods, quiet-use protections, restricted activity periods where needed, cultural access protocols, and adaptive management triggers where FAFN identifies harm to cultural continuity or spiritual well-being.	

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Fort Albany First Nation	6	The ATRI provides a narrow and overly technical view of cumulative effects, primarily focused on biophysical and ecological indicators. In Section 8.0, table 8.2 includes some existing or approved projects but omits major foreseeable developments. These include the Cliffs/ Black Thor, Big Daddy, Black Label Chromite Projects, the Koper Lake & Rail Corridor, and the Greenstone Electricity Transmission Line. No justification is given for excluding these projects, despite their well-documented potential to fundamentally change the region and directly affect FAFN's rights. Legacy impacts from Hydroelectric development are also ignored, further understating real risk. This limited project list can not be considered adequate - it distorts the picture of cumulative impacts, isolation the road project from the broader transformation it enables, and fails to assess how social, political, and intergenerational	1. Since the ATRI report was submitted to Fort Albany First Nation for review, several additional reasonably foreseeable future projects have been added to the Project Inclusion List; and the ATRI report will therefore be amended to include consideration of these. The Final EA/IS and the Technical Support Documents were prepared to meet the requirements outlined in the Terms of Reference, the Tailored Impact Statement Guidelines and the technical discipline-specific study plans. Inclusion of projects in the cumulative impact assessment that do not meet the criteria of reasonably foreseeable is not considered a regulatory requirement and as such was not developed as part of the Final EA/IS. For a project to be considered reasonably foreseeable, sufficient information about the activity must have been available to make a reasonable assessment of its potential effects (i.e., in the planning / approvals / design stage). 2. We have carefully considered the TISG in development of the EA/IS,	Still determining if revisions are required	Unresolved. FAFN asked that the ATRI assess legacy harms and all reasonably foreseeable industrial activity, including major mining and transmission projects, and include social, political, and cultural stressors in cumulative effects modelling. The response says several additional reasonably foreseeable future projects have been added to the Project Inclusion List. It also says projects that do not meet the criteria for reasonably foreseeable activities are not required to be included. Adding some additional projects does not fix the underlying problem.	6

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		pressure intersect and compound over time. Please revise the ATRI to include the following: 1. Assessment of legacy harms and all reasonably foreseeable industrial activity, including mining projects listed above. 2. Explicit consideration of social, political, and cultural stressors as part of cumulative effects modeling.	including the assessment of cumulative effects. As outlined in Section 10 of the Final EA/IS, "The Canadian Environmental Assessment Act, 2012 (Government of Canada, 2017b) requires that each Environmental Assessment of a project take into account any cumulative environmental effects that are likely to result from the project in combination with the environmental effects of other physical activities that have been or will be carried out." In alignment with this requirement, the cumulative effects assessment was prepared in accordance with the approved Terms of Reference for the Community Access Road. Notably, Table 10-1 of the Final EA/IS identifies infrastructure projects with spatial or temporal overlap with the Community Access Road, based on publicly available sources that describe or predict specific effects for those projects.		FAFN's concern is that the road is being assessed too narrowly and artificially separated from the broader regional transformation it is intended to enable. The cumulative effects assessment remains too dependent on formal project certainty, mapped footprints, public information, and spatial or temporal overlap. That approach does not adequately assess induced development, exploration pressure, mining claims, transmission infrastructure, road-enabled access, downstream water pathways, governance burdens, or cumulative cultural and intergenerational stress.	

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					The response continues to treat cumulative effects as a technical project-list issue. FAFN's concern is broader: this road is part of a regional development sequence that may transform the lands and waters that support FAFN rights and responsibilities. The Ministers should not rely on the current cumulative effects assessment as sufficient. Any approval must require scenario-based cumulative effects assessment before construction and before further permitting, including Ring of Fire induced development, mining and exploration pressure, transmission corridors, downstream and connected watershed pathways, social and cultural stressors, and	

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					governance burdens on FAFN.	

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Fort Albany First Nation	7	Although the ATRI references FAFN's Knowledge and Use Study, it repeatedly refers to "data gaps" and "limitations" without explaining how Indigenous knowledge was interpreted or validated. This shows that FAFN's knowledge was treated as supplementary rather than central to the assessment process. Please revise the ATRI to include the following: 1. A clear methodology for integrating FAFN's Indigenous knowledge, including validation with community members. 2. Transparent interpretation protocols and co-analysis opportunities. 3. A list of all "data gaps" and limitations identified, including how these gaps will be addressed or whether they represent limitations created by the proponent's methods.	1. Marten Falls First Nation has been engaging with all potentially affected Indigenous communities including Fort Albany First Nation since 2019 to support meaningful integration of Indigenous knowledge and collaboration on the assessment. An Indigenous Knowledge Program Guidance Document was developed for the Community Access Road and shared with all Indigenous communities in November 2020. Section 4 and Section 6 of the Guidance Document provides information on protocols and processes for the use of Indigenous knowledge, which include: - Indigenous communities will be provided with an opportunity to: review and discuss draft assessment documents to confirm that Indigenous knowledge and information shared was captured and presented appropriately; and contribute to the assessment for the Aboriginal and Treaty Rights and Interests and associated components (Indigenous land and resource use, and cultural continuity); and - the protection and incorporation of Indigenous knowledge and land and resource use information	Comment noted; see response for details		7

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			will be governed by Indigenous Knowledge Sharing Agreements. 2. Marten Falls First Nation has offered Fort Albany First Nation opportunities for community meetings and discussion throughout the assessment process, and documents and reports have been shared with Fort Albany First Nation for review and comment. For example, Fort Albany First Nation was provided with a Preliminary ATRI Existing Conditions Report in 2023 and feedback received informed the Draft ATRI Report. Webinars was held related to the various Project-related activities and Valued Components for the assessment. To support collaboration and validation, Indigenous communities received the Draft ATRI Report in advance of releasing the final report to apply feedback received from Indigenous communities on the Draft ATRI reports, as appropriate, including on how Indigenous knowledge was interpreted and assessment inputs and outcomes. Marten Falls First Nation continues to offer Indigenous communities, including Fort Albany First Nation, opportunities for meetings and discussion.			

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			3. With respect to the references to data gaps and limitations, these generally include: - Insufficient information in some areas to distinguish between past and present-day areas of use for rights-based purposes (Section 4.3.6 of the ATRI Report), which is helpful to understand cumulative effects to date; -Report); - Limited information on the quality and quantity of resources (including volumes harvested) and the frequency and/or duration of traditional practices (Section 5.6 of the ATRI Report); - No information on thresholds required to exercise rights (Section 5.6 of the ATRI Report); - Limited information on preferred methods of harvesting, sacred sites and areas, and place names (Section 5.7.3 of the ATRI Report); and - Limited information on specific sites and areas that interact with the Project (throughout Sections 5.6 and 5.7 of the ATRI Report). Limited information on the role of members within the community (e.g., women, men, Elders, youth, people			

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			with disabilities, etc.) (Section 5.6 of the ATRI Report). These limitations are based on the information provided in Fort Albany First Nation's Knowledge and Use Study Report for the Community Access Road. The Indigenous Knowledge Program Guidance Document includes the nature of information that would be used for the assessment. This guidance document was informed by the Tailored Impact Statement Guidelines for the Project with respect to Indigenous peoples and associated assessment of impacts.			

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Fort Albany First Nation	8	Most proposed mitigation measures focus on environmental elements like noise, dust, and wildlife. The ATRI does not offer specific mitigations for rights-based impacts, such as disruptions to ceremonial access, land-based education, or spiritual integrity. This creates a gap between the assessment of rights and any actionable response. Please revise the ATRI to include the following: 1. Culturally appropriate mitigation for spiritual and cultural rights practices. 2. Measures that prevent or minimize harm to ceremonies, seasonal practices, and family-based land use.	ATRI-specific mitigation measures have been proposed throughout Section 7 and 8 of the ATRI Report. Please see Section 7 and 8 for ATRI-specific mitigation measures that speak to both 1. Culturally appropriate mitigation for spiritual and cultural rights practices and 2. Measures that prevent or minimize harm to ceremonies, seasonal practices, and family-based land use.	Yes	Partially resolved. FAFN also requested enforceable protections for culturally important places, ceremony, teaching, solitude, spiritual relationships with the land, and cultural continuity. The response continues to rely heavily on future communication and engagement rather than enforceable protections. Future engagement is not mitigation. FAFN's concerns remain partly unresolved.	8

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Fort Albany First Nation	9	The ATRI does not propose any measure aimed at restoring cultural, spiritual, or governance systems that have been eroded through historical and contemporary development. Given the significance of intergenerational harm, this is a critical gap in the report. Specifically, the project-related road development will create new pressures on FAFN's land-based practices and cultural systems, yet no road-related restoration measures are proposed. Please revise the ATRI to include the following: 1. Cultural infrastructure and healing programs. 2. Land return or shared stewardship agreements. 3. Investment in youth programming, traditional knowledge transmission, and ceremony.	We acknowledge that the Community Access Road is being proposed within a landscape and context deeply shaped by historical and ongoing colonial policies and practices. These have contributed to intergenerational harm, the erosion of cultural and governance systems, and the loss of access to lands and resources for many Indigenous people in the region. At the same time, the Community Access Road is being undertaken to advance self-determination and improve the social, health, and economic conditions of our members while also operating within systems shaped by colonial constraints. We recognize the importance of these concerns and the shared responsibility among First Nations and the Crown to support cultural renewal and reconciliation. While we do not bear responsibility for addressing historic colonial harms (of which we have also been subject to), we are committed to working with Indigenous communities to identify ways in which the Community Access Road can be undertaken to avoid or minimize further erosion of cultural or	Comment noted; see response for details	Unresolved. The response misses the point. FAFN was not asking MFFN alone to repair all colonial harms. FAFN was asking how this Project will avoid adding to existing cultural erosion and what measures will be required if the Project affects cultural continuity, youth learning, land-based practices, stewardship, and spiritual relationships with the land. The response reframes FAFN's request as a broad historical responsibility issue. That avoids the actual Project-related concern. The Project may increase access, disturbance, outside presence, harvesting pressure, social stress, and regional	9

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			governance systems and support respectful and reciprocal relationships among Indigenous communities in the region. We remain open to inputs from Fort Albany First Nation on potential measures related to these matters. Should the Final EA/IS for the Community Access Road be approved to proceed, a consultation and engagement program will be established to guide discussions through detail design, including with Fort Albany First Nation.		development pressure. Those effects can further weaken land-based learning, cultural transmission, and FAFN's ability to carry out responsibilities to lands, waters, animals, and future generations. Future consultation is not a restoration measure. A general willingness to work with communities is not a commitment. The ATRI does not identify concrete cultural renewal measures, funding, responsibilities, timelines, or enforceable conditions. Any approval must require FAFN-led cultural continuity and restoration measures, including funding and support for youth land-based programming, traditional knowledge transmission, ceremony, cultural	

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					monitoring, shared stewardship, community-led documentation of cultural impacts, and FAFN participation in decisions affecting culturally important lands and waters.	

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Fort Albany First Nation	10	The ATRI acknowledges aspects of Fort Albany First Nation's governance and stewardship responsibilities but does not provide FAFN with any informal, co-developed, and resourced role in the monitoring, enforcement, or adaptive management of mitigation measures. This fails to operationalize FAFN's inherent governance rights and their responsibilities as land stewards. Please revise the ATRI to include the following: 1. Explicit recognition of FAFN's governance role and stewardship responsibilities 2. Recommendation that implementation mechanisms for monitoring, enforcement, an adaptive management be co-developed with FAFN. 3. Commitment to appropriate resourcing an authority to ensure FAFN's monitoring results meaningfully inform adaptive management and approval conditions.	1. Fort Albany First Nation's responsibilities for land stewardship/custodianship, legal traditions, and governance systems and associated expectations have been added to Section 5.7.4 of the ATRI Report. 2. As noted in Fort Albany First Nation Aboriginal and / or Treaty Rights and Interests: Draft Impact Assessment Report, proposed mitigation measures include the collaboration with local existing environmental advisory committees to support the development and implementation of all environmental monitoring programs. The objective is to include Indigenous interests and perspectives, particularly concerning resources utilized for rights-based purposes. In the absence of an existing advisory committee with an aligned mandate to Marten Falls First Nation, a Terms of Reference between relevant agencies and Fort Albany First Nation will be established. It is expected that the committee(s) will inform monitoring, enforcement, and adaptive measures that may be needed, including associated	Revisions made to Section 5.7.4 of ATRI Report.	Unresolved. FAFN asked for explicit recognition of FAFN's governance role and stewardship/custodianship responsibilities, co-developed monitoring and enforcement mechanisms, and resourcing and authority so FAFN monitoring results meaningfully inform adaptive management and approval conditions. The response says stewardship/custodianship responsibilities were added to Section 5.7.4. It refers to environmental advisory committees, possible future Terms of Reference, future resourcing discussions with the Province, and FAFN's ability to request monitoring results through the committee.	10

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			mechanisms. Future resourcing needs will be determined in discussion with the Province. 3. Monitoring results will be provided to MECP and the environmental advisory committees can request the results from MECP. Fort Albany First Nation can request the results through the environmental advisory committee.		This does not resolve FAFN's comment. FAFN asked for a direct, co-developed, resourced, and authoritative role. The response provides a possible future advisory role with indirect access to monitoring results. That is not governance. It does not provide FAFN authority, funding, raw data access, independent interpretation, enforcement ability, or the ability to trigger corrective action. The response also leaves responsibility unclear. Future owner/operator arrangements, committee structures, funding, reporting, and enforcement are still unsettled. FAFN cannot accept monitoring as a basis for minimizing impacts where the	

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					monitoring structure itself is undefined.	

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Fort Albany First Nation	11	The ATRI uses Western ecological thresholds and significance criteria that do not reflect the lived experience or cultural values of FAFN. Without co-developed criteria, the risk of underestimating harm is high. Please revise the ATRI to include the following: 1. A commitment to work with FAFN to develop and apply FAFN defined indicators of cultural integrity and rights vitality.	Marten Falls First Nation began engaging on potential indicators for the assessment when the Draft Terms of Reference was shared with all Indigenous communities in 2020. To date, Marten Falls First Nation has not received comments from Fort Albany First Nation regarding indicators. Therefore, no revisions to the ATRI Report are required. Should the Final EA/IS for the Community Access Road be approved to proceed, a consultation and engagement program will be established to guide discussions through detail design, including Fort Albany First Nation.	Comment noted; see response for details	Unresolved. The response states that MFFN began engaging on indicators when the Draft Terms of Reference was shared in 2020, that no comments from FAFN on indicators were received, and that no revisions are required. It says future consultation will occur if the Project is approved. This does not resolve the comment. FAFN has clearly identified the need for FAFN-defined indicators, including FAFN comments FAFN-005 in FAFN's September 12, 2025 letter to the Marten Falls Community Access Road Project Team. The response improperly relies on earlier process steps to avoid	11

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					addressing the substance of the request. The absence of earlier indicator comments does not mean the current indicators are sufficient. FAFN's concern is that the ATRI still relies on indicators that do not adequately capture cultural integrity, spiritual well-being, harvesting confidence, water trust, youth knowledge transmission, governance capacity, or rights vitality. The response confirms the problem: the ATRI is proceeding without FAFN-defined rights indicators. FAFN-defined indicators and thresholds must be developed with FAFN and made binding before construction. These	

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					indicators must apply to monitoring, compliance, adaptive management, and Crown oversight. Approval should not rely on severity conclusions developed without FAFN-defined rights indicators.	

