



WOLF LAKE FIRST NATION

<contact information removed>

July 23, 2020

Email: <email address removed>

Melanie Sanschagrín
Crown Consultation Lead,
Crown, Consultation Operations Directorate

<contact information removed>

RE: Comments to the draft Terms of Reference of the Integrated Review Panel and the Canada-Quebec Cooperation Agreement

Dear Ms. Melanie Sanschagrín,

Thank you for reaching out and informing Wolf Lake First Nation on the extension to provide comments by July 24, 2020 to the draft Terms of Reference of the Integrated Review Panel, which will guide how the Review Panel will conduct its hearings and Impact Statement Report as well as the Canada-Quebec Cooperation Agreement on the Coordination of Environmental Assessment and Impact Assessment Procedures for the Gazoduq Project.

Wolf Lake First Nation is informing Canada that COVID-19 has impacted Wolf Lake First Nation's ability to adequately review and analysis documents related to this project. Wolf Lake First Nation requires additional resources and flexible timelines in the engagement and consultation process as the impact assessment moves forward. Canada should also assess the other First Nations involved as they will have their own challenges.

Wolf Lake First Nation recognizes this is the third federal comment period for the Project and that the Terms of Reference of the Integrated Review Panel when finalized will set out the mandate and timelines for conducting the impact assessment. In addition, the Cooperation Agreement describes the cooperation process developed between the Province of Quebec and the Federal Government to harmonize procedures and timelines for the assessment in order to facilitate opportunities for participation.

Wolf Lake First Nation has not provided a complete analysis due to the lack of time, capacity and resources. However, we are providing our preliminary comments and want to ensure that the right of our citizens are respected and we will continue to analyze the environmental, social, cultural and economic impacts. Wolf Lake First Nation, as other First Nations will take its own individual position and providing comments to the Terms of Reference, and the Cooperation Agreement does not in any way mean Wolf Lake First Nation is providing consent. First Nations involved with this Project play a vital role in the planning and development of the Project to ensure that it aligns with our collective interests, aspirations, and respects our Aboriginal or Treaty rights.

In our initial review and analysis of the Terms of Reference and Cooperation Agreement begins with the need for clarification on the "Review Panel Appointment". We understand the Review Panel will be comprised of Three (3) members, where the Impact Assessment Agency will appoint a chair, and at least one of the members must be a commissioner under the CERA and part of the roster established for that purpose. Leaving one (1) member open that needs to be a person that the First Nations recommend and jointly agree to, as this person must have knowledge of the interests and concerns of the First Nations who are being impacted by the Project and has knowledge to impact and environmental assessments.

We also find that the "Government Review of the Impact Statement" initial review is to be completed within 30 days to determine whether any major deficiencies from starting the review of the Impact Statement. The 30 days does not seem that there would be adequate time to determine any major deficiencies and consult with First Nations on those major deficiencies. In addition, the 15 days to review any additional information to address the deficiencies' does not provide the adequate time for First Nations to review and respond.

In the "Review Panel Sufficiency Review" and the timeline of no less than 60 days for First Nations to submit their views on whether the information available in relation to the impact assessment is sufficient for the purpose of conducting the impact assessment and to proceed public hearing is not an adequate timeline. There needs to be time for neighbouring First Nations to meet, discuss and collaborate to determine if all the information is available and adequate. Upon analyzing the "Principles of Indigenous Engagement and Participation, we understand that the Review Panel will consider the principles in the Indigenous Engagement and Partnership Plan (IEPP) as well as requirements of the Quebec Agreement. First Nations may have their own consultation protocols or laws in place and these need to be discussed with Canada, moving forward.

Through the Quebec and Canada Agreement, Wolf Lake First Nation understands that the Project is subject to an environmental impact assessment and review process under the Quebec *Environment Quality Act (EQA)*; and that the constitutional duty to consult and accommodate is incumbent not on the Bureau d'Audiences Publiques sur l'Environnement du Quebec (BAPE Panel) or the Review Panel, but on the Government of Quebec and the Government of Canada, represented by the Ministère de l'Environnement et de la Lutte contre les Changements Climatiques (MELCC) and the Impact Assessment Agency.

Wolf Lake First Nation recognizes the harmonized procedures and timelines between Canada and Quebec and seeks how Canada and Quebec will provide the opportunities and resources to participate in the impact assessment process, and that meaningful engagement and consultation will have its challenges. First Nations, like Wolf Lake First Nation will require flexibility and adjusted timelines for meaningful engagement and consultation in these special circumstances of COVID-19.

Furthermore, Wolf Lake First Nation met with Kebaowek First Nation on July 23, 2020 where we have reviewed and discussed the "Comments of Kebaowek First Nation to the Impact Assessment Agency of Canada regarding the draft Terms of Reference for the Integrated Review Panel for the Gazoduq Project" prepared by the Canadian Environmental Law Association (CELA). Wolf Lake First Nation fully supports CELA's review and comments on the draft Terms of Reference that has been proposed for Integrated Review Panel that has been submitted on July 24, 2020. Wolf Lake First Nation also expresses that the concerns, recommendations and requests have been ignored by Canada.

The First Nations of the impacted areas from the proposed project require the opportunity to meet, discuss and understand our collective interests, values and needs for Canada to support a proper consultation framework with the impacted First Nations which has been agreed upon by the First Nations as a collective. Collaboration and Nation-to-Nation relationships are key to successful mutual agreements and arrangements. Should you have any questions or concerns, please feel free to contact me.

Sincerely,

<Original signed by>

Chief Lisa Robinson
Wolf Lake First Nation

cc. Councillor Sonia Young, Wolf Lake First Nation
Councillor Gerald Robinson, Wolf Lake First Nation
Martha Polson, Consultation Coordinator, Wolf Lake First Nation
Grand Chief Verna Polson, Algonquin Anishinabe Nation Tribal Council
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Crystal Lee Beausoleil, Algonquin Anishinabe Nation Tribal Council