

IAAC Review of the MFFN-CAR

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Document Quote

Mushkegowuk Comment

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Effects on fish and fish habitat

Mushkegowuk Council disagrees that the effect on fish and fish habitat will be low. We believe that the increased access to new populations of fishes will result in a significant increase in the fishing pressure. This has been witnessed in many other jurisdictions that are now seeing their fish populations shift to smaller average sizes or reduced in number. This can result from being outcompeted by introduced species, suffering an increase in predation as young-of-year due to species like the round goby being preying on the game fish fry or habitat loss due to invasive crayfish activity.

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Effects on current use of lands and resources for traditional purposes by Indigenous Peoples - Residual effects and cumulative effects to which the project contributes are likely to be significant to a low extent

Mushkegowuk Council believes that the increased access to area lands and increased mobility provided by the project roads for the Marten Falls populace will have a very significant effect. Particularly concerning is the effect this will have on the far easier hunting for caribou that will result from the project.

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The proponent has also committed to maintaining hydrological flows through the peatlands by installing equalization culverts and the floating road design.

Mushkegowuk Council does not believe that equalization culverts will perfectly mimic the hydrology currently in the peatlands and is particularly concerned that during the melting and spring freshet the culverts will be frozen and water unable to flow. This has been previously observed in similar areas and we advise consideration of this problem before construction. This phenomena is associated with permafrost but is likely to occur in all areas in muskeg. Culverts also function such that they collect a large area's water on the higher side of the road and then concentrate that into a singular flow on the downstream side of the road eroding a channel that then acts to lower the surrounding area's water table and dry the existing environment.

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IAAC is of the view that, with the implementation of the mitigation measures, the project is expected to cause limited to no residual effects on fish populations due to increased recreational fishing, depending on how many recreational anglers visit the area.

Mushkegowuk Council reads this as saying that fish populations will decrease if there are lots of recreational anglers visiting the area. Close monitoring of this fishing pressure and rapid conservation of fish populations should be planned. Is that possible?

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IAAC considered the Albany River basin as the spatial boundary for the cumulative effects assessment because it encompasses the catchment area of the Albany River and Ogoki River and their tributaries, which are hydrologically connected to the fish populations and habitat that may be affected by the project.

Mushkegowuk Council believes this statement is incorrect. The spatial boundary need include a broader area that this project will induce. Recognizing this as part of a tri-partite road that has been widely discussed and trumpeted by proponents (such as those permitting the process) the cumulative effects must surely include Attawapiskat and Winisk River basins at minimum. Other factors one might consider would be acid rain or other long range transportation of pollutants that do not respect the watershed boundaries.

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In addition, residual effects from the project in combination with the other projects would mainly occur during project construction (except for effects from recreational fishing). As such, temporal overlap in residual effects between the proposed project and other projects would be limited.

Mushkegowuk Council doesn't really understand this statement. Residual effects are residual. They don't just occur during the construction. Temporal overlap is hence irrelevant.

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For the types of projects considered, the effects are generally well understood and addressed with standard mitigation measures.

Mushkegowuk Council wishes to mention that the earth's environment is being traumatically changed by human activities that often involve standard mitigation measures. Many of the earth's species continue to be unknown and many species known have populations that are rapidly decreasing. Many species are extirpated from former ranges even though standard mitigation measures were applied. Please, please do better than standard mitigation measures.

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- *making the monitoring results available to Indigenous communities, as soon as feasible.*

Mushkegowuk Council wonders which communities and how you would recommend this?

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IAAC is of the view that, with the implementation of these mitigation measures, the project is expected to result in residual adverse effects on migratory birds due to sensory disturbances from noise that would be limited to the CDA and parts of LSA mainly during construction periods and there would be no residual effects on bird populations.

Mushkegowuk Council believes it incorrect to state that there will be no residual effects. Maybe you mean tolerable or minimal? You are in effect removing a large area that is presently used by migratory birds such that they will no longer be able to use it – correct?

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Recommended mitigation measures that would potentially be included as conditions in the impact assessment decision statement

Mushkegowuk Council suggests working with Birds Canada to install [Motus Stations](#) to gain knowledge that would allow better understanding of migratory birds.

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2.3.1.2 Loss and degradation of species at risk and eastern migratory caribou habitat.

Mushkegowuk Council doesn't understand why caribou are not considered a species at risk?

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Aerial species are susceptible to vehicular collisions during project operation, while collision risks are lower for caribou and wolverine as they generally avoid areas with anthropogenic disturbance.

Mushkegowuk Council believes that transit during the construction of 180+ kilometers of road will surely leave completed areas that caribou are crossing will vehicles are going to/from distant construction sites that may lead to collisions. If you are suggesting that the road is an anthropogenic disturbance that caribou and wolverines will never again visit that is a different and significant concern.

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IAAC supports Indigenous participation and consultation activities through its Participant Funding Program.