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Fort Albany First Nation	12	Predicted effects on the Albany River and its system are generally rated as low, with justification focused on the limited spatial extend of direct disturbances, anticipated maintenance of navigation, and proposed mitigation. This is fundamentally inadequate. The assessment treats the river only as a transport corridor or waterbody, not as a central pillar of FAFN's rights, governance, and cultural continuity. The ATRI fails to account for cumulative, seasonal, or long-term pressures, including water quality degradation, ice stability, habitat disruption, and compounded impacts from upstream and regional development. We disagree with the findings that effects are low or negligible. Please revise the ATRI to include the following: 1. Clear justification for the exclusion of parts of the Albany River system from assessment. 2. Application of precautionary and community-informed reasoning in	1. More information on the significance of the Albany River to Fort Albany First Nation's rights has been added to Sections 5.7.3 and 7.4.2.2 of the ATRI Report to further emphasize this. However, the Community Access Road is not anticipated to have direct impacts on the environmental health of the river. Any impacts to surface water quality and quantity that may be realized are predicted to be negligible in magnitude, localized (limited to the Construction Disturbance Area or within 2.5 km of the river), and largely reversible. The assessment areas used for the ATRI assessment were defined based on the key Valued Components that may be relied on for the exercise of harvesting and cultural practice rights in the area of the Community Access Road or have the potential to influence it. These assessment areas were delineated to capture the areas where direct/noticeable and indirect/less noticeable environmental effects and impacts on ATRI may occur. Further, the Regional Study Area used for the Fort Albany First Nation Knowledge and Use Study does	Revisions made to Sections 5.7.3, 7.1, 7.4.1 and 7.4.2.	Unresolved. FAFN acknowledges that the ATRI includes more discussion of the Albany River, but the conclusion remains inadequate. FAFN did not ask only for more text about the river's importance. FAFN asked for an assessment that treats the Albany River as a living system central to drinking water, travel, fishing, teaching, cultural continuity, governance, and food security. The ATRI still relies too heavily on technical valued component conclusions, localized disturbance logic, and the assertion that including the full Albany River system would not change the outcome.	12

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		evaluating potential changes, ensuring culturally significant areas are fully considered in impact prediction and mitigation.	not include the entirety of the Albany River system (i.e., the Albany River watershed) but rather a delineation of some areas along the Albany River and some of its tributaries that overlap the CAR. Based on the impact pathways identified, the inclusion of the entirety of the Albany River would not change the outcomes of the residual impact assessment. 2. The assessments undertaken for ATRI and other valued components have generally applied conservative/pre-cautionary approaches where possible, including but not limited to: - for the vegetation assessment it was assumed that the full 100 m width of the right-of-way and the full footprint of other components of the Construction Disturbance Area will be permanently affected; - Project effects to caribou related to linear barriers were conservatively predicted to be significant; - the air quality model and assessment used a very conservative, worst-case scenario that assumes all construction activities taking place simultaneously		That does not answer FAFN's concern. The record still does not show what the combined findings on water, fish, traditional foods (plants, medicines, wildlife), access, community well-being, and rights mean for the Albany River system as a whole. A FAFN-supported Albany River system study must be required before construction that encompasses a watershed-based approach, including downstream water quality, flow, sediment, contamination, crossings, fish, ice conditions, navigability, tributary effects, and cumulative watershed change. Conditions must include enforceable thresholds and authority to modify,	

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			(which is unlikely to happen in practice) and accounts for potential future regional development, including mining, during operations; and - it was assumed that all aggregate sites will be developed during construction and will continue to be used through operations and maintenance (i.e., the disturbance will be permanent), even though it is estimated that only a limited number (four to six) aggregate sites will remain following construction for future operations and maintenance; and - based on inputs from Indigenous communities on the Draft EA/IS, the precautionary principle has been applied to the assessment on moose and the residual effects characterization related to increased access will be revised from not significant to significant; and - based on inputs from Indigenous communities on the Draft EA/IS, the precautionary principle has been applied to the assessment on peatlands and the residual effects characterization related to changes to groundwater will be revised from not significant to significant.		suspend, or restrict activities if river conditions relevant to FAFN rights are affected.	

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Fort Albany First Nation	13	The ATRI describes how changes to the Albany River system may impact FAFN's ability to exercise rights, including potential temporary navigation restrictions during bridge construction, effects on fishing availability near crossings, and changes to travel routes and plant harvesting areas. However, the ATRI generally rates the magnitude of these effects as low, based on the limited spatial extent of direct disturbances, predicted maintenance of navigation, and application of mitigation measures. This approach treats the Albany River in isolation, without addressing how these disturbances accumulate with other changes to undermine FAFN's ability to exercise rights. Moreover, this does not reflect the Albany River's central role in food security, cultural continuity, intergenerational knowledge transfer, and spiritual practices. Please revise the ATRI to include the following:	1. We acknowledge the cumulative effects that have already influenced Fort Albany First Nation's ability to use the Albany River for subsistence and cultural purposes. Sections 5.6.1 and 5.7.1 of the ATRI Report have been updated to further emphasize these cumulative effects, and additional information on the Albany River's subsistence and cultural significance to Fort Albany First Nation has been incorporated into Sections 5.6 and 5.7.3. In addition, the assessments of impacts on Indigenous land and resource use for traditional purposes, as well as cultural continuity and well-being (Sections 7.4.1 and 7.4.2), have been reviewed and reassessed, as appropriate, to account for the subsistence and cultural importance of the Albany River to Fort Albany First Nation. It is recognized that the Albany River may be used by Fort Albany First Nation for other cultural purposes, including ceremonial access and traditional language and spiritual practices. However, to date, Fort Albany First Nation has not identified any important	Revisions made to Sections 5.6, 5.6.1, 5.7.1, 5.7.3, 7.4.1 and 7.4.2	Partially resolved. Thank you for the revisions. However, FAFN's concern is broader: whether the river system will remain usable, safe, trusted, and culturally alive over time. Temporary restrictions, localized changes, and predicted mitigation do not address cumulative, seasonal, downstream, climate-related, and cultural-function impacts. The river is not only a navigation route. It is a foundation of FAFN's rights, cultural continuity, water, food security, teaching, and governance responsibilities. The response does not show how the assessment moved from acknowledging those	13

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		1. A reassessment of predicted effects on the Albany River that accounts for its cultural and subsistence significance to FAFN, not just the spatial extent of direct disturbance. 2. Consideration of cumulative, seasonal, and long-term changes to the river system and their potential to affect rights exercise. 3. Strengthened mitigation measures to maintain and protect the Albany River's ecological health, navigability, and cultural functions throughout the project lifecycle.	cultural sites in the Project area whose access may be impeded, other than the Albany River itself. As a result, potential impacts on the cultural continuity functions of the river are anticipated to be limited to the construction phase, specifically in relation to potential changes in access and experiences of being on the land. Residual effects during operations and maintenance, including changes to the air, noise, and visual environments, are expected to be largely localized to the area of the Albany River crossing. 2. Section 8 of the ATRI Report acknowledges Fort Albany First Nation's concerns over seasonal and long-term changes in water levels and has been considered within the Cumulative Impacts Assessment. The Community Access Road is not anticipated to have noticeable impacts on the environmental health of waterways. Any impacts to surface water quality and quantity that may be realized are predicted to be negligible in magnitude, localized (limited to the Construction Disturbance Area or within 2.5 km of the river), and largely reversible.		values to concluding that impacts remain low.	

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			3. We recognize the importance of employing effective mitigation measures to maintain and protect the Albany River's ecological health, especially as a community located along the river. Mitigation measures can be found within the ATRI report as well as complied in Appendix AA (Summary and Recommendations Tables) of the Final EA/IS. As noted in the ATRI Report, the effects on waterway navigation from both temporary bridges and the construction of permanent bridges are expected to be temporary. For larger crossings like the Albany River, construction platforms will not block the width of the waterways and there will be room for barges to pass. Therefore changes to navigability, if experienced, would be for short periods of time. During the winter, if erecting girders from the ice is possible, snowmobile passage will be identified and marked out. When combined with the mitigation measures identified in the report, these collective measures are considered to be appropriate to maintain			

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			and protect the navigability of the Albany River.			

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Fort Albany First Nation	14	The ATRI evaluates the proposed Community Access Road in isolation and does not assess its role in opening the Ring of Fire region to greater mineral exploration activities and future development. This artificially constrains the analysis, particularly regarding cumulative effects. Without a realistic assessment of induced development and other foreseeable related activities, the rights impacts picture is misleading. Please revise the ATRI to include the following: 1. Clarification of how the Ring of Fire Regional Assessments scenario-based analysis of induced development will be used to inform the ATRI. If it will not be, explain why not, and revise the ATRI to better include these foreseeable developments and activities. 2. Anticipated cumulative governance pressures on FAFN jurisdiction and land stewardship.	1. The Community Access Road is intended to improve access, foster economic development and improve the overall quality of life for the Marten Falls First Nation members. Although the Community Access Road is frequently linked to larger regional efforts such as the Ring of Fire, this Environmental Assessment / Impact Assessment process is focused solely on the advancement of the Community Access Road itself—an infrastructure project Marten Falls First Nation has been advocating for almost four decades. We have carefully considered the TISG in development of the Final EA/IS, including the assessment of cumulative effects. As outlined in Section 10 of the Final EA/IS, “The Canadian Environmental Assessment Act, 2012 (Government of Canada, 2017b) requires that each Environmental Assessment of a project take into account any cumulative environmental effects that are likely to result from the project in combination with the environmental effects of other physical activities that have been or will be carried out.” In	Still determining if revisions are required	Unresolved. FAFN asked for clarification on how the Ring of Fire Regional Assessment scenario-based analysis of induced development would inform the ATRI, and for assessment of cumulative governance pressures on FAFN jurisdiction and stewardship. The response says the assessment is focused on the Community Access Road, that future mining projects will be assessed by their own proponents, and that the Community Access Road does not alter existing federal or provincial jurisdictional frameworks. This response is not	14

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			alignment with this requirement, the cumulative effects assessment was prepared in accordance with the approved Terms of Reference for the Community Access Road. Notably, Table 10-1 of the Final EA/IS identifies infrastructure projects with spatial or temporal overlap with the Community Access Road, based on publicly available sources that describe or predict specific effects for those projects. Relevant projects that fit these criteria, including other road segments (i.e., Northern Road Link, Webequie Supply Road), are included in the Final EA/IS to the extent possible. Cumulative effects assessments for future environmental assessments for mining projects in the Ring of Fire will be the responsibility of those project proponents and is outside the scope of the Final EA/IS. 2. We are aware, as per the Consultation and Engagement Program, that colonial legislation and systems have made it challenging for Fort Albany First Nation to honour responsibilities for land stewardship and custodianship. However, as the Community Access Road is being assessed through the		acceptable. It avoids FAFN's concern. FAFN did not ask whether future mines will have their own assessments. FAFN asked how this road's role in opening the region to future development was assessed as part of the rights impact picture. The road is not a neutral stand-alone project. It is part of the infrastructure sequence that enables broader Ring of Fire development, increased access, exploration pressure, mining pressure, transmission planning, and regional transformation. Excluding those foreseeable consequences leaves some of the most serious long-term rights impacts outside the assessment.	

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			federal Impact Assessment Act and the provincial Environmental Assessment Act, and as the management of wildlife, fish, and species at risk remain regulated by the federal and/or provincial governments, the Community Access Road does not alter existing jurisdictional frameworks. Consequently, no Project impact pathways have been identified in relation to changes in Fort Albany First Nation's ability to exercise governance custodianship rights and responsibilities.		The governance response is also inadequate. Saying the Project does not alter federal or provincial jurisdictional frameworks ignores FAFN's point. FAFN is concerned about practical governance pressure: increased consultation burden, monitoring burden, stewardship burden, protection of cultural areas, response to cumulative impacts, and the ability to uphold responsibilities to lands, waters, animals, and future generations.	

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Fort Albany First Nation	15	Climate change is discussed only in ecological terms (e.g., erosion, permafrost) and disconnected from rights and land-based practice. There is no modeling of how seasonal shifts, freeze-up cycles, or climate volatility may interact with project-specific effects. The result is a climate-blind framework that cannot capture the real risks to harvesting, travel safety, cultural practices, and wellbeing. Please revise the ATRI to include the following: 1. Assessment of the Project's interaction with climate change-induced impacts on Fort Albany harvesting, travel safety, cultural safety, wellbeing, and land access.	The Draft ATRI Report includes information on the influence of existing climate change on Fort Albany First Nation's land-based practices, where such information was provided. Therefore, no updates to the ATRI Report were completed in response to this comment. Section 5.6.2 (Hunting and Trapping) of the ATRI Report notes climate change-related changes to the migratory flight patterns of waterfowl, and Section 5.6.6 (Travel) of the ATRI Report describes how both damming and climate change have affected the Albany River and its use. These existing conditions have been further emphasized in the impact assessment, specifically in Sections 7.4.1.1.4, 7.4.1.2.4, and 7.4.2.2.4 of the ATRI Report. Potential effects of climate change were considered, where applicable, in the assessment of valued components that may be relied upon for the exercise of Indigenous rights, including ungulates, wildlife, birds, vegetation, and surface water. Indigenous Knowledge shared with Marten Falls First Nation regarding	Revisions made to Section 7.4.1.1.4, 7.4.1.2.4, and 7.4.2.2.4.	Partially resolved. FAFN asked for assessment of the Project's interaction with climate change-induced impacts on harvesting, travel safety, cultural safety, well-being, and land access. The response says climate change information was included where available and that climate change was considered through valued components such as ungulates, wildlife, birds, vegetation, and surface water. It says existing climate-related impacts were emphasized in selected ATRI sections. This does not fully resolve FAFN's concern. The response continues to treat	15

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			how climate-induced changes may compound effects on valued components was also incorporated into the assessment of other valued components. As a result, the assessment of changes to the availability of resources relied upon for harvesting—and the associated potential impacts on harvesting rights—accounted for potential climate-induced changes.		climate change mainly through ecological valued components. It does not provide a rights-based climate interaction assessment. FAFN's concern is not only that climate change affects wildlife or surface water. FAFN's concern is how climate change interacts with Project effects to affect safe travel, winter road reliability, ice conditions, flood risk, wildfire risk, species availability, harvesting timing, access to cultural areas, cultural safety, and knowledge transmission. The response adds some references, but does not explain how climate change changes the risk conclusions for FAFN rights.	

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					Approval must require a rights-based climate interaction assessment and adaptive management framework. This must include ice safety, freeze-up and break-up timing, flood and wildfire risk, changing species availability, harvesting timing, travel safety, Albany River use, and cultural continuity. Where climate uncertainty increases risk to FAFN rights, a precautionary approach must apply, including authority to restrict, modify, or suspend activities.	

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Fort Albany First Nation	16	In February 2025, our legal representative verbally informed the Project team that we were concerned that the caribou habitat disturbance thresholds used in the assessment process may be inappropriate. She referenced a June 2022 expert report by Dr. Phil McLoughlin that was commissioned by Attawapiskat First Nation, which concluded that the 35% disturbance threshold used by the Crown was inappropriate for use in the Hudson and James Bay region and was likely to lead to the collapse of caribou populations if relied upon. At our request, legal counsel for Attawapiskat First Nation provided the Project team with this report on February 20, 2025, and the Project team committed to review it. Please clarify what disturbance thresholds have been used to assess impacts on and relating to caribou in the assessment process, given that the estimates of impacts in the ATRI are based partly on reduction of caribou habitat. If the conclusions in Dr. McLoughlin's report were	We reviewed Dr. McLoughlin's 2022 report, which was provided by legal counsel for Attawapiskat First Nation in February 2025 and incorporated into Appendix M (Ungulates). The report is cited in Sections 7.1.1 and 8.2.1.10 of Appendix M (Ungulates). We acknowledge that Fort Albany First Nation, Attawapiskat First Nation, and some scientific literature—including McLoughlin (2022) and Johnson et al. (2020)—suggest that the anthropogenic disturbance threshold associated with caribou population viability may be lower than 35%, particularly in northern boreal ranges characterized by relatively higher wildfire influence and lower levels of anthropogenic disturbance. Notwithstanding this, we applied the 35% disturbance threshold identified in the federal Recovery Strategy for the Woodland Caribou (ECCC 2020) for consistency with the assessment requirements set out in the federal Tailored Impact Statement Guidelines (Sections 8.11 and 15.4; IAAC 2020), as well as with federal offsetting policy and guidance.	Comment noted; see response for details	Partially resolved.	16

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		disregarded and the 35% threshold or some other threshold inconsistent with his report was applied, please explain why.	Using this threshold, the residual effects of the Community Access Road on caribou were assessed as significant. Accordingly, offsetting and compensation will be required. Recalculating the proportion of disturbed and undisturbed habitat using a different threshold would not alter the mitigation approaches described in Appendix M (Ungulates), nor would it change the significance determination or the requirement for offsetting.			

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Fort Albany First Nation	17	FAFN rejects the Area of Interest (AOI) used in the ATRI, which is inconsistent with information provided to the Proponent about FAFN's land use and interests in a much broader area, and which is misleading as to the ways we may be impacted by the Project. As the draft ATRI report acknowledges FAFN's previously-expressed opposition to this AOI, it is unclear why it was still used in the report. Statements in the report suggesting that some other area(s) may also have been considered when assessing impacts to our rights were confusing and made it difficult for our members to understand the assessment methodology and what area(s) the effects assessment did and did not relate to; however every member who commented on the AOI shown in the map expressed that it was too limited. The repeated emphasis on our land use and interests around the Ogoki Forks and the distance between the Forks and the construction area - while itself not inaccurate - seemed to	Marten Falls First Nation acknowledges the feedback previously received on the preliminary Area of Interest (AOI) identified for Fort Albany First Nation. Fort Albany First Nation provided feedback on the preliminary AOI in September 2024 and indicated that the AOI does not reflect the entirety of Fort Albany First Nation Homelands. Fort Albany First Nation indicated that the Omushkegowuk, including Fort Albany First Nation, have long used the land in and around the Albany River and Ogoki River forks area, westward to Manitoba, and to the far north. Fort Albany First Nation also asserted interests with the entirety of the Albany River system. However, the Fort Albany First Nation Knowledge and Use Study Draft Report does not include specific boundaries of Fort Albany First Nation Homelands but does provide information on sites and areas used for traditional purposes, which were considered in the assessment of potential impacts. Therefore, an AOI was not formally delineated for the assessment, as described in Section 7.1 of the Draft ATRI Report, but the Albany River	Revisions made to Sections 5.6.2, 5.6.3, 7.1, 7.4.1.1, 7.4.2.1, and 7.4.2.2.	Partially resolved. FAFN appreciates that some additional information was added. However, the response still does not provide a FAFN-verified AOI or a clear explanation of how the broader areas identified by FAFN members were assessed. FAFN's concern remains that the assessment continues to emphasize areas close to the Project and the Ogoki Forks while not fully capturing broader FAFN relationships, travel systems, family histories, burial areas, river systems, and land use interests. FAFN made clear that its homelands and interests are broader than the area shown. The lack of a formal mapped boundary should not be	17

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		suggest that our uses of and interest in areas beyond the Forks for anything other than travel at river crossings was not taken into account. Several members described their family members' origins in or uses of land well beyond the AOI including in the areas around Red Lake, the Upper Albany River, Fort Severn, Peawanuck, along the Ogoki River well past the Forks (this area was specifically described as an area for moose hunting and fishing sturgeon, northern pike, pickerel, and other fish), and English River 66 and the numerous small rivers to the west of English River 66. Members also emphasized the extensive use of other rivers such as the Kapiskau, and the river system extending all the way to the Saskatchewan River for trade purposes. Our members also emphasized the presence of burial sites all over the region and especially in areas along the rivers, a factor which has been raised in our previous comments.	system overlapping the area of the Project was considered a general AOI. This discrepancy has been acknowledged. Marten Falls First Nation has revisited the Fort Albany First Nation Knowledge and Use Study Draft Report. Of note, the Ogoki Forks area and fishing and moose hunting areas associated with the Ogoki River were not identified in any of the figures in the Fort Albany First Nation Knowledge and Use Study Draft Report, and information on moose hunting in the area of the Ogoki Forks is missing from the Hunting and Trapping section of the report. This information has been added to Sections 5.6.2 and 5.6.3 of the ATRI Report and inform a reassessment on changes in availability of resources used for traditional purposes (Section 7.4.1.1 of the ATRI Report) and changes in connection to the land and ability to practice and transmit cultural traditions (Section 7.4.2.2 of the ATRI Report), where appropriate. Additional information provided in Fort Albany First Nation's comments on the Draft ATRI Report with respect to family member origins in or uses of land well		used to narrow the rights analysis.	

