



Wednesday July 22, 2020

RE: Review of Agency's Preliminary Analysis related to rights and interests impacts related to the proposed Gazoduq Pipeline Project

Impact Assessment Agency of Canada
Ottawa, ON
< sent by email >

Attention: Jason Boisvert, Crown Consultation Lead

Dear Jason,

We are in receipt of your letter dated May 19, 2020 related to the participant funding application and the Agency's preliminary analysis of severity of potential impacts on Wahgoshig First Nation ("WFN") rights. Please note that our comments on the participant funding application, the draft Integrated Review Panel Terms of Reference including the draft Cooperation Agreement with the Government of Quebec will be directed to you separately and via our legal representative, Olthuis Kleer Townshend LP on behalf of the Mamo Aki Corporation.

We are taking this opportunity to comment on the summary of information the Agency has regarding the nature, scope and content of the WFNs Aboriginal or Treaty rights and the Agency's assessment of potential impacts of the proposed Gazoduq Project on those rights.

WFN has a sacred duty to care for the lands and resources of its traditional territory as good stewards of the environment. WFN also has inherent rights and recognized Treaty rights protected by the Constitution Act, 1982 ("WFN Rights"). WFN Rights extend throughout our traditional territory which includes lands in Ontario and in Quebec. Our ancestors, current members and all future generations have the right to exercise our rights in the territory.

WAHGOSHIG FIRST NATION



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As we currently understand the Gazoduq project, the proposed compressor station that would connect the Gazoduc pipeline with the TransCanada pipeline near Ramore, Ontario, the pipeline itself, the pipeline corridor, and the various other supporting infrastructure is within an area of our traditional territory. This portion of our traditional territory is well used and relied upon to sustain our culture, health, community and social connections including the flora and fauna that are the foundations of these relationships. We also note that we have never been consulted or accommodated for the impacts that result from the existing TransCanada pipeline that runs through our traditional territory and that is necessary to provide the gas that will supply the Gazoduq project.

We therefore agree with your analysis that as a result of the Gazoduq project, WFN members living today, and in the future could experience high impacts on our Aboriginal and Treaty rights. Given our interests and rights exist in both Ontario and Quebec, we expect to be recognized and involved in both the federal and Quebec provincial impact assessment and approval processes for the life of this project.

You are correct that:

- We have rights that are recognized and affirmed under section 35 of the Constitution Act (1982)
- We are a signatory to Treaty 9 which provides rights to hunting, trapping and fishing throughout the treaty area,
- That we are affiliated with the Algonquin Anishinabeg Nation Tribal Council (AANTC),
- The approximate distance between our reserve (Abitibi IR 70) and the preferred planning area is 15 km.

In addition, we have filed a court action claiming that there is an unfulfilled treaty land entitlement (under Treaty 9), joint with Abitibiwinni, for substantially more reserve land, which land could be selected from the areas in the pipeline corridor within Wahgoshig Traditional Territory.

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The summary of information available to the Agency on potential impacts to the exercising of our Aboriginal and Treaty rights due to the proposed project is correct, but we must stress is only **preliminary** in nature. To date, we have had very limited consultation opportunities with the Agency and with Gazoduq. Until Gazoduq resumes the project that they suspended earlier this year, and consultation activities including active participation in the impact assessment process can occur, the full extent of potential impacts remains unknown.

We look forward to future meaningful consultations and full participation in the impact assessment process. During this extraordinary time, however, where we must remain safe from the threat of COVID-19, paired with the uncertainty of the proposed project, it is very difficult to predict the timing of resumption of meaningful consultation activities.

We do know that consultation to date has not been adequate to fully understand all of the potential impacts on our rights and interests.

Yours in the spirit of reconciliation,

<Original signed by>

Chief Dave Morris,
Wahgoshig First Nation

Attachment

Cc: Jacynthe Ledoux, OKT Law
Caroline Coburn, Odonaterra
Elaine Bougie, Groupe Conseil Nutshimit-Nippour
Don Richardson, Shared Value Solutions

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