Mushkegowuk Council was supported to engage for the various Ring of Fire related projects until just prior to the final approvals. Then our transfer payment agreement with the Ontario Energy and Mines Ministry was ceased April 30th. This came as a surprise to Mushkegowuk Council as the activity in the area has only increased as has our interest and engagement. Perhaps IAAC would be a more solid partner for continued engagement as real construction begins.

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Mushkegowuk Council believes that the idea of a proponent-led engagement is experiencing "mission creep". It is understood that these projects are not accomplished by the proponents but even leadership is being becoming signatory. It seems that being the lead proponent increasingly titular. It is an excellent concept but the concept needs a clear definition. What are the parameters for a project to qualify?

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traditional activities except for hunting of caribou and other ungulates,

Mushkegowuk Council believes that the only ungulate species are caribou and moose in the LSA

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Mushkegowuk Council is surprised that it is not mentioned at all in the document when you mention engagements/comments. Its expressed concerns have been considerable and the indigenous engagement on this project has been widely sought by the proponents. We are interested in future participation in this project as more detailed planning and actual construction begins.

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Figure 7: Traplines within the RSA

Maps are illegible.

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vehicular collisions with caribou and other ungulate species
no ungulates exist in this area besides caribou and moose

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Mitigation Measures

Mushkegowuk Council has given much consideration toward mitigating measures. To re-state ideas that were given on previous documents and don't seem to have gotten to this point,

From comments for the Draft MFFN-CAR EA-IS by Mushkegowuk Council

The latter is a quote from the EA/IS regarding woodland caribou.

- Context: Caribou are a threatened species both federally and provincially. Federal and provincial range assessments indicate the caribou populations in the ranges encompassed by the caribou effects assessment Regional Study Area are self-sustaining but may be at intermediate risk; the two ranges where direct habitat loss will occur (Missisa and Nipigon) both have declining population trends. There is limited risk of vehicle-caribou collisions in the existing conditions. The linear density in the caribou effects assessment Regional Study Area in existing conditions is estimated to be 0.26 kilometres per square kilometre. This includes 29,993 kilometres of permanent linear features and 19,910 kilometres of non permanent linear features (for example, trails, cutlines and legacy forest harvest roads).
- Direction: Negative
- Magnitude: A moderate magnitude of change to survival and reproduction during Operation and Maintenance is predicted in the caribou effects assessment Regional Study Area, relative to existing conditions, because mitigation measures are less enforceable.
- Geographic Extent: Local

Duration / Reversibility: Long term / Irreversible

- Frequency: Continuous

This argues for intensive mitigation measures and yet there is no intensive solution proposed in the document. I propose ongoing studies to determine those places where road crossings would occur and construction of fences guiding animals to bridges to guide the caribou safely over/across the road. This technique has numerous examples of success for preservation of species. The consideration of effects such as the increase in linear features due to road

construction and the assessment of those effects as insignificant seems to ignore the cumulative effect that this development has been shown to have repeatedly in other parts of Canada.

or

This predicted negative effect on wolverines(a species already at risk of extinction) demands the intensive mitigation measures to ensure the population does not collapse as forecast if bimaadiziwin does indeed form the backbone of this indigenous led project. Safe crossing points for wolverines and other large animals via tunnels/bridges? Seasonal road closures? Trucks/car convoys? Night or dusk/dawn driving bans to allow for the crepuscular creatures to roam safely?

or

As stated in the EA/IS the road is expected to be serious in its effects on an already declining species population.

“the magnitude of the residual effect from linear barriers was assessed as high and determined to be significant”

“residual effects from the Community Access Road on caribou and caribou habitat are determined to have a **significant** influence on self-sustaining and ecologically effective caribou populations”

It is therefore imperative that all possible mitigating methods be considered for caribou. Are there thoughts of enclosures during calving season that serve to protect calves from predators during the animal’s most vulnerable early days of life? These have been used with great success in other parts of North America and the world. What if this road where only open from 6am to 6pm and barrier gates were open and closed daily? Would this not be a low-cost mitigation of effects?

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This refers to finding something significant archaeologically
immediately halt work at the location of a discovery;

Who is present to recognize something significant? The back-hoe operator certainly isn’t trained.

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4.4.2 Existing section 35 rights

Mushkegowuk Council wishes to point out that the project not occurring within our traditional territory does not limit its impacting our rights. Whether this is via long range transport of pollutants, migratory species or precedent setting legal decisions, Mushkegowuk Council is very concerned how our rights are to be impacted.

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Mushkegowuk Council finds the lack of mention of the Here We Stand camp on the Attawapiskat River in protest to this road exceptional.

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Mushkegowuk Council assumes that you are using “overprinted” in the sense of being written over or superseding an existing situation?

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Mushkegowuk Council calculates Marten Falls current emissions for transportation are at ~ 3 tonnes/day. You state carbon dioxide emissions during construction will be ~ 810 tonnes/day versus the post-construction emissions of ~ 120 tonnes/day. This is a significant increase and one that it is difficult to imagine any reductions from future electric vehicles making this any overall saving of GHGs.