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		Please clearly explain why the AOI was used despite our known objections to it, explain what other areas of our use and interest were considered in the assessment of impacts to our rights and how, and revise the ATRI to use an AOI that has been verified with us.	beyond the AOI has been incorporated into Sections 5.5 and 7.1 of the ATRI Report.			

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Fort Albany First Nation	18	Language is an important consideration for mitigation. The use of English place names and language in Treaty 9 is a driver of our language loss which will increase with the rising presence of outsiders in the region, and this must be mitigated if and as development occurs. For example, maps and signage used on roads or sites in development areas should use Indigenous place names and language, including Inninimowin.	Marten Falls First Nation acknowledges Fort Albany First Nation's concerns about the potential for increased presence of outsiders in the region and associated potential impacts on traditional languages. The use of local Indigenous languages on signage that is developed for the road has been identified as a mitigation measure in the ATRI Report.	Comment noted; see response for details	Partially resolved. FAFN asked that language be treated as a mitigation issue, including the use of Indigenous place names and Inninimowin on maps, roads, and development-area signage. The response acknowledges FAFN's concern and says use of local Indigenous languages on road signage has been identified as a mitigation measure in the ATRI. This is a useful step, but it is not enough unless it becomes a clear, enforceable commitment. FAFN's concern is that increased outsider presence, English place names, and development pressure can further contribute to language loss	18

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					and disconnection from place. Signage is one measure, but it must be implemented with FAFN involvement, proper Inninimowin terms, accurate place names, and respect for confidentiality where place names or cultural areas should not be publicly disclosed. Approval must require an Indigenous language and place-name protocol co-developed with FAFN. This must include signage, maps, communications, safety materials, and road/site naming where appropriate, with FAFN control over the use, spelling, translation, disclosure, and protection of Inninimowin names.	

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Fort Albany First Nation	19	We object to the temporal boundaries used to define our past use of the land, specifically the decision to begin with the start of the provincial trapline system. We are also concerned by the intention of the distinction between past and current use (though we note the Report says it was not possible to categorize the information about FAFN this way), as our current use is significantly constrained by the cumulative effects of colonization, does not reflect our aspirations or what we need for our wellbeing, and is considered a sign of cultural crisis by our Elders. This approach to understanding our land use and assessing impacts on that land use does the very thing we have cautioned against in previous comments, by normalizing/neutralizing pre-existing negative impacts on our land use and exercise of rights (such as those resulting from the reserve system, residential schools, the registered trapline system, and river diversions) in a way that severs us	The temporal boundaries originally identified were intended to provide context for regional changes in land use and access over time but, as noted in the Draft ATRI Report, were not applied in the assessment of impacts on ATRI. The assessment instead treats Indigenous land and resource use as a continuum that reflects longstanding relationships with, and responsibilities to, the land. This approach recognizes that current use is influenced by historical and ongoing factors, including cumulative effects of colonization and development, which have constrained access and use.	Comment noted; see response for details	Partially resolved. FAFN welcomes the statement that use is understood as a continuum and that current use is constrained by historical and ongoing factors. However, the assessment still risks normalizing a damaged baseline. If current use is reduced because of colonization, residential schools, the reserve system, registered traplines, damming, diversions, contamination, or access barriers, then current use cannot be treated as the full measure of FAFN rights or aspirations. The response does not clearly show how this understanding changed the assessment conclusions. It also does not confirm that FAFN-defined temporal	19

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		from our ancestors (including many of those in our living memories) and distorts the “baseline” used to assess future possible impacts. It also undermines our hopes and efforts to continue revitalizing the practices of our ancestors and restoring our relationships with our homelands. Use that is relevant to the assessment of impacts on our rights should be defined by us, with the understanding that we may consider different periods of time relevant for assessing different kinds of impacts.			periods were applied for different kinds of impacts. The assessment must not rely on a constrained current-use baseline to minimize impacts. Any approval must require FAFN-defined temporal and cultural baselines for monitoring and adaptive management, including restoration-oriented indicators that reflect FAFN’s aspirations to revitalize land-based practices.	
Fort Albany First Nation	20	It does not appear that downriver and down-muskeg effects were sufficiently considered as we have repeatedly requested, including those tied to the “sponge” like qualities of the muskeg which soaks up water which then feeds into the underground channels and into creeks and rivers. We are	Potential Project effects on muskeg and surface water and groundwater were assessed and factored into the assessments on ungulates, wildlife, birds, fish, and traditional use plants, and therefore was factored into the assessment of potential impacts on Indigenous land and resource use for traditional purposes. However, MFFN	Revisions made to Section 7.4.2.2.	Partially resolved. The response says muskeg, surface water, and groundwater effects were assessed and factored into other assessments. It acknowledges high	20

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		especially concerned about pollution and runoff into the ground and water, which could spread great distances and could have numerous impacts on the land, water, animals, and our land use and exercise of rights. Please revise the ATRI to address this factor.	acknowledges the importance of muskeg to Fort Albany First Nation. The assessment of potential impacts on connection to the land and ability to practice and transmit cultural traditions (Section 7.4.2.2) was reviewed and reassessed to account for the importance of muskeg and the Albany River system to Fort Albany First Nation, as appropriate. As outlined in Appendix I: Peatlands Technical Support Document: Existing Conditions and Effects Assessment, the effects to peatland ecosystems (muskeg) resulting from one residual effect pathway (i.e., residual changes to peatland ecosystems due to changes that may alter groundwater quantity and quality) has been assigned a high uncertainty rating. The high uncertainty is based on the lack of a full understanding of peatland hydrogeology in the effects assessment Local and Regional Study Areas, as well as the uncertainty regarding the effectiveness of the primary mitigation measure (i.e., the "floating road"). Given the high uncertainty, and probable likelihood of occurrence, a precautionary approach has been applied		uncertainty for peatland effects related to groundwater quantity and quality and says future studies and design refinement will address the uncertainty. It also says groundwater monitoring will be the responsibility of the future owner/operator. The response acknowledges high uncertainty, incomplete understanding of peatland hydrogeology, and uncertainty regarding the effectiveness of the floating road. It then defers the issue to future studies, detailed design, monitoring, and a future owner/operator. That is not sufficient. FAFN's concern is about whether impacts are understood well enough now to support approval. Significant effects and	

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			and the overall determination of Project impacts to peatland ecosystems was assessed as significant. The high uncertainty will be addressed during future project stages through commitments to conduct additional studies and refine the road design in peatland ecosystems. The additional studies will include a peatlands groundwater monitoring and water budget study to assess groundwater flow and influence on peatland ecosystems. With an improved understanding of peatland hydrology and hydrogeology in the study areas and associated refined road design within peatlands that will be developed during detailed design, it is expected that the uncertainty associated with the residual effects will be lessened. The development and implementation a the groundwater monitoring program will be the responsibility of the owner/operator of the Community Access Road. Marten Falls First Nation continues to have discussions with the Province regarding the ownership and operations for the Community Access Road. Groundwater monitoring results will be		high uncertainty cannot simply be deferred to future project stages. The response also leaves responsibility unclear because the future owner/operator and long-term monitoring obligations are not settled. Any approval must require a pre-construction downriver and downstream-muskeg effects assessment co-developed with FAFN. It must include a watershed-approach that considers groundwater-surface water connectivity, peatland hydrology, contaminant transport, methylmercury risk, runoff, downstream receptors, enforceable thresholds, clear corrective actions, and FAFN authority in monitoring and interpretation.	

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			provided to the Ministry of the Environment, Conservation and Parks and/or other relevant regulators.			
Fort Albany First Nation	21	We would like more detail about the cumulative effects assessment methodology and analysis. We found the cumulative effects assessment inadequate, in terms of the limited residual effects that were brought forward, the other developments and activities considered (as noted above), and the lack of transparency about how the assessment was done and what information about other developments and activities it was based on. It seemed to us that the residual effects assessment and the cumulative effects assessment were largely the same, which we find extremely difficult to believe. For example, it seems likely that significant further disturbance of	We have carefully considered the TISG in development of the EA/IS, including the assessment of cumulative effects. As outlined in Section 10 of the Final EA/IS, "The Canadian Environmental Assessment Act, 2012 (Government of Canada, 2017b) requires that each Environmental Assessment of a project take into account any cumulative environmental effects that are likely to result from the project in combination with the environmental effects of other physical activities that have been or will be carried out." In alignment with this requirement, the cumulative effects assessment was prepared in accordance with the approved Terms of Reference for the Community Access Road. Notably, Table 10-1 of the Final EA/IS identifies infrastructure projects with	Still determining if revisions are required	Unresolved. FAFN asked for more detail about cumulative effects methodology, including what residual effects were carried forward, what other developments were considered, how the assessment was done, what information it relied on, and how broader regional development was assessed. The response relies on the TISG, Terms of	21

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		caribou habitat would result from the broader regional development made possible by the Project (especially when combined with the Northern Road Link), yet the cumulative effects assessment does not sufficiently address this.	spatial or temporal overlap with the Community Access Road, based on publicly available sources that describe or predict specific effects for those projects. Relevant projects that fit these criteria, including other road segments (i.e., Northern Road Link), are included in the Final EA/IS to the extent possible. The Final EA/IS and the Technical Support Documents were prepared to meet the requirements outlined in the Terms of Reference, the Tailored Impact Statement Guidelines and the technical discipline-specific study plans. Inclusion of projects in the cumulative effects assessment (CEA) that do not meet the criteria of reasonably foreseeable is not a regulatory requirement and as such was not developed as part of the Final EA/IS. For a project to be considered reasonably foreseeable, sufficient information about the activity must have been available to make a reasonable assessment of its potential effects (i.e., in the planning / approvals / design stage).		Reference, and the reasonably foreseeable project criteria. It says relevant projects with spatial or temporal overlap were included to the extent possible, including other road segments. This does not resolve the concern. The response repeats the method, but does not provide the transparency FAFN requested. FAFN's concern is that the cumulative effects assessment appears too similar to the residual effects assessment and does not adequately address broader regional development enabled by the Project. It also does not clearly explain how cumulative disturbance to caribou, watersheds, peatlands, access, cultural	

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					continuity, and governance was assessed. The response relies too heavily on regulatory scope and project certainty. That does not answer FAFN's rights-based concern that the Project is part of a broader regional opening.	
Fort Albany First Nation	22	Legal principles such as Wahkotowin are acknowledged but are not sufficiently embedded in the assessment itself. This principle requires us to maintain good relations with other species, including through respect for their right to survival and wellbeing in our shared homelands, which they have lived in for longer than humans. It is the animals who have helped us to live here, and we do not have a right to threaten their ability to live here. From this perspective, impacts on species at risk such as	Sections 5.4 and 5.7.4 of the ATRI Report have been updated to include information on Fort Albany First Nation's perspective on rights, legal principles sacred relationships with animals, and associated responsibilities. The assessments of impacts on cultural continuity and well-being (Sections 7.4.2 of the ATRI Report) was reviewed and reassessed to account for these additions.	Revisions made to Section 5.4, 5.7.4, and 7.4.2.	Partially resolved. FAFN asked that Wahkohtowin, Natural Law, sacred relationships with animals, and responsibilities to lands, waters, species, and future generations be embedded in the assessment rather than treated only as rights to harvest.	22

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		caribou and wolverine are not only important to us because of our interest in harvesting them, but because of Natural Law, our sacred relationships with them, and our accountability to Creator for the ways we treat them. It is a matter of Natural Law that by harming the animals, we will ultimately harm ourselves. The focus on “rights” in the ATRI Report reflects the language of western law and assumes that we are only concerned with those species we harvest, but it must be interpreted to also include a right to maintain the conditions under which we can honour our responsibilities to the land, water, and all our relations that rely on them to live. We have a right not just to harvest, but also to have these legal principles recognized and upheld in matters affecting our rights and responsibilities in our homelands.			The response says Sections 5.4 and 5.7.4 were updated to include FAFN’s perspective on rights, legal principles, sacred relationships with animals, and responsibilities. It says Sections 7.4.2 were reviewed and reassessed to account for these additions. This is partly recognized, but not resolved. FAFN acknowledges that additional language was added. However, the response still does not show how Wahkohtowin or Natural Law changed the analysis, severity conclusions, mitigation, monitoring, or conditions. FAFN’s point was that impacts to species at risk, animals, water, muskeg, and ecological relations	

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					matter not only because they may affect harvest. They matter because FAFN has responsibilities to maintain good relations with all beings and to protect the conditions that allow them to live. The ATRI still largely fits these concerns into Western rights categories and technical valued components. That does not fully reflect FAFN's concern. Any approval must require that FAFN-defined Natural Law and custodianship indicators be incorporated into monitoring, adaptive management, and Crown oversight. These indicators must apply to species health, habitat, water, muskeg, cultural relationships, and responsibilities to future	

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					generations, not only harvest availability.	
Fort Albany First Nation	23	The ATRI Report does not address impacts to reptiles, amphibians, and insects, all of which are important parts of the ecosystems which we rely on for the exercise of our rights. Please add this analysis into the ATRI or explain why the Proponent believes this is not necessary.	The assessment of potential changes in the connection to the land and ability to practice and transmit cultural traditions indicator (Section 7.4.2.2 of the ATRI Report) has been updated to include information on the potential Project effects to reptiles, amphibians, and insects, recognizing their important role in the ecosystem which is relied on by Fort Albany First Nation for the exercise of rights.	Revisions made to Sections 7.4.2.2.2, 7.4.2.2.4 and 7.4.2.2.5.	Partially resolved. FAFN appreciates that these beings were added to the discussion. However, the response does not show whether effects on reptiles, amphibians, and insects were actually assessed in a way that changes impact predictions, mitigation, monitoring, or severity conclusions. For FAFN, this is not a minor ecological detail. These species are part of the wider living system that supports water, medicines, birds, animals,	23

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					food webs, and land-based knowledge. Mentioning them is not enough if there is no clear assessment or monitoring response. Monitoring and adaptive management must include ecosystem indicators that reflect FAFN's concern for reptiles, amphibians, insects, and their role in broader ecological relationships. FAFN must be involved in identifying culturally and ecologically meaningful indicators.	
Fort Albany First Nation	24	Our members want to ensure that effects related to the smell of fuel and to underground vibrations have been considered. Please explain if and how this has been done, and if it has not, please revise the assessment to address this factor.	Potential effects related to fuel odours during operations of the Community Access Road were assessed by modelling fuel-related volatile organic compounds (VOCs), including toluene, ethylbenzene and xylene. Ontario Ambient Air Quality Criteria for these compounds are based on both odour and human health considerations. Modelling results indicate that the maximum	Comment noted; see response for details	Partially resolved. This partly answers the technical question, but it does not fully resolve FAFN's concern. The response focuses on normal operations. FAFN's concern is also	24

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			predicted concentrations at receptor locations during operations are below the odour-based criteria. As a result, fuel odours are not expected to be noticeable at receptors during normal operations. Any abnormal events, such as spills or major fuel leaks, would be managed in accordance with the spill prevention and response procedures. Detailed results of the odour modelling are provided in Appendix S (Atmospheric) of the Final EA/IS. An acoustic and vibration assessment was also completed for the Community Access Road. The results of this assessment are summarized in Appendix P (Acoustic and Vibration) of the Final EA/IS.		about the experience of being on the land, perception of contamination, trust in water and food, underground disturbance, wildlife response, and abnormal events such as spills or fuel leaks. Any approval must require sensory disturbance monitoring and response measures that include odour, vibration, spills, abnormal events, and FAFN-reported impacts on land use, cultural practice, harvesting confidence, and experience of being on the land.	

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Fort Albany First Nation	25	In our region, the Five Nations Energy transmission line has been noted by our members to have affected the migration and flight behaviour of birds, which has negatively impacted the goose hunt. Our members want to understand if similar impacts potentially resulting from transmission lines likely to accompany further development of the area around the Project and the Ring of Fire have been considered as part of the cumulative effects assessment. If so, please explain how and how this affected the assessment. If not, please explain why not.	Information on changes to migratory bird flight patterns observed to be related to anthropogenic stressors, including the transmission line along the James Bay coast, and associated impacts on hunting are addressed in Section 5.6.2 of the ATRI Report. We have carefully considered the TISG in development of the EA/IS, including the assessment of cumulative effects. As outlined in Section 10 of the Final EA/IS, "The Canadian Environmental Assessment Act, 2012 (Government of Canada, 2017b) requires that each Environmental Assessment of a project take into account any cumulative environmental effects that are likely to result from the project in combination with the environmental effects of other physical activities that have been or will be carried out." In alignment with this requirement, the cumulative effects assessment was prepared in accordance with the approved Terms of Reference for the Community Access Road. Notably, Table 10-1 of the Final EA/IS identifies infrastructure projects with spatial or temporal overlap with the	Still determining if revisions are required	Unresolved. FAFN's concern is not only whether one existing or known powerline was mentioned. The concern is whether transmission infrastructure associated with future regional development may affect migratory birds, goose hunting, food security, cultural practice, and rights. The response again relies on a narrow reasonably foreseeable project test. That does not address the rights concern. Transmission infrastructure is a foreseeable part of broader regional industrial development. Excluding it from cumulative effects understates potential impacts on birds and the goose hunt.	25

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			Community Access Road, based on publicly available sources that describe or predict specific effects for those projects. The cumulative effects assessment (CEA) includes the Wataynikaneyap Powerline, as sufficient information was available to reasonably assess its potential interactions with the Project. However, potential future transmission projects that may be associated with future mining developments were not included, as there is currently insufficient information to consider them reasonably foreseeable. This approach is consistent with Impact Assessment Agency of Canada (IAAC) guidance and standard industry practice.		Any approval must require cumulative assessment and monitoring of transmission-related effects on migratory birds, including flight patterns, goose harvesting, food security, and cultural practices. Reassessment must be triggered if any future transmission or energy infrastructure is proposed or advanced in the region.	
Fort Albany First Nation	26	FAFN wants to emphasize that the use of the land and water is not just a means to exercise rights. It is itself a right.	The Valued Component (VC) Indigenous Current Use of Lands and Resources for Traditional Purposes was selected to capture the right to use the land and water. The language used in the ATRI Report with respect to this VC (Section 7.4.1.1) has been reviewed and revised.	Revisions made throughout Section 7.4.1.1.	Partly Resolved. The clarification must also affect the analysis. If land and water use is itself a right, the assessment cannot treat impacts only as secondary effects on discrete activities. It must assess whether the Project affects FAFN's relationship with land and	26

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					water as a protected right in itself.	
Fort Albany First Nation	27	We do not consider the Metis Nation of Ontario to have homelands in the “Regional Boundary” overlapping with Treaty 9. If they have had historical presence here, it has not been as Indigenous people of this region.	Figure 5-2 (Treaty 9 Boundaries) of the ATRI Report has been revised to remove reference to the Metis Nation of Ontario homelands.	Revisions made to Figure 5-2.	Resolved.	27
Fort Albany First Nation	28	The Report says “What followed was a series of treaties and legislative developments that increased Crown authority over First Nations and lands reserved for them”. Please amend this to say “that attempted to increase Crown authority”.	Section 5.1.2 of the ATRI Report has been revised.	Revisions made to Section 5.1.2.	Resolved.	28
Fort Albany First Nation	29	Crown legal and governance systems have not superseded Indigenous jurisdiction. Please replace the word “superseded” with “oppressed.”	Section 5.2 of the ATRI Report has been revised.	Revisions made to Section 5.2	Resolved.	29

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Fort Albany First Nation	30	The statement about Fort Albany and Kashechewan dividing "due to religious differences" is incomplete, and the statement about the Anglican Mission remaining in Kashechewan First Nation is incorrect. Kashechewan First Nation was formed when mostly Anglican families from Fort Albany First Nation went north in the 1950s due to lack of housing and water contamination in parts of the Albany Reserve where they had been residing. Religious divisions played a role in which families remained in Fort Albany and which moved to form Kashechewan First Nation, but it is an oversimplification to say that the divide occurred due only to religious divisions.	Section 5.3 of the ATRI Report has been revised.	Revisions made to Section 5.3	Resolved.	30
Fort Albany First Nation	31	This section should refer to human (sex) trafficking as one example of exploitation of our people at the radar site.	Section 5.3.2 of the ATRI Report has been revised.	Revisions made to Section 5.3.2	Resolved.	31
Fort Albany First Nation	32	This section should state that the PCB contamination from the radar site has led to concerns of serious	Section 5.3.2 of the ATRI Report has been revised.	Revisions made to Section 5.3.2	Resolved.	32

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		illness such as cancer, sometimes resulting in death.				
Fort Albany First Nation	33	This section should say “Inninimowinspeaking”, not Swampy Cree speaking.	Section 5.3.4 of the ATRI Report has been revised. The rest of the report has also been reviewed through this lens, and revisions have been made as appropriate.	Revisions made to Section 5.3.4	Resolved.	33
Fort Albany First Nation	34	This section should say that FAFN has a Chief, Deputy Chief, and seven Councillors, not nine.	Section 5.3.5 of the ATRI Report has been revised.	Revisions made to Section 5.3.5	Resolved.	34
Fort Albany First Nation	35	The bullet point on the establishment of missions should state that this created divisions and disconnections of many kinds.	Section 5.6.1 of the ATRI Report has been revised.	Revisions made to Section 5.6.1	Resolved.	35
Fort Albany First Nation	36	We note that nêhiyaw knowledge holders’ statements regarding nêhiyaw law were cited to explain Omushkegowuk law (for example, Sylvia Macadam and Harold Cardinal). With great respect to these knowledge-holders, the appropriate use of such sources should have been verified with Omushkegowuk Elders and	The Preliminary Draft ATRI Existing Conditions Report was provided to Fort Albany First Nation in 2023. However, no comments were provided with respect to the use of Harold Cardinal or Sylvia McAdam as sources of information about nêhiyaw (Cree) natural law and legal principles, and no preferred/alternate sources of information with respect to Omushkegowuk law and legal principles were provided.	Comment noted; see response for details	Holders of knowledge about Omushkegowuk law would have been involved in FAFN’s intended community-led rights impact assessment. FAFN was prevented from doing this due to the expedited timelines for this process.	36

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		knowledge-holders prior to its application in this assessment. Please explain if this was done.	As the information was not provided by Fort Albany First Nation, it has not been included in the Final ATRI Report.			
Fort Albany First Nation	37	One of our members explained that there are important moose rutting/mating grounds near the Ogoki river past the Forks, in areas where the water flow is relatively low. Please confirm what moose rutting/mating areas were considered in the impact assessments relating to moose.	Indigenous Knowledge made available to us prior to completion of the Final EA/IS was incorporated into Sections 5.1 and 5.2 of Appendix M (Ungulates). This includes information on caribou and moose provided in the Fort Albany First Nation Existing Conditions Report (Firelight Research Inc. 2024). Requirements outlined in the Tailored Impact Statement Guidelines and the Terms of Reference were used to guide the quantitative and qualitative analyses conducted for the Final EA/IS. Moose habitat suitability, habitat arrangement (connectivity), and predicted winter occupancy were modelled to characterize existing habitat availability and to assess potential effects on habitat distribution, survival, and reproduction resulting from the Community Access Road and other reasonably foreseeable developments. Moose habitat suitability models were developed to identify suitable winter	N/A	Unresolved. The response describes the general moose assessment but does not answer the specific question: what moose rutting/mating areas were considered, and whether the member-identified Ogoki River areas were included. FAFN asked about specific culturally and ecologically important habitat information, not only general moose habitat modelling. A model focused on winter habitat and general Significant Wildlife Habitat does not necessarily address rutting/mating grounds or the specific	37

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			habitat within the study areas, incorporating ecosite features important to moose during the winter season. Habitat categories and modelling methods are described in Sections 5.2.1.3 and 7.1.2.1.2 of Appendix M (Ungulates), and in Attachment C (Ungulates Statistical Analyses and Modelling). In addition, Appendix M (Ungulates) includes a qualitative discussion of moose habitat use during spring, summer, and fall (Sections 7.1.1.2 and 7.1.2.2). Significant Wildlife Habitat for moose, as defined by MNR guidance, includes aquatic feeding areas, mineral licks, calving sites, and late winter habitat. These features were considered in the assessment of potential effects on important moose habitat areas within the study areas (Section 7.3.1.3.1 of Appendix M [Ungulates]).		areas identified by FAFN members. The proponent must confirm whether the Ogoki River moose rutting/mating areas identified by FAFN were assessed. If not, the moose assessment must be updated and monitoring/mitigation must include seasonal protections for rutting/mating grounds and associated FAFN harvesting and teaching values.	
Fort Albany First Nation	38	References to "Crown Lands" in Treaty 9 should be corrected to refer to "Treaty Lands." First Nations did not cede and surrender our lands to the Crown through Treaty 9.	Section 5.1.2.5.2 of the ATRI Report has been revised.	Revisions made to Section 5.1.2.5.2	Resolved.	38

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Fort Albany First Nation	39	The text stating "Before the fur trade, the territory around the settlement of Fort Albany..." does not make sense. Fort Albany arose as part of the fur trade and prior to this it was not an area of permanent settlement, but rather one of seasonal use. Please correct this to state "the territory around the area that later became the settlement of Fort Albany".	Section 5.3.1 of the ATRI Report has been revised.	Revisions made to Section 5.3.1	Resolved.	39
Fort Albany First Nation	40	Please explain why the fact that "Anaconda / Painter Lake Forestry Road upgrades would be addressed in a separate environmental assessment process" means that it is not appropriate to include them in the Local Study Area as requested by several First Nations and the Agency.	As described in the ATRI Report, the Anaconda/Painter Lake Road is not included within the Local Study Area (LSA) for the Community Access Road. The LSA was delineated specifically to capture areas where direct and indirect environmental effects of the Community Access Road may occur and where potential impacts on ATRI associated with the Community Access Road could reasonably be anticipated. While portions of the Anaconda/Painter Lake Road are located in the broader region, this road falls outside the Community Access Road LSA and is not part of the proposed undertaking. Any upgrades or activities associated with the	Comment noted; see response for details	Unresolved. The response repeats that Anaconda / Painter Lake Road is a separate project, but that was already understood. FAFN's question was why that fact justifies excluding it from the Local Study Area where it may interact with the Community Access Road and affect rights, access, cumulative development, traffic, and land use.	40

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			Anaconda/Painter Lake Road would constitute a separate project and are therefore outside the scope of the Community Access Road. As such, potential effects related to that road were not assessed as part of the ATRI for the Community Access Road, beyond their consideration at a high level within the broader cumulative effects context, where applicable.		Separate assessment processes do not mean effects are separate on the ground. Rights impacts are experienced through connected access systems, linked roads, traffic, industrial movement, and cumulative land-use change. The Anaconda / Painter Lake Road upgrades must be assessed as part of the connected access and cumulative effects context for FAFN rights.	
Fort Albany First Nation	41	Please add a statement that the Omushkegowuk had longstanding and wide-ranging trade networks pre-contact.	Section 5.3.1 of the ATRI Report has been revised.	Revisions made to Section 5.3.1	Resolved.	41
Fort Albany First Nation	42	Please change references to "Cree" to "Omushkegowuk" wherever the Report is referring collectively to the Omushkegowuk communities. Cree is an English term that also	The ATRI Report has been revised to remove references to Cree.	Revisions made throughout, where appropriate.	Resolved.	42

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		encompasses peoples who are not Omushkegowuk, and is not how we collectively refer to ourselves in our language.				
Fort Albany First Nation	43	FAFN considers it inappropriate for such extensive space in a report and section that purports to be about FAFN being taken up on discussion of the Anishinaabeg and Metis. This requires us to take time and resources reviewing extensive content that does not relate to us, and gives the impression that the report is much more robust and detailed regarding FAFN than it actually is. Please revise the ATRI to restrict it to information and analysis specifically relating to Omushkegowuk and Peetabeck or that provides necessary regional context.	As an Anishinaabe proponent, Marten Falls First Nation chose to include information relevant to all communities in the region. Respecting your comment, the ATRI Report has been updated to remove general information about the Anishinaabeg and Métis.	Revisions made throughout Section 5.1	Resolved.	43
Fort Albany First Nation	44	Please change "Stewardship Rights" to "Custodianship Rights and Responsibilities". Please make the same change to any other places where the word stewardship is used in this context.	Section 4.2.2, 4.8, 5.7.4, 7.3 and 8.2.1 of the ATRI Report has been revised.	Revisions made to Sections 4.2.2, 4.8,	Resolved.	44

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Fort Albany First Nation	45	The statement "Treaty 9 set aside reserve lands for First Nations and granted them annuities and the continued right to hunt and fish on unoccupied Crown lands in exchange for Aboriginal title (Crown-Indigenous Relations and Northern Affairs Canada, 2017), and the surrender of over 230,000 km ² of territory" is incorrect, presents the Crown's view of the Treaty as fact, and is not consistent with First Nations' understanding of Treaty 9 or with the oral explanations and promises on which First Nations' acceptance of the Treaty was based. It must not be presented as a statement of fact. Please revise this sentence to begin, "According to the written English text of the Treaty, which is disputed by First Nations,".	Section 5.1.2.5.2 of the ATRI Report has been revised.	Revisions made to Section 5.1.2.5.2 (now Section 5.1.2.4 due to preceding revisions)	Resolved.	45
Fort Albany First Nation	46	The community no longer has a barge, due to low water levels.	Section 5.3 of the ATRI Report has been revised.	Revisions made to Section 5.3	Resolved.	46

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Fort Albany First Nation	47	The Report states "Cree people frequented a lake on the mainland to harvest berries and fish." This statement is not useful in explaining our pre-contact history, as there are many lakes and many berry harvesting sites in Omushkegowuk homelands. It is unclear what lake this is referring to.	Section 5.3.1 of the ATRI Report has been revised.	Revisions made to Section 5.3.1	Resolved.	47
Fort Albany First Nation	48	The Report states that FAFN identified six valued components set out in Table 5-1, and then states that those VCs are reflected in Table 5-2. However Table 5-2 only lists five VCs. Please clarify what six VCs were referred to in Table 5-1, and how they were combined into the five reflected in Table 5-2.	This was an error as the Fort Albany First Nation Knowledge and Use Study Report only identifies five Valued Components. Section 5.4 of the ATRI Report has been revised.	Revisions made to Section 5.4	Resolved.	48
Fort Albany First Nation	49	We note that the charts on these pages contain almost no translations of the listed species into our language. In FAFN's 2024 comments on the earlier ATRI preliminary conditions report, we noted that the charts relating to species of concern ought to be completed with accurate terms in	We acknowledge that Inninimowin translations for species were not completed for inclusion in the Draft ATRI Report. As noted in previous communications with Fort Albany First Nation, there have been ongoing delays in completing Inninimowin translations due to limited translation resources across Canada. Translations that were	Comment noted; see response for details	Partially resolved. FAFN specifically noted that community members could have been paid to provide accurate translations. The response relies on general translation-	49

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		our language. This should have been simple and not costly to do, and we have a number of members who could have been paid to provide these translations. Please explain why this was not done.	available at the time of writing the Final ATRI Report have been included.		resource constraints but does not explain why FAFN members were not engaged and resourced to provide the terms.	
Fort Albany First Nation	50	The 1998 reference to many homes being heated with wood stoves is out of date. Some homes are still heated with wood, but most are now heated with electricity.	Section 5.6.4 of the ATRI Report has been revised.	Revisions made to Section 5.6.4	Resolved.	50
Fort Albany First Nation	51	In the section regarding the Forks area being a gathering place, please add that the nearby English River 66 site is an important gathering place.	Section 5.6.5 of the ATRI Report has been revised.	Revisions made to Section 5.6.5	Resolved.	51
Fort Albany First Nation	52	The term "milo pimatisiwin" is in the Idialect. FAFN uses the n-dialect and this term should be written as "mino pimatisiwin".	Section 5.7.3 of the ATRI Report has been revised.	Revisions made to Section 5.7.3	Resolved.	52
Fort Albany First Nation	53	In FAFN's 2024 comments on the ATRI preliminary conditions report, we shared our reviewer's understanding that the medicine wheel shown should place "Spirit" and "Elder" together and "Child"	We have updated the medicine wheel based on the feedback FAFN provided; this will be available in the Final ATRI Report.	Revisions made to Section 5.1.1.4	Resolved.	53

Group Name	Comment ID from Source	Question / Concern / Issue Raised	Response	Addressed in the ATRI Report	FAFN Comments	Internal ID
		and "Emotion" together. This information was not acknowledged and the ATRI Report still contains the same medicine wheel without this change. Please explain why our prior comment was not addressed, and the source of the medicine wheel used.				
Fort Albany First Nation	54	In FAFN's 2024 comments on the ATRI preliminary conditions report, we shared our concern with the frequent use of the past tense to discuss Omushkegowuk culture, knowledge, and practices. This does not appear to have been reflected in the draft ATRI Report. Please explain how this earlier comment was considered and integrated into the draft ATRI report.	The Preliminary Existing Conditions Report was revised to include a note that while the information in the pre-contact descriptions is written in past tense, it is recognized that the cultural traditions, worldview, teachings, knowledge, and laws described are still valued by, practiced, and deeply important to many community members today (as carried forward into Section 5.1.1 of the ATRI Report).	N/A	Partially resolved. FAFN repeats that The ATRI should ensure living Omushkegowuk culture, law, knowledge, and practice are described in the present tense. A general note in The Preliminary Existing Conditions Report has been revised, this is an improvement but it is not sufficient, the main text continues to imply that these practices are historical only.	54
Fort Albany	55	In FAFN's 2024 comments on the ATRI preliminary conditions report,	This has been corrected in the ATRI Report.	Revisions made to Section	Resolved.	55

Group Name	Comment ID from Source	Question / Concern / Issue Raised	Response	Addressed in the ATRI Report	FAFN Comments	Internal ID
First Nation		we noted an instance where the word "sacred" was spelled as "scared" and should be corrected. This error still appears in the draft ATRI report.		4.4.2.2.2.		

Appendix C - FAFN Targeted Rights Impact Assessment for the Marten Falls Community Access Road Project

Rights Impact Assessment of the Marten Falls Community Access Road Project

Fort Albany First Nation



June 22, 2026

Prepared by Firelight



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1. Introduction

This report presents Fort Albany First Nation's (FAFN) Rights Impact Assessment (RIA) of the Marten Falls Community Access Road Project (the Project), a proposed all-season road in northern Ontario. The Project is intended to provide Marten Falls First Nation with permanent all-season access to Ontario's highway network while also serving as enabling infrastructure for future mineral exploration, mining development, and associated regional development within the Ring of Fire (AECOM 2026). The Project would cross the Albany River and introduce permanent road infrastructure into a largely intact and hydrologically sensitive landscape, with the potential to contribute to long-term ecological, cultural, governance-related, and rights-related change across the region.

The purpose of this assessment is to evaluate how the Project may affect the exercise of FAFN's Treaty and Indigenous rights. The RIA focuses on key areas of rights identified by FAFN, including harvesting, cultural continuity, and governance, and considers how the conditions required to meaningfully exercise these rights may be affected by the Project.

This RIA has been prepared on an expedited basis to support FAFN's review of the Project. As a result, it is a targeted assessment and has several limitations. In particular, it is based primarily on a review of the proponent's Environmental Assessment / Impact Statement (EA/IS) and related materials, and has been prepared with limited opportunity for dedicated community engagement and validation. A comprehensive, community-led RIA was not possible within the available timeframe.

Given these limitations, this assessment should be understood as identifying key areas of potential impact and risk to the exercise of FAFN's rights, rather than providing a complete or definitive assessment. Where information is limited or uncertain, the potential for impacts on rights may be underestimated.

The report is structured as follows:

- Section 2 describes FAFN's Treaty and Indigenous rights;
- Section 3 outlines the approach to the assessment;
- Section 4 presents the assessment of potential impacts on FAFN's rights;
- Section 5 evaluates the Proponent's mitigation measures;
- Section 6 considers the severity of potential impacts; and
- Section 7 provides conclusions.

2. Fort Albany First Nation's Treaty and Indigenous Rights

Fort Albany First Nation (FAFN) is a signatory to Treaty No. 9 (1905–06), also known as the James Bay Treaty, entered into between the Crown and Indigenous Nations across northern Ontario, including Omushkegowuk/Cree Nations such as FAFN.

Treaty 9 was negotiated in a remote region where many Indigenous signatories spoke little or no English and relied on oral discussions and translation. Historical records and Indigenous accounts indicate that oral assurances provided by Crown representatives were central to the agreement, including commitments that First Nations would be able to continue their traditional way of life, particularly hunting, fishing, and trapping, throughout their territories (Government of Canada, 1905–1906). These assurances are widely understood by Treaty 9 First Nations, including FAFN, as affirming that the Treaty was not intended to extinguish their relationship to the land or alter their systems of governance, land use, and cultural practice, but rather to enable the sharing of land while maintaining Omushkegowuk/Cree laws and ways of life. Scholarship has also identified discrepancies between the written terms of Treaty 9 and the oral representations made to First Nations, as well as the broader colonial context in which the Treaty was negotiated (Morrison, 1986).

From FAFN's perspective, Treaty 9 affirms their inherent rights and responsibilities as Omushkegowuk/Cree people. These rights are constitutionally protected under section 35 of the *Constitution Act, 1982*, which recognizes and affirms existing Aboriginal and Treaty rights. FAFN holds both Treaty rights and inherent Indigenous rights grounded in its own legal orders, governance systems, and longstanding relationships to its territory, including the rights to hunt, fish, and trap; gather plants and medicines; travel across lands and waters; occupy and use lands for cultural, spiritual, and subsistence purposes; maintain and transmit cultural knowledge, language, and practices; and govern and steward lands and resources in accordance with Omushkegowuk/Cree laws and responsibilities. These rights are interdependent and must be understood as a holistic system rather than discrete entitlements.

FAFN people exercise their rights through an integrated, land-based system connecting people, place, and knowledge across the territory (FAFN, 2024). This system operates across interconnected land and water systems, with the Albany River serving as one of the most important travel, harvesting, cultural, and ecological corridors supporting the exercise of FAFN rights. Together with connected rivers, tributaries, wetlands, and muskeg systems, the Albany River sustains fish, wildlife, travel routes, cultural practices, and intergenerational relationships with the land.

The exercise of rights is structured through the Omushkegowuk/Cree six-season cycle, which governs harvesting, travel, and cultural practices based on detailed ecological knowledge and functions as a system of natural law guiding sustainable use and knowledge transmission. Land use and stewardship are organized through family- and clan-based governance systems that define responsibility, access, and care, reinforcing relationships across generations. Within this system, harvesting activities are central to subsistence, cultural identity, and social cohesion, supporting food security, livelihoods, and learning on the land. The meaningful exercise of these rights depends on interrelated conditions, including access to lands and waters, healthy ecosystems, the presence of species, predictable environmental conditions, the ability to travel and occupy lands, and opportunities for intergenerational knowledge transmission (FAFN, 2024).

FAFN members have observed significant and ongoing changes affecting these conditions, including altered water flows associated with upstream development, climate-driven changes affecting river ice and seasonal travel, shifts in wildlife distribution and migration patterns, reduced access to preferred harvesting areas, contamination concerns affecting confidence in country foods, and long-term impacts of colonial policies on land use and knowledge transmission (FAFN, 2024). These factors collectively represent an already impacted baseline.

Any additional project-related effects must therefore be understood in the context of these existing pressures, which have already constrained the meaningful exercise of FAFN rights.

3. Approach to the Assessment

This section outlines the methodology used to assess potential impacts of the Project on FAFN's Treaty and Indigenous rights. The assessment applies a rights-based and community-grounded approach, drawing on FAFN knowledge and available information to evaluate how the Project may affect the conditions required for the meaningful exercise of those rights.

3.1. Guiding Approach

This assessment is guided by the following core principles:

- **Rights-centred:** The assessment focuses on FAFN's rights as the primary unit of analysis, rather than biophysical or socio-economic components in isolation.
- **Grounded in FAFN knowledge and perspectives:** The assessment draws on available Indigenous knowledge, land use information, and documented community perspectives.
- **Conditions-based:** The assessment evaluates how the Project may affect the environmental, cultural, and social conditions required to exercise rights.
- **Cumulative context:** Project impacts are considered in the context of existing and ongoing pressures on FAFN's lands, waters, and way of life.
- **Holistic:** Rights are understood as interconnected; impacts to one area (e.g., water) may affect multiple rights simultaneously.
- **Precautionary:** Where there is uncertainty, it is treated as risk, particularly where impacts may be widespread, long-term, or irreversible.

3.2. Rights Considered in the Assessment

This assessment focuses on three core areas of FAFN rights:

- **Harvesting**
- **Cultural continuity**
- **Governance**

These areas were selected based on available information regarding FAFN land use, knowledge, and concerns, and represent key dimensions of FAFN's rights and way of life. They are interdependent and overlapping; for example, harvesting supports cultural continuity, while governance underpins stewardship and decision-making across all areas.

3.3. Assessment Approach

This assessment applies a rights-based methodology to evaluate how Project activities may affect the ability of FAFN to meaningfully exercise its Treaty and inherent Indigenous rights. The

approach is grounded in standard impact assessment practice, while centring FAFN perspectives and adapting methods to reflect the scope of this targeted assessment.

The assessment proceeds through four core steps:

1. **Describe conditions supporting the exercise of rights.** The assessment describes the environmental, social, cultural, and governance conditions required for the meaningful exercise of FAFN's rights. These conditions are considered within the context of existing and cumulative pressures, including changes in water systems, wildlife patterns, access, contamination concerns, and the long-standing effects of colonial policies. The assessment therefore begins from an already impacted baseline.
2. **Assess potential effects on conditions.** The assessment evaluates how Project activities may affect the conditions supporting the exercise of rights, including direct, indirect, and cumulative pathways. This includes consideration of how the Project may alter ecological systems, access to lands and waters, and the broader context within which rights are exercised. Particular attention is given to the Project's role as enabling infrastructure.
3. **Evaluate mitigation measures.** The assessment considers the proponent's proposed mitigation measures and evaluates their anticipated effectiveness in avoiding, reducing, or offsetting impacts on the exercise of rights. This includes consideration of the extent to which the measures respond to FAFN concerns and meaningfully support the continued exercise of rights.
4. **Determine overall severity of impacts on rights.** The assessment determines overall impact severity based on the magnitude of change to the conditions supporting the exercise of rights, the extent of effects across connected systems, and the duration and reversibility of those effects. It also considers how impacts interact across rights and the Project's contribution to cumulative pressures, including increased access and potential induced development. Severity reflects the degree to which Project-related changes constrain or disrupt the meaningful exercise of rights over time.

3.4. Severity Determination Framework

Severity is determined by considering the nature and extent of residual effects following the application of mitigation measures.

The assessment applies the following criteria:

- **Magnitude** – the degree of change to the condition, including the extent to which it reduces or alters the ability to exercise the right
- **Extent** – the geographic scale of the effect, including whether it is localized or extends across the territory
- **Duration** – the length of time over which the effect persists, including whether it is temporary or long-term

- **Reversibility** – the degree to which the condition can be restored within a meaningful timeframe

In addition, the assessment considers:

- **Cumulative effects**, including the interaction of project-related effects with existing pressures; and
- **Induced development**, including the extent to which the Project enables or contributes to additional future development and associated impacts.

Severity is assessed qualitatively, based on the integration of these criteria, rather than through a numeric scoring system.

3.5. Information Sources

This assessment draws on the following sources of information:

- FAFN Indigenous knowledge and land use information (FAFN, 2024);
- Proponent materials, including the EA/IS and supporting documents;
- Government review materials; and
- Relevant secondary literature and publicly available information.

This assessment does not include new primary data collection and is based on the synthesis and interpretation of available information.

3.6. Scope and Limitations

This assessment has been prepared under constrained timelines and is intended to provide a focused evaluation of key pathways through which the Project may impact FAFN rights.

It is not a comprehensive rights impact assessment and does not include extensive community engagement or primary data collection. As such, it should be understood as a preliminary assessment identifying key risks and areas of concern based on available information.

4. Assessment of Potential Impacts on Fort Albany First Nation's Rights

4.1. Harvesting

This section assesses potential impacts of the Project on FAFN's harvesting rights, including hunting, fishing, and the gathering of plants and medicines. Harvesting is understood as a land- and water-based practice that depends on the health of ecosystems, access to lands and waters, and the transmission of knowledge across generations.

The assessment first describes the conditions required to support the meaningful exercise of harvesting rights, including existing pressures on those conditions. It then evaluates how Project activities may affect these conditions through key impact pathways.

4.1.1. Conditions Required for the Meaningful Exercise of Harvesting Rights

The meaningful exercise of harvesting rights by FAFN depends on a range of interrelated environmental, access-related, and cultural conditions. These conditions reflect a land- and water-based system in which harvesting is inseparable from ecological integrity, mobility across the territory, and the transmission of knowledge and practices across generations (FAFN, 2024).

For the purposes of this assessment, these conditions are presented in an aggregated form to reflect how harvesting systems function in practice and to support a clear and consistent evaluation of project impacts.

Key conditions required to support the meaningful exercise of harvesting rights include:

- **Access to harvesting areas**, including the ability to travel across the territory using river systems, overland routes, and winter roads, and to do so safely and reliably over long distances (FAFN, 2024);
- **Availability and distribution of harvestable species**, including fish, wildlife, birds, and plants, which depend on functioning ecosystems that support habitat, migration, and seasonal availability. The Albany River and surrounding muskeg landscape form an interconnected system that sustains these species (FAFN, 2024);
- **Reliability of harvesting practices**, including the predictability of environmental conditions, travel routes, seasonal cycles, and harvesting outcomes, which enable consistent and effective harvesting over time;
- **Confidence in harvested resources**, including the perceived safety and suitability of country foods and the willingness of FAFN members to rely on these resources.

These conditions are already affected by multiple, interacting pressures.

Hydrological and climatic changes are a central driver affecting the conditions required to support harvesting rights. Earlier spring break-up, later freeze-up, shorter ice seasons, and increased weather variability (McDonald et al., 1997; Ford et al., 2006) alter river flow, ice stability, and water levels. Available evidence from the Albany River watershed also indicates increasing variability in hydrologic conditions, including earlier and more extensive spring flooding, lower water levels during some periods, changes in ice formation and breakup patterns, and an approximately 10% increase in streamflow over recent decades (Champagne et al., 2021; Tsuji et al., 2026). FAFN members have observed these changes affecting travel safety and seasonal harvesting patterns (FAFN, 2024). Collectively, these changes reduce the safety and reliability of travel routes, constrain access to harvesting areas, disrupt the timing of harvesting activities, and increase stress on fish habitat, wetlands, riparian ecosystems, and other ecological conditions that support harvesting.

These effects are compounded by longstanding hydrological alterations associated with water diversions and hydroelectric development. Large-scale diversions have redirected significant

water flows out of the Albany River watershed (Day et al., 1982; Gardner et al., 2015), contributing to altered flow regimes and water levels. Hydroelectric development more broadly is associated with habitat alteration, flooding, changes to sediment and flow patterns, and mercury contamination (Rosenberg et al., 1995; Rosenberg et al., 2000), affecting fish and wildlife populations relied upon for harvesting. Climate and hydrological changes also influence species distribution, migration timing, and abundance. Observed shifts in the presence and timing of fish and waterfowl can lead to missed harvesting opportunities (Ford et al., 2006), consistent with observations from FAFN knowledge holders (FAFN, 2024).

Environmental contamination introduces an additional pathway. The presence of persistent contaminants in wildlife (Tsuji et al., 2005) affects confidence in country foods and may alter harvesting behaviour, even where species remain available. FAFN members have expressed concerns regarding environmental change and its implications for the safety and reliability of traditional foods (FAFN, 2024).

Access constraints further affect harvesting through both environmental and economic pathways. Variability in ice and water conditions reduces the reliability of travel routes, while high costs for fuel and equipment limit the ability to reach distant harvesting areas (Ford et al., 2006; Skinner et al., 2013). These constraints are reflected in FAFN members' experiences of reduced access to preferred harvesting locations (FAFN, 2024).

These environmental and access-related pressures occur alongside long-term socio-economic changes. Cree land use has shifted from extensive seasonal movement across the territory toward more localized and time-constrained harvesting (Feit, 2004). In FAFN, this includes changes in how often and how far members are able to travel on the land, as well as reduced opportunities for knowledge transmission in some contexts (FAFN, 2024). Increased reliance on wage employment and store-bought foods, combined with barriers to land access, has contributed to reduced participation in harvesting, particularly among younger generations (Skinner et al., 2013; FAFN, 2024).

Taken together, these pressures reflect interacting and cumulative drivers:

- Climate change: altered ice regimes, hydrology, and species behaviour
- Hydrological modification: long-term changes to flow, water levels, and aquatic ecosystems
- Environmental contamination: impacts on food systems and confidence in harvesting
- Access constraints: increased cost, risk, and difficulty of travel
- Socio-economic transformation: reduced continuity of land-based practices

These factors have contributed to a progressive erosion of the conditions required to sustain harvesting rights. FAFN members have identified these cumulative changes as affecting their ability to maintain harvesting practices and pass knowledge to future generations (FAFN, 2024). As a result, harvesting systems are more sensitive to additional disturbance, and project-related effects must be understood in the context of this already altered and dynamic baseline.

4.1.2. Project Impacts on Harvesting Rights

Project-related impacts on harvesting rights arise through pathways that affect the ecological conditions, access, and reliability of land-based use. These pathways operate across

interconnected hydrological and ecological systems and are shaped by both project-specific effects and broader patterns of access and land use.

The interpretation of these impacts requires consideration of existing patterns of land use and their limitations. The IKUS (FAFN, 2024) does not identify extensive current harvesting or cultural use within the immediate vicinity of the Project. This reflects, in part:

- Broad historical and ongoing factors that have influenced patterns of land use, including changes in access, environmental conditions, and socio-economic pressures described in Section 4.1.1;
- Current logistical and monitory constraints for accessing the Project area from the community; and
- Limitations in available data, including participation in the IKUS.

As a result, impacts are not assessed solely based on documented current use, but on how the Project may affect the conditions that support the meaningful exercise of harvesting rights over time.

Albany River and Aquatic Systems

The Albany River system is already experiencing ecological change as a result of climate change, hydrologic alteration, and other cumulative pressures, as described in Section 4.1.1. Against this backdrop, the Project would introduce a new and permanent source of disturbance within the Albany River watershed. The Project includes 45 permanent waterbody crossings along the Preferred Route and 24 additional crossings on access roads, together with extensive vegetation clearing, earthworks, water takings, water discharges, aggregate extraction, and long-term operation and maintenance activities (AECOM, 2026). The EA/IS identifies multiple residual pathways through which these activities are expected to alter surface water and groundwater systems, including changes to drainage patterns, water levels, flow regimes, erosion and sediment transport, water quality, and aquatic connectivity.

The EA/IS acknowledges that construction and operation of crossings may alter channel hydraulics, flow velocities, erosion processes, sedimentation patterns, and fish passage conditions. Residual effects associated with water takings, water discharges, crossing construction, sediment release, hydrologic change, groundwater alteration, and contamination pathways are carried forward into cumulative effects assessment, reflecting the Proponent's conclusion that measurable changes may occur even after mitigation. The assessment also identifies direct alteration or loss of approximately 12.7 ha of fish habitat associated with Project crossings, including habitat used by Lake Sturgeon, Walleye, Brook Trout, Northern Pike, Lake Whitefish, and Burbot.

The Project would also result in the direct loss of approximately 2,150 ha of peatland ecosystems, including extensive areas of fen and swamp (AECOM, 2026, Section 9.3.5). These peatlands perform important hydrologic functions within the watershed by storing, filtering, and gradually releasing water. The EA/IS recognizes that disturbance to peatland systems may alter groundwater and surface water interactions, drainage patterns, water storage functions, carbon dynamics, vegetation communities, and downstream hydrologic conditions. Importantly, the assessment concludes that groundwater-related effects on peatland ecosystems may be

significant because of uncertainty regarding whether the proposed floating road design will maintain peatland hydrologic function over the long term (AECOM, 2026, pp. 700–701).

The evidence indicates that Project effects are not confined to individual crossing locations. The Project would introduce new disturbances into a highly connected watershed system where water, wetlands, peatlands, fish habitat, and aquatic ecosystems function together. Changes to hydrology, groundwater flow, sediment transport, water quality, and aquatic connectivity have the potential to propagate through interconnected tributaries, wetlands, and river systems, including the Albany River itself. These pathways are particularly important because the ecological conditions they support are already under pressure from climate-driven changes in flooding, ice dynamics, and watershed function.

For FAFN members, these changes are relevant not only because they affect fish and aquatic habitats, but because they affect the broader conditions that support the exercise of rights. Changes in water quality, fish habitat, fish movement, wetland function, and hydrologic conditions may reduce the reliability of fishing and harvesting areas, affect confidence in harvested resources, alter travel routes and seasonal access patterns, and contribute to the gradual degradation of culturally important places and relationships within the Albany River watershed. The Project therefore has the potential to contribute to ongoing declines in the ecological integrity and predictability of a river system that remains central to transportation, food security, stewardship, and the exercise of FAFN's Treaty and Indigenous rights.

Availability and Distribution of Harvested Species

The Project is expected to affect the availability, distribution, predictability, and harvestability of wildlife and plant resources relied upon by FAFN members (AECOM 2026). Importantly, the EA/IS concludes that the Project may result in significant adverse effects on both caribou and moose (AECOM 2026). These findings are particularly relevant from a rights perspective because the meaningful exercise of harvesting rights depends not only on the continued presence of harvested species at a regional scale, but also on whether they remain available and accessible within areas where FAFN members hunt, trap, fish, and gather.

The Project would introduce a permanent transportation corridor into a landscape that is currently largely intact. Existing anthropogenic disturbance occupies less than one percent of both the Local Study Area and Regional Study Area (AECOM 2026). Construction of the Project will result in approximately 4,789 ha of vegetation disturbance and will establish a permanent right-of-way, aggregate extraction areas, and associated infrastructure that are expected to remain disturbed for the foreseeable future (AECOM 2026, Section 9.4.2.3.1.1). The EA/IS acknowledges that these changes will reduce habitat availability, alter habitat suitability, disrupt habitat connectivity, create new edge conditions, facilitate the spread of invasive species, and alter wildlife habitat use (AECOM 2026).

For caribou, the EA/IS concludes that habitat loss and alteration, together with linear barrier effects associated with the road corridor, will affect habitat availability, distribution, survival, and reproduction (AECOM 2026, pp. 1207–1208). The assessment predicts effects on approximately 15,047 ha of nursery habitat, 10,769 ha of winter habitat, and 6,812 ha of travel corridors and concludes that project-related changes could approach or exceed the resilience capacity of one or more caribou populations within the Regional Study Area (AECOM 2026, Section 9.4.5.3.11.1). As a result, the EA/IS concludes that the Project may have a significant

influence on self-sustaining and ecologically effective caribou populations (AECOM 2026, p. 1208).

For moose, the EA/IS concludes that increased public access associated with operation of the Community Access Road may increase harvesting pressure to potentially unsustainable levels (AECOM 2026, pp. 1208–1209). Although habitat-related effects are generally predicted to remain within the resilience limits of the regional population, the assessment concludes that increased access and associated hunting pressure may significantly affect the long-term maintenance of self-sustaining and ecologically effective moose populations (AECOM 2026, p. 1209). This finding is particularly relevant to harvesting rights because it recognizes that increased competition for harvested resources may occur even where habitat remains available.

The EA/IS also predicts residual effects on American marten, an important furbearer species that supports trapping activities. The Project will result in the permanent loss of approximately 3,627 ha of marten habitat and is expected to fragment previously contiguous habitat (AECOM 2026, Section 9.4.3.3.13). The assessment predicts that sensory disturbance associated with road operations may alter marten behaviour and habitat use, while increased predator access and vehicle mortality may further affect local populations. The EA/IS acknowledges that the Project may increase access to marten habitat and that a permanent increase in trapping pressure near the road corridor is possible (AECOM 2026 pp. 902–903). These changes may reduce trapping success in areas currently used by FAFN members and affect the continued use of trapping areas that support harvesting practices, land occupancy, and knowledge transmission.

The Project may also affect the availability and distribution of plants harvested by FAFN members and acknowledges that the Project will alter habitat connectivity, create edge effects, facilitate invasive species establishment, and modify ecological conditions that support vegetation communities (AECOM 2026). The assessment also identifies uncertainty regarding groundwater-related effects on peatland ecosystems and concludes that residual effects on peatlands from groundwater changes may be significant during construction (AECOM 2026). These changes have the potential to affect the abundance, quality, distribution, and accessibility of harvested plants, including species used for food, medicine, cultural purposes, and land-based practices.

These findings indicate that the Project may affect harvested species through multiple pathways, including habitat loss and fragmentation, altered movement patterns, increased harvesting and trapping pressure, invasive species introduction, and broader ecological change. These changes may reduce harvesting success, increase the effort required to locate and harvest resources, alter the use of established harvesting areas, and adversely affect the meaningful exercise of harvesting rights.

Access, Harvesting Pressure, and Induced Development

The Project is expected to permanently increase access to areas that are currently difficult to reach and relatively isolated from public use. The EA/IS acknowledges that the Project will increase hunting opportunities, increase trapping pressure, and facilitate future industrial activity within an area that currently experiences very low levels of anthropogenic disturbance. The EA/IS notes that existing anthropogenic disturbance occupies less than one percent of both the Local Study Area and Regional Study Area, indicating that the Project would introduce a permanent transportation corridor into a largely intact landscape (AECOM 2026).

The EA/IS identifies increased public access as a residual effect pathway for both caribou and moose. For caribou, the assessment predicts that improved access may increase human presence, increase illegal harvest risk, and increase recreational access, resulting in residual effects on survival and reproduction (EA/IS Section 9.4.5.4.15). For moose, the assessment predicts a measurable increase in hunting opportunities for both Indigenous and non-Indigenous hunters throughout the life of the Project, particularly during operations when public travel along the road is permitted (EA/IS Section 9.4.5.4.21.3). The assessment further acknowledges uncertainty regarding the extent of future hunting pressure and, applying a precautionary approach, concludes that Project-related increases in access and harvest pressure could potentially reach unsustainable levels and reduce the resilience of the regional moose population (EA/IS Section 9.4.5.4.21.3).

The EA/IS also identifies increased access as a pathway through which trapping pressure may increase. In its assessment of American marten, the EA/IS states that operation of the Project will permanently increase access to marten habitat (AECOM 2026, Section 9.4.3.3.13). Although the assessment concludes that regional marten populations are expected to remain self-sustaining, it acknowledges uncertainty regarding the extent to which increased access may increase harvest pressure on furbearers.

From a rights perspective, the primary concern is whether FAFN members continue to have meaningful opportunities to harvest and trap in areas they use and rely upon. Increased access may increase competition for harvested species and furbearers, reduce harvesting and trapping success, diminish the predictability and reliability of harvesting opportunities, and alter long-established harvesting and trapping patterns. Areas that are currently used primarily by community members may become accessible to a much broader group of Indigenous and non-Indigenous users, reducing the practical ability of FAFN members to exercise harvesting rights.

The Project may also facilitate future industrial development beyond the direct footprint of the Project. The EA/IS explicitly acknowledges that increased road access may open the area to future industrial activity, including timber harvesting and mining. The road therefore functions as a permanent access corridor that may facilitate additional exploration, resource extraction, infrastructure development, and associated human activity across the region. These induced development effects may contribute to future cumulative pressures on wildlife, fish, plants, and harvesting areas that extend beyond those directly assessed for the Project itself.

Overall, the Project is expected to permanently increase access to the Project area and may increase hunting pressure, trapping pressure, competition for harvested resources, and future development activity. These changes may reduce the ability of FAFN members to meaningfully exercise harvesting rights by diminishing the availability, accessibility, reliability, and exclusivity of harvesting opportunities over time.

Confidence in Country Foods

The meaningful exercise of harvesting rights depends on confidence that those foods remain safe, healthy, and desirable to consume. This issue is particularly important in relation to the Albany River, which is an important fishing area and travel corridor for FAFN members.

The EA/IS generally concludes that Project-related effects on water quality, fish habitat, and fish populations are expected to be limited following mitigation. However, the assessment also

acknowledges that accidents and malfunctions may occur despite mitigation measures and identifies accidental spills and leaks as a residual effects pathway during both construction and operations. The EA/IS recognizes that spills could result in measurable changes to surface water quality through the release of chemical constituents into receiving waterbodies (Fish and Fish Habitat Assessment, p. 617).

Although the EA/IS concludes that the ecological consequences of such events are likely to be negligible, the rights implications are broader than ecological effects alone. The introduction of a permanent all-season road, increased transportation of fuels and hazardous materials, and the potential for future industrial development within the Albany River watershed may create concerns regarding the quality and safety of fish and other country foods harvested from the Albany River and surrounding areas.

For FAFN, concerns regarding the possibility of contamination have the potential to influence harvesting decisions even where monitoring indicates that regulatory thresholds are not exceeded. If community members become uncertain about the quality or safety of fish harvested from the Albany River, they may avoid particular fishing locations, reduce consumption of fish, alter harvesting practices, or rely more heavily on store-bought alternatives. These responses may occur regardless of whether measurable contamination is detected.

As a result, the Project has the potential to affect the exercise of harvesting rights by reducing confidence in fish and other country foods obtained from the Albany River and surrounding harvesting areas. Given the cultural, nutritional, and practical importance of these resources, perceived risks to country food quality may have consequences for food security, harvesting practices, and relationships with the land even in the absence of demonstrated ecological effects.

Summary of Impacts on Harvesting

Across the pathways analyzed above, the Project is expected to affect the conditions required for the meaningful exercise of harvesting rights, including:

- **Access to harvesting areas**, through changes to aquatic systems, increased disturbance, increased competition for harvesting areas, and future development facilitated by the Project;
- **Availability and distribution of harvestable species**, through habitat loss and alteration, habitat fragmentation, changes in wildlife movement and behaviour, increased mortality pressures, invasive species introduction, and ecological changes affecting fish, wildlife, furbearers, and harvested plants;
- **Reliability of harvesting practices**, through reduced predictability of species occurrence and movement, changes in environmental conditions supporting harvesting activities, and increased uncertainty regarding harvesting success over time; and
- **Confidence in harvested resources**, through contamination pathways, spill risks, and concerns regarding the quality and safety of fish and other country foods harvested from the Albany River watershed.

These effects are interconnected and operate across aquatic, terrestrial, and cultural systems. They also occur within an already affected context, as described in Section 4.1.1, where climate change, hydrological alteration, environmental contamination, access constraints, and broader socio-economic changes have already affected the conditions supporting harvesting rights.

The Project is therefore expected to contribute to ongoing pressures affecting harvesting systems by altering the ecological conditions that support harvested resources, increasing competition and access pressures, reducing the predictability and reliability of harvesting opportunities, and affecting confidence in country foods. Collectively, these changes may increase the effort required to harvest, constrain the use of preferred harvesting areas, and affect the ability of current and future generations to meaningfully exercise FAFN's harvesting rights.

4.2. Cultural Continuity

This section assesses potential impacts of the Project on FAFN's cultural continuity, including the maintenance and transmission of knowledge, language, practices, and relationships to land and water. Cultural continuity is understood as inseparable from land-based activities and the conditions that support them, including access to culturally significant places and the ability to engage in practices across generations.

The assessment first describes the conditions required to support cultural continuity, including existing pressures on those conditions. It then evaluates how Project activities may affect these conditions through key impact pathways.

4.2.1. Conditions Required to Support Cultural Continuity

The ability to maintain cultural continuity by FAFN depends on the ability to maintain, practice, and transmit knowledge, values, and relationships that are grounded in the land and water. Cultural continuity is inseparable from land-based activities and from the continued integrity of the Albany River watershed as a cultural landscape through which harvesting, travel, stewardship, teaching, and relationships to place are maintained across generations.

Key conditions required to support cultural continuity include:

- **Access to culturally significant places and landscapes**, including camps, travel routes, teaching areas, and locations associated with stories, memory, and identity (FAFN, 2024);
- **The integrity of the Albany River watershed and associated lands and waters** as a cultural landscape that supports harvesting, travel, stewardship, teaching, and ongoing relationships with the territory (FAFN, 2024);
- **Opportunities for land-based cultural practice**, including harvesting, travel, teaching, and time spent on the land through which cultural knowledge, values, and relationships are maintained (FAFN, 2024); and
- **Continuity of relationships to place**, including repeated use and experience of specific landscapes and waters that support identity, belonging, and connection to ancestors and future generations, and through which knowledge, values, and practices are maintained and transmitted over time (FAFN, 2024).

The conditions supporting cultural continuity are already affected by multiple, interacting pressures, as described in Section 4.1.1. Environmental change, altered hydrology, and shifting species distributions affect access to lands and waters and reduce the safety and reliability of travel. These changes limit time spent on the land and constrain participation in land-based activities, which are central to cultural practice and engagement (FAFN, 2024; Ford et al., 2006).

Access constraints, including increased costs and reduced reliability of travel, further reduce the frequency and duration of time spent on the land, particularly for younger generations (Skinner et al., 2013; FAFN, 2024). Reduced time on the land directly limits opportunities for shared experience and intergenerational knowledge transmission.

Long-term socio-economic changes, including shifts toward wage-based employment and more localized patterns of land use, have further reduced sustained engagement with the territory. Combined with the legacy of colonial policies, these changes have contributed to disruptions in cultural practice and the continuity of knowledge over time (Feit, 2004; FAFN, 2024).

Overall, these pressures have contributed to reduced opportunities to practice and transmit cultural knowledge, weakening connections to land and affecting the continuity of cultural practices across generations. As a result, cultural continuity is increasingly sensitive to additional disturbance, particularly where changes further reduce time on the land or disrupt relationships with key places, species, and practices.

4.2.2. Project Impacts on Cultural Continuity

Project-related impacts on cultural continuity arise through changes to the Albany River watershed as a cultural landscape and to the opportunities it provides for land-based practice, learning, and relationships to place. Cultural continuity depends on sustained engagement with lands and waters through harvesting, travel, stewardship, teaching, and shared experience across generations. Through these activities, knowledge, values, language, and relationships are maintained and transmitted over time.

As noted in Section 4.1.2, the IKUS (FAFN 2024) does not identify extensive current harvesting or cultural use within the immediate vicinity of the Project. This reflects, in part, the distance of the Project area from the community, limitations in available data, and broader historical and ongoing factors that have influenced patterns of land use. The absence of documented use should not be interpreted as an absence of importance or potential impact. Cultural continuity depends not only on current use, but also on the continued ability to access, experience, and maintain relationships with lands and waters across the territory, including areas that may be used intermittently, seasonally, or in the future.

The pathways below describe how Project-related changes may affect the conditions required to support cultural continuity.

Transformation of the Albany River Cultural Landscape

The Albany River watershed is an interconnected cultural landscape that supports harvesting, travel, stewardship, teaching, and relationships to place. Rivers, tributaries, wetlands,

peatlands, fish, wildlife, and harvesting areas operate together as part of a broader system through which cultural knowledge and practices are maintained.

As described in Section 4.1.2, the Project would introduce a permanent transportation corridor into a landscape that currently experiences very low levels of anthropogenic disturbance. Changes include new watercourse crossings, alteration of fish habitat, disturbance to peatland systems, permanent habitat fragmentation, increased public access, and increased harvesting pressure. The EA/IS further acknowledges that the road may facilitate future industrial activity, including mining and forestry development, within the watershed.

The Project therefore contributes to the long-term transformation of an intact watershed through ecological change, increased access, increased human activity, and the potential for future development. These changes may alter how the Albany River watershed is experienced and used by current and future generations.

For FAFN, cultural continuity depends on maintaining relationships with living landscapes rather than isolated locations. Changes to the ecological integrity, character, and use of the Albany River watershed may affect the ability of community members to maintain and renew these relationships over time.

Reduced Opportunities for Land-Based Cultural Practice

Land and water-based cultural practice is a primary mechanism through which cultural continuity is maintained. Harvesting, travel, teaching, stewardship activities, and time spent on the land and water create opportunities to practice and reinforce cultural knowledge, values, and relationships.

As described in Section 4.1.2, the Project is expected to affect fish, wildlife, plants, travel conditions, access patterns, and confidence in country foods through changes to aquatic systems, habitat conditions, species distribution, harvesting pressure, and future development. The Project is also expected to affect the availability and predictability of harvested species, including moose, caribou, furbearers, fish, and harvested plants.

Where harvesting becomes more difficult, less predictable, or less rewarding, participation in land-based activities may decline. Community members may spend less time on the land, alter harvesting locations, reduce harvesting frequency, or avoid certain areas altogether. These changes may reduce opportunities to engage in cultural practices that depend upon regular interaction with the land and water.

The effects are particularly relevant because cultural continuity is not maintained through isolated events, but through repeated participation in land-based activities over time.

Reduced Opportunities for Intergenerational Knowledge Transmission

The transmission of cultural knowledge depends on shared experiences on the land and water. Knowledge regarding harvesting, travel, stewardship, seasonal conditions, species behaviour, and relationships to place is learned through observation, participation, and guidance from Elders and experienced land users.

Project-related changes to harvesting opportunities, access conditions, and landscape use may reduce opportunities for these shared experiences. If harvesting becomes less successful, less predictable, or requires greater time and effort, opportunities for younger generations to participate in land-based learning may decline.

FAFN has specifically identified concerns regarding caribou, noting that changes to caribou movement, distribution, and availability affect not only harvesting opportunities but also land-based teaching, intergenerational knowledge transmission, and cultural continuity. The Nation has emphasized that the assessment does not adequately consider how ecological effects on caribou may affect the continuation of cultural practices and knowledge associated with harvesting.

More broadly, any reduction in opportunities for harvesting, trapping, fishing, gathering, travel, and stewardship may reduce opportunities for experiential learning and cultural transmission. These effects may accumulate over time as fewer opportunities exist for younger generations to develop relationships with the land and acquire place-based knowledge.

Changes in Relationships to Place

Relationships to place are maintained through repeated use, familiarity, memory, and experience. Cultural continuity depends not only on physical access to the land, but also on the ability to experience places in ways that reinforce identity, belonging, and connection across generations.

The Project is expected to increase access, increase human presence, introduce permanent infrastructure, and facilitate future development within the Albany River watershed. These changes may alter how community members experience the landscape, including perceptions of remoteness, ecological integrity, and continuity with past land use patterns.

Even where access remains physically possible, areas may be experienced differently as a result of increased infrastructure, traffic, industrial activity, and ecological change. Over time, these changes may alter the character and meaning of places that contribute to cultural identity and connection to the territory.

Because relationships to place are reinforced through ongoing engagement and experience, changes that reduce use, alter experience, or discourage future engagement may weaken these relationships over time. These effects are difficult to reverse and may persist for the life of the Project and beyond.

Summary of Impacts on Cultural Continuity

Across these pathways, the Project is expected to affect the conditions required to support cultural continuity, including:

- The integrity and character of the Albany River watershed as a cultural landscape;
- Opportunities for land-based cultural practice through harvesting, travel, stewardship, and time spent on the land;
- Opportunities for intergenerational knowledge transmission and land-based learning; and

- The continuity of relationships to place through long-term ecological, social, and landscape change.

These effects are interconnected and operate over time. Importantly, they occur within an already constrained context, where climate change, altered hydrology, changing land use patterns, and socio-economic pressures have already affected opportunities for land-based engagement and cultural practice.

Project-related impacts are therefore expected to compound these pressures by further altering the conditions through which cultural knowledge, practices, and relationships are maintained. As a result, the Project may contribute to a continued weakening of the conditions that support cultural continuity and the ability of FAFN members to maintain and renew relationships with the Albany River watershed across generations.

4.3. Governance

This section assesses potential impacts of the Project on FAFN's governance and stewardship responsibilities, including the ability to exercise decision-making authority, uphold legal and stewardship obligations, and participate meaningfully in decisions affecting lands and waters.

FAFN governance is grounded in relationships to territory and responsibilities to care for land, water, and future generations. These responsibilities are exercised through stewardship practices, land-based knowledge systems, and governance processes that guide how lands and resources are used and managed. For FAFN, governance includes responsibilities to protect and steward the Albany River watershed and associated lands and waters, maintain relationships with culturally important species and places, and ensure that development occurs in a manner consistent with community laws, values, and responsibilities to future generations.

The assessment first describes the conditions required to support the meaningful exercise of governance and stewardship responsibilities, including existing pressures on those conditions. It then evaluates how Project activities may affect these conditions through key impact pathways.

4.3.1. Conditions Required to Support Governance

The ability of FAFN to exercise governance and stewardship responsibilities depends on the capacity to make, implement, and uphold decisions regarding the use, protection, and management of lands and waters within its territory. Governance is grounded in relationships to land and water and reflects responsibilities to care for these systems for present and future generations.

Key conditions required to support the meaningful exercise of governance and stewardship include:

- **Ability to exercise authority over lands and resources**, including the ability to guide, influence, or determine how lands and waters are used and developed, consistent with FAFN laws, values, and priorities;
- **Capacity to fulfill stewardship responsibilities**, including the ability to protect and steward the Albany River watershed and associated lands and waters, maintain

relationships with key species and culturally important landscapes, and respond to environmental change through land-based knowledge and practices;

- **Access to information and the ability to monitor, understand, and respond to changes within the territory**, including knowledge of environmental conditions, cumulative effects, induced development, and emerging pressures affecting lands and resources; and
- **Ability to participate meaningfully in decisions affecting the territory**, including processes related to project planning, assessment, approval, and ongoing management, in ways that reflect FAFN priorities and support informed decision-making.

These conditions are interdependent. The ability to exercise authority depends on access to information and meaningful participation in decision-making processes. Stewardship responsibilities require both knowledge of environmental conditions and the ability to influence or control activities that affect the land. Limitations in any of these areas can constrain the overall effectiveness of governance.

These conditions are already affected by broader structural and historical factors. As described in Section 4.1.1, existing pressures, including environmental change, access constraints, and socio-economic shifts, have affected FAFN's ability to maintain land-based knowledge and stewardship practices over time. Climate-driven changes to hydrology, species distribution, and ecological conditions within the Albany River watershed have increased the complexity of stewardship responsibilities and the need to respond to cumulative environmental change. In addition, governance is shaped by regulatory frameworks that often limit the extent to which FAFN can exercise decision-making authority over lands and resources within its territory.

In this context, governance is not exercised in isolation but within a broader system in which authority is shared, constrained, or overridden by external decision-making processes. As a result, the meaningful exercise of governance and stewardship depends not only on FAFN's internal capacity and knowledge systems, but also on the extent to which external processes recognize and support FAFN's authority and responsibilities, including its responsibilities to steward the Albany River watershed and respond to cumulative effects affecting the territory.

These existing constraints increase the sensitivity of governance to additional pressures. Where projects proceed in ways that limit FAFN's ability to influence outcomes, respond to change, understand cumulative effects, or uphold stewardship responsibilities, the effectiveness of governance may be further reduced.

4.3.2. Project Impacts on Governance

Project-related impacts on governance and stewardship arise through changes in the ability of FAFN to exercise authority over lands and resources, fulfill stewardship responsibilities, access and interpret information about the territory, and influence decisions affecting land, water, and resource use over time. These impacts are particularly relevant in the context of the Albany River watershed, where governance responsibilities extend beyond individual project footprints to encompass stewardship of interconnected ecological systems, management of cumulative effects, and protection of conditions required to support future generations.

As noted in Section 4.1.2, the absence of documented current use within the immediate Project area does not indicate an absence of importance or potential impact. Governance applies

across the entirety of FAFN territory, including areas that may be used intermittently or may become more important in the future. Governance responsibilities also extend beyond currently documented land use to include stewardship of ecological systems, management of cumulative change, and consideration of future development trajectories. Impacts are therefore assessed in terms of how the Project may affect the conditions required to support the meaningful exercise of governance and stewardship responsibilities.

The pathways below describe how these conditions may be affected.

Ability to Exercise Authority over Lands and Resources

The Project is being advanced through regulatory processes in which decision-making authority ultimately rests with the Crown. While FAFN is formally included as a participant in these processes, the structure and implementation of the assessment process have materially constrained the Nation's ability to influence outcomes or exercise authority over its lands and resources.

As documented in correspondence from FAFN and its legal counsel, these constraints are not limited to the formal allocation of decision-making authority. They arise from a series of process-related deficiencies that collectively limit FAFN's ability to meaningfully participate in, shape, and rely on the assessment process.

A central concern is the fragmentation of one access road into multiple separate assessments (the Project, Webequie Supply Road, and Northern Road Link), despite their clear functional interdependence as a single regional access system intended to facilitate development in the Ring of Fire. This approach has imposed a significant burden on FAFN by requiring parallel engagement across multiple processes, while preventing a coherent assessment of cumulative effects and broader land use change. As noted by FAFN, this fragmentation "undermine[s] the consistency, coherence, accessibility, and usefulness of the assessment processes for consultation and regulatory purposes" (FAFN 2026). In practice, this limits the Nation's ability to assess and respond to the full scope of potential impacts and to exercise authority over how its territory is managed.

These constraints are compounded by the expedited timelines imposed on the assessment process. FAFN has repeatedly raised concerns that the timelines for review of the Final EA/IS are insufficient given the scale, complexity, and long-term implications of the Project. The Final EA/IS exceeds 10,000 pages, yet First Nations were given a matter of weeks to review it, often concurrently with other major assessments. As a result, FAFN has been unable to fully review the material or engage its membership. This has directly affected the Nation's ability to understand potential impacts and to make informed decisions regarding the Project.

The expedited process has also foreclosed the opportunity for community-led assessment, which FAFN had planned as a central component of its exercise of jurisdiction and decision-making authority. As noted in the FAFN's (2026) letter, the timelines have made it "highly unlikely that FAFN will have a full understanding of the projects to be able to make free, prior, and informed consent-based decisions." This has direct implications for the ability to exercise authority in accordance with FAFN governance systems, including the application of Indigenous knowledge, community deliberation, and consent-based decision-making.

Overall, these process issues materially constrain FAFN's ability to exercise authority over lands and resources. The Nation's role is effectively limited to reacting to a process that is externally structured, time-constrained, and based on incomplete information, rather than actively shaping decisions in accordance with its governance systems and responsibilities.

These limitations are particularly significant given the long-term and largely irreversible nature of Project-related changes. The Project is not simply a transportation project. It establishes a permanent access corridor within the Albany River watershed that is expected to influence future patterns of land use, resource development, and human activity. The EA/IS acknowledges that the road may facilitate future industrial activity, including mining and forestry development, within a region that currently experiences very low levels of anthropogenic disturbance.

As a result, the governance implications of the Project extend beyond the direct effects of road construction. The Project may influence the future trajectory of development within the watershed by creating conditions that support additional access, exploration, resource extraction, and infrastructure development. Decisions made through the current assessment process therefore have implications not only for the Project itself, but for future land use and cumulative effects across a broader portion of FAFN territory.

Where FAFN is unable to meaningfully influence the conditions under which the Project proceeds, its ability to guide future land use, protect the ecological integrity of the Albany River watershed, and uphold stewardship responsibilities for future generations is correspondingly reduced. These concerns are amplified by the fragmentation of the assessment process, which limits the Nation's ability to understand and evaluate how the Project, the Webequie Supply Road, the Northern Road Link, and future development projects may interact to affect the territory over time.

As a result, the Project is expected to proceed in a manner that constrains FAFN's authority and limits its ability to exercise governance over lands, waters, and future development pathways in accordance with its laws, values, and stewardship responsibilities.

Capacity to Fulfill Stewardship Responsibilities

FAFN's stewardship responsibilities include caring for the Albany River watershed and associated lands and waters, maintaining relationships with fish, wildlife, plants, and culturally important landscapes, and responding to environmental change in accordance with its knowledge systems, laws, and responsibilities to future generations.

As described in Section 4.1.2, the Project is expected to introduce long-term changes to hydrology, aquatic systems, habitat conditions, species distribution, access patterns, and land use within the Albany River watershed. The Project will also introduce a permanent transportation corridor into a largely intact landscape and may facilitate future industrial development, including mining and forestry activities. Together, these changes have the potential to alter ecological conditions across a broader area than the Project footprint alone.

These changes are directly relevant to FAFN's stewardship responsibilities. The Project is expected to affect fish habitat, wetlands, peatlands, wildlife habitat, harvested species, and

broader ecological processes that support the exercise of rights and the health of the watershed. FAFN has also identified concerns regarding the adequacy of the assessment of cumulative effects on species such as caribou and the implications of these changes for long-term ecological integrity and cultural continuity.

In practice, the Project may constrain FAFN's ability to fulfill stewardship responsibilities. While the Nation may identify concerns, propose mitigation measures, participate in monitoring, and advocate for particular outcomes, it may not have the authority to determine whether the Project proceeds or to ensure that development activities align with its stewardship objectives. The Project may therefore create environmental changes for which FAFN retains stewardship responsibilities but exercises only limited control.

This creates a disconnect between responsibility and authority. FAFN continues to bear responsibilities to protect the Albany River watershed, maintain relationships with culturally important species and landscapes, and safeguard conditions for future generations, yet many of the decisions that shape those conditions remain under the control of proponents, regulators, and other external decision-makers.

These challenges are amplified by the potential for induced development and cumulative effects. Once access is established, future development activities may place additional pressures on lands, waters, and species within the watershed. Where FAFN has limited ability to influence the pace, scale, or location of these changes, its capacity to fulfill stewardship responsibilities may be further constrained over time.

As a result, the Project may reduce FAFN's ability to effectively fulfill stewardship responsibilities for the Albany River watershed and respond to cumulative environmental change in accordance with its laws, values, and obligations to future generations.

Access to information and the ability to monitor, understand, and respond to changes within the territory

Effective governance depends on access to information and the ability to monitor, understand, and respond to changes occurring within the territory over time. This includes knowledge of environmental conditions, project effects, cumulative effects, induced development, and emerging pressures affecting lands, waters, species, and harvesting systems.

As described in Section 4.1.2, the Project is expected to introduce long-term changes to hydrology, aquatic systems, habitat conditions, species distribution, access patterns, and land use within the Albany River watershed. The Project may also facilitate future development activities that extend beyond the direct Project footprint. Understanding how these changes interact over time requires sustained monitoring, access to information, and the ability to evaluate cumulative effects across the broader watershed.

In practice, FAFN's ability to access and interpret information may be constrained by assessment, monitoring, and reporting systems that are designed and implemented by

proponents and regulators and divided across multiple projects. FAFN has raised concerns regarding the fragmentation of the broader regional access system into separate assessments, noting that this approach limits the ability to understand cumulative effects and broader patterns of environmental change. Similar challenges may arise during monitoring and follow-up if information is collected, reported, and interpreted separately for individual projects rather than through an integrated watershed-scale approach.

While participation opportunities may exist, they do not necessarily provide FAFN with authority over monitoring priorities, methods, indicators, data management, or interpretation of results. Monitoring programs may focus on regulatory requirements rather than the issues most relevant to FAFN governance and stewardship responsibilities, including cumulative effects on harvesting systems, culturally important species, ecological integrity, and the long-term condition of the Albany River watershed.

These limitations are particularly important because the EA/IS relies on future monitoring and adaptive management to address uncertainty in several areas, including hydrology, peatland function, species responses, and cumulative effects. Where key questions are deferred to future monitoring, FAFN's ability to exercise informed governance depends on meaningful access to information and influence over how that information is generated and interpreted.

This may limit the ability to understand emerging impacts, identify cumulative changes, and respond effectively to environmental change over time. As a result, the Project may constrain FAFN's ability to adapt governance and stewardship approaches and to make informed decisions regarding the protection and management of its territory.

Ability to participate meaningfully in decisions affecting the territory

Meaningful participation in decision-making requires more than the opportunity to comment on individual projects. It also requires the ability to influence broader decisions regarding the future use, protection, and development of lands and waters within FAFN territory.

The Project introduces permanent access into a region that currently experiences very low levels of anthropogenic disturbance. The EA/IS acknowledges that the Project may facilitate future industrial activity, including mining and forestry development, by improving access to lands and resources within the Albany River watershed. As a result, the Project has implications not only for current land use, but also for future patterns of development across the territory.

Governance impacts therefore extend beyond the Project itself. Once access is established, additional development may occur incrementally through separate regulatory processes, each focused on individual projects rather than the broader trajectory of change occurring across the watershed. FAFN has raised concerns that the fragmentation of assessments limits the ability to understand and evaluate cumulative effects and broader patterns of land use change. Similar challenges may arise as future projects are proposed and reviewed independently.

In practice, this may constrain FAFN's ability to participate meaningfully in decisions affecting the territory at a broader scale. While the Nation may engage in individual project reviews, it may have limited opportunities to influence the pace, scale, location, and cumulative consequences of development across the Albany River watershed. This is particularly important

where individual decisions collectively contribute to long-term changes in ecological conditions, harvesting opportunities, cultural landscapes, and stewardship responsibilities.

This creates a pathway through which governance impacts extend beyond the direct effects of the Project. By establishing permanent access and creating conditions that may facilitate future development, the Project may influence how decisions affecting the territory are made and whose priorities ultimately shape the future of the landscape.

As a result, the Project may reduce FAFN's ability to participate meaningfully in decisions regarding the long-term management and development of its territory and may contribute to a shift in control over land use from a system grounded in FAFN stewardship and responsibilities toward one increasingly shaped by external development pressures and decision-making processes.

Summary of Impacts on Governance and Stewardship

Across the pathways analyzed above, the Project is expected to affect the conditions required to support governance and stewardship, including:

- Ability to exercise authority over lands and resources, through limitations on FAFN's ability to influence project outcomes, assess cumulative effects, and guide future land use within its territory;
- Capacity to fulfill stewardship responsibilities, through long-term ecological change within the Albany River watershed and limited ability to direct or control activities affecting lands, waters, species, and cultural landscapes;
- Access to information and ability to monitor, understand, and respond to changes within the territory, through constraints on assessment, monitoring, data access, and influence over how environmental change and cumulative effects are evaluated and interpreted; and
- Ability to participate meaningfully in decisions affecting the territory, particularly in relation to cumulative effects, induced development, and the long-term trajectory of land and resource development within the Albany River watershed.

These effects are interconnected and operate over time. Importantly, they occur within an existing context in which governance is already constrained by external regulatory frameworks, cumulative environmental change, and limited authority over decisions affecting lands and resources (Section 4.3.1).

Project-related impacts are therefore expected to compound these constraints, particularly where the Project establishes permanent access, alters patterns of land use, and facilitates future development beyond FAFN control. In this context, governance impacts extend beyond the Project itself to include reduced ability to influence the pace, scale, location, and cumulative consequences of future development within the Albany River watershed.

As a result, the Project may reduce the effectiveness of governance and stewardship by limiting FAFN's ability to exercise authority, fulfill stewardship responsibilities, understand and respond to cumulative change, and influence decisions affecting the long-term management and

protection of its territory in accordance with its laws, values, and responsibilities to future generations.

5. Evaluation of Mitigation Effectiveness

This section evaluates the effectiveness of the mitigation and accommodation measures proposed by the Proponent in addressing potential impacts on the exercise of FAFN's rights. It considers the extent to which these measures are expected to avoid, reduce, or manage impacts on harvesting, cultural continuity, and governance and stewardship, and identifies residual effects where measures are uncertain, incomplete, or insufficient.

The Proponent's Aboriginal and Treaty Rights and Interests assessment (ATRI; Dillon 2026) relies heavily on mitigation measures developed for other valued components, including measures intended to reduce impacts on water quality, fish habitat, wildlife, vegetation, air quality, noise, and other environmental conditions. These measures may reduce some biophysical effects and are therefore relevant to rights impacts that depend on ecological conditions.

In addition, the Proponent identifies a limited number of Aboriginal and Treaty Rights-specific mitigation measures, including:

- Continued communication with FAFN regarding traditional land use areas and resources;
- Participation in environmental monitoring through environmental advisory committees;
- Pausing construction activities during selected harvesting periods where feasible; and
- Holding a ceremony prior to commencement of construction activities.

While these measures may support communication, participation, and cultural recognition, they do not directly address many of the principal pathways through which the Project is expected to affect harvesting rights, cultural continuity, and governance. In particular, the proposed measures do not meaningfully address long-term changes to species availability and distribution, increased harvesting pressure associated with permanent road access, induced development, changes to the Albany River watershed as a cultural landscape, or limitations on FAFN's ability to exercise authority over future land use and development.

Table 1 evaluates the adequacy of the proposed mitigation measures in relation to the rights-based impacts identified in Section 4. Where mitigation is uncertain, incomplete, or insufficient, residual effects are carried forward to the severity determination.

Table 1. Evaluation of Mitigation Measures

Rights Area	Relevant Proponent Measures	Overall Effectiveness
Harvesting	Environmental mitigation measures;	Partially effective for reducing some localized construction-related

Rights Area	Relevant Proponent Measures	Overall Effectiveness
	communication with FAFN; environmental advisory committees; potential pauses during selected harvesting periods	disturbances and environmental effects. Does not address long-term habitat fragmentation, species displacement, increased access, harvesting pressure, induced development, or confidence in country foods.
Cultural Continuity	Communication with FAFN; environmental advisory committees; potential pauses during selected harvesting periods; ceremony prior to construction	Limited effectiveness. Measures may support engagement and cultural recognition but do not address long-term changes to cultural landscapes, land-based practice, relationships to place, or intergenerational transmission of knowledge.
Governance and Stewardship	Communication with FAFN; participation in environmental monitoring and advisory committees	Limited effectiveness. Measures provide opportunities for participation but do not increase decision-making authority, address project fragmentation, improve control over monitoring programs, or provide mechanisms to influence future development and cumulative effects.

Overall, the proposed mitigation measures are primarily procedural and participatory in nature. While they may improve communication and provide opportunities for involvement in monitoring and implementation, they do not directly address many of the principal pathways through which the Project is expected to affect harvesting rights, cultural continuity, and governance. As a result, substantial residual effects remain and are carried forward to the severity determination.

6. Severity of Impacts on the Exercise of Rights

This section assesses severity in accordance with the framework described in Section 3, based on the residual effects identified in Sections 4 and 5.

6.1. Harvesting

Residual effects on harvesting affect all four conditions required for the meaningful exercise of harvesting rights: access to harvesting areas, availability and distribution of harvestable species, reliability of harvesting practices, and confidence in harvested resources.

The **magnitude** of these effects is **high**. The Project is expected to affect the ecological and social conditions that support harvesting through changes to the Albany River watershed, habitat disturbance and fragmentation, altered species distribution and availability, increased

harvesting and trapping pressure, and reduced confidence in country foods. The EA/IS predicts residual effects on fish habitat, aquatic systems, moose (significant), caribou (significant), American marten, vegetation communities, and peatland ecosystems that support harvested resources. The Project is also expected to introduce permanent all-season access into a largely intact landscape, increasing competition for harvested resources and facilitating future development that may further affect harvesting conditions over time.

The **extent** of these effects is **regional**. Although direct physical disturbance is concentrated within the Project footprint, the pathways affecting harvesting extend across the Albany River watershed through interconnected hydrological systems, fish habitat, wetlands, wildlife movement patterns, increased public access, harvesting pressure, and induced development. The Project affects ecological systems and access conditions that support harvesting across a broader landscape than the immediate road corridor.

The **duration** of these effects is **long-term** and, in many cases, **permanent**. The Project is intended to operate indefinitely, and many of the pathways affecting harvesting are expected to persist for the life of the Project and beyond. The **reversibility** of these effects is **limited**, particularly where permanent changes occur to habitat conditions, ecological connectivity, access patterns, and future land use trajectories.

These effects occur within a **context** in which harvesting systems are **already under pressure** from climate change, hydrological alteration, contamination concerns, changing species distributions, access constraints, and broader socio-economic changes affecting participation in harvesting. Project-related effects are expected to compound these existing pressures. The Project may also contribute to cumulative effects through increased access and induced development, further increasing pressures on fish, wildlife, plants, and the ecological systems that support harvesting.

Particular concern arises from the Project's potential effects on the Albany River watershed, which remains central to fishing, travel, harvesting, and stewardship. The Project introduces new and long-term disturbances into an interconnected watershed system that supports the fish, wildlife, plants, and ecological conditions relied upon by FAFN members. The Project is also expected to affect species availability and distribution, including moose, caribou, and furbearers, and may increase harvesting and trapping pressure through permanent road access. Collectively, these effects may reduce harvesting success, increase the effort required to harvest resources, reduce confidence in country foods, and constrain opportunities to exercise harvesting rights over time.

Overall, the severity of impacts on harvesting rights is assessed as **high**.

6.2. Cultural Continuity

Residual effects on cultural continuity affect the conditions required to maintain relationships with the Albany River watershed as a cultural landscape, including opportunities for land-based cultural practice, intergenerational knowledge transmission, and continuity of relationships to place.

The **magnitude** of these effects is **high**. The Project is expected to contribute to the transformation of the Albany River watershed as a cultural landscape. These changes affect the

conditions through which cultural knowledge, values, practices, and relationships are maintained and transmitted. The Project may reduce opportunities for harvesting, travel, stewardship, and time spent on the land, while also altering how culturally meaningful places and landscapes are experienced by current and future generations.

The **extent** of these effects is **regional**. Cultural continuity depends on relationships with interconnected lands and waters rather than isolated sites. The pathways identified in this assessment affect the broader Albany River watershed, including ecological systems, travel routes, harvesting areas, and cultural landscapes that support ongoing cultural practice and engagement.

The **duration** of these effects is **long-term** and, in many cases, **permanent**. The Project is intended to operate indefinitely, and many of the changes affecting cultural continuity are expected to persist throughout the life of the Project and beyond. The **reversibility** of these effects is **limited**, particularly where they affect relationships to place, patterns of cultural use, and opportunities for land-based learning and knowledge transmission.

These effects occur within a **context** in which cultural continuity is **already under pressure** from climate change, altered hydrological conditions, access constraints, socio-economic change, and reduced opportunities for sustained land-based engagement. Project-related effects are expected to compound these existing pressures. The Project also establishes conditions for future development within the Albany River watershed, contributing to the cumulative transformation of lands and waters that support cultural identity, practice, and belonging.

Particular concern arises from the Project's contribution to the long-term transformation of the Albany River watershed as a cultural landscape. Cultural continuity depends not only on access to specific places, but on the ability to maintain relationships with living landscapes through harvesting, travel, stewardship, teaching, and shared experience. Changes that reduce opportunities for these activities, alter how the landscape is experienced, or weaken connections between people and place may affect the ability of future generations to maintain and renew cultural knowledge, practices, and relationships.

Overall, the severity of impacts on cultural continuity is assessed as **high**.

6.3. Governance and Stewardship

Residual effects on governance and stewardship affect the conditions required for FAFN to exercise authority over lands and resources, fulfill stewardship responsibilities, access information and monitor change, and participate meaningfully in decisions affecting the Albany River watershed and broader territory.

The **magnitude** of these effects is **high**. The Project is expected to constrain FAFN's ability to influence land use outcomes, assess and respond to cumulative effects, fulfill stewardship responsibilities, and exercise authority in accordance with its laws, values, and responsibilities to future generations. The assessment process has been characterized by project fragmentation, compressed timelines, and limitations on the ability of FAFN to undertake community-led assessment and informed decision-making. The Project also creates long-term challenges for stewardship by introducing permanent access, ecological change, and future

development pressures into the Albany River watershed while providing limited mechanisms through which FAFN can direct or control these changes.

The **extent** of these effects is **territorial**. Governance and stewardship responsibilities apply across the entirety of FAFN territory and are not limited to areas of current use. The Project affects the Albany River watershed as an interconnected ecological and cultural system and may influence future patterns of land use and development across a broader region. As a result, governance impacts extend beyond the Project footprint and beyond the immediate effects of the road itself.

The **duration** of these effects is **long-term** and their reversibility is limited. The Project is intended to operate indefinitely and is expected to establish enduring patterns of access, land use, and development pressure. Once established, these conditions are difficult to reverse and may continue to influence governance and stewardship responsibilities long after Project construction is complete.

These effects occur within a **context** in which governance is **already constrained** by external regulatory frameworks and limited recognition of Indigenous decision-making authority. Project-related impacts are expected to compound these existing constraints. The Project also facilitates future development within the Albany River watershed and broader Ring of Fire region, creating ongoing governance challenges associated with cumulative effects, land use planning, environmental stewardship, and participation in future decision-making processes.

Particular concern arises from the Project's role in shaping the future trajectory of development within the Albany River watershed. The Project establishes conditions that may influence future decisions regarding mining, forestry, infrastructure, and other forms of development, while providing limited opportunities for FAFN to determine whether, where, and under what conditions such development occurs. This creates a disconnect between FAFN's stewardship responsibilities and its ability to exercise authority over activities affecting its territory.

Overall, the severity of impacts on governance and stewardship is assessed as **high**.

6.4. Overall Severity Conclusion

The Project is expected to result in **high severity** impacts across all three rights areas assessed in this RIA.

The Project affects the ecological, cultural, and governance conditions required for the meaningful exercise of rights through multiple interconnected pathways. These include changes to the Albany River watershed, habitat disturbance and fragmentation, altered species availability and distribution, increased harvesting pressure, reduced confidence in country foods, permanent all-season access, and the potential for future induced development. These pathways affect the long-term conditions through which rights are exercised, maintained, and transmitted across generations.

While some mitigation measures may reduce localized or short-term effects, they do not address the primary drivers of impact identified in this assessment. In particular, the proposed measures do not meaningfully address long-term changes to the Albany River watershed, increased access and harvesting pressure, transformation of cultural landscapes, or limitations

on FAFN's ability to influence future development and cumulative effects. As a result, substantial residual effects remain across harvesting, cultural continuity, and governance and stewardship.

These effects occur within an already altered and dynamic baseline characterized by climate change, hydrological change, cumulative development pressures, access constraints, and ongoing limitations on Indigenous authority and decision-making. Project-related effects are expected to compound these existing pressures and contribute to cumulative change over time.

Table 2 summarizes the severity determination across the criteria described in Section 3.4.

Table 2. Severity Determination

Rights Area	Magnitude	Extent	Duration	Reversibility	Severity
Harvesting	High	Regional	Long-term	Limited	High
Cultural Continuity	High	Regional	Long-term	Limited	High
Governance & Stewardship	High	Territorial	Long-term	Limited	High

Overall, the Project is expected to result in significant and enduring impacts on the conditions required for the meaningful exercise of FAFN's rights. The Project contributes to long-term ecological, cultural, and governance changes within the Albany River watershed and establishes conditions that may influence future development and land use decisions for generations to come.

7. Conclusions

This assessment finds that the Project is expected to result in high severity impacts on the exercise of FAFN's rights, including harvesting, cultural continuity, and governance and stewardship.

The Project affects the ecological, cultural, and governance conditions that support the meaningful exercise of rights through multiple interconnected pathways. These include changes to the Albany River watershed and its associated aquatic systems, habitat disturbance and fragmentation, changes in the availability and distribution of harvested species, increased harvesting pressure and competition for resources, reduced confidence in country foods, permanent all-season access, and the potential for induced development. Collectively, these effects alter the conditions required to harvest, travel, steward the land, maintain cultural practices, transmit knowledge across generations, and exercise authority over territory.

A central finding of this assessment is that the Project cannot be understood solely as a transportation project. The Project would establish permanent access into a largely intact

portion of the Albany River watershed and create conditions that may facilitate future industrial development, including mining, forestry, and associated infrastructure. As a result, the Project's effects extend beyond its direct footprint and include broader cumulative changes to ecological systems, cultural landscapes, and governance conditions that support the exercise of rights.

While mitigation measures are proposed, they are largely procedural, high-level, deferred to future planning processes, or focused on reducing localized biophysical effects. The proposed measures do not adequately address the principal drivers of impact identified in this assessment, including long-term changes to the Albany River watershed, increased access and harvesting pressure, transformation of cultural landscapes, and limitations on FAFN's ability to influence future development and cumulative effects. As a result, substantial residual effects remain across all rights areas.

These effects occur within an already altered and dynamic baseline characterized by climate change, hydrological change, cumulative development pressures, contamination concerns, access constraints, and ongoing limitations on Indigenous authority and decision-making. Project-related impacts are expected to compound these existing pressures and contribute to cumulative change over time.

These findings are based on a targeted assessment prepared under compressed timelines and with limited opportunity for community engagement, reflecting constraints in the broader assessment process rather than an absence of impact. Given the scale, duration, uncertainty, and cumulative nature of the identified effects, a precautionary approach is warranted. In particular, precaution is required where impacts affect the long-term integrity of the Albany River watershed, facilitate future development, and may diminish the conditions required for the meaningful exercise of FAFN's Treaty and Indigenous rights for present and future generations.

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