



**Comments of Minodahmun Development LP on the Draft Agreement and Terms of Reference
Ring of Fire Regional Assessment (Reference Number 80468)**

February 1, 2022

Please accept these comments submitted by Minodahmun Development LP. Minodahmun Development LP is a 100% First Nation owned partnership created by Animbiigoo Zaagi'igan Anishinaabek (AZA), Aroland First Nation (AFN) and Ginoogaming First Nation (GFN) to maximize First Nation participation in development projects, with a focus on the mining sector. Minodahmun's goal is to ensure that benefits from development projects are shared equitably with our First Nations to grow our local economy and provide opportunities for our members. Minodahmun (min-oh-dah-mun) means "clear path" in Anishinaabemowin. Our First Nations believe that meaningful participation and involvement in the protection and development of our lands is the minodahmun to prosperity for our Nations.

Note: These comments are submitted on behalf of a Band owned independent corporation with appointed Board of Directors from each of our owner First Nations. These comments do not represent the views of our owner First Nations or members and this submission shall not be considered consultation or participation in the RA process by AFN, AZA or GFN.

Comments:

1) First Nation Governments as Full Participants in the RA

The draft Agreement and Terms of Reference exclude First Nation Governments as full participants in the RA. The agreement outlines the methods for conducting the RA and the processes for governance and administration. First Nation governments are treated as stakeholders and not as equal participants in a government-to-government-to-government relationship.

Similarly, the Terms of Reference guide the conduct of the RA and the content of the eventual report in the context of government regulatory and legal contexts, the scope of the RA and the eventual use of the RA. By excluding First Nation governments as equal participants to federal and provincial governments, the draft Agreement and Terms of Reference exclude First Nations from sitting at the implementation table with other governments to apply Indigenous laws and regulations to guide the scope of the RA and the eventual use of the RA. First Nation governments will likely see minimal future benefits and uses from an RA that is not established on a foundation that includes Indigenous laws and regulations.

The original request for the RA came from two parties in the Fall of 2019, one of which is a First Nation government: Aroland First Nation, one of the three First Nations that owns Minodahmun Development LP. The Minister responded to this request from a First Nation government indicating that the RA should

be conducted. It would be unusual for the Minister to respond to confirm an RA request if the request had come only from a letter from a law school. The Minister responded noting that the RA:

- a) could inform future project-specific federal impact assessments and decisions,
- b) future developments have the potential to cause adverse effects within federal jurisdiction (e.g., cumulative effects, Indigenous rights),
- c) there is an opportunity to collaborate with other jurisdictions (which we take to be inclusive of First Nation governments and their jurisdictions based on the content of the *Impact Assessment Act*), and
- d) there has been considerable public interest related to development or cumulative effects in the area.

The draft Agreement and Terms of Reference should be reissued to strengthen the involvement and decision-making ability of all impacted First Nation governments to reflect a government to government-to-government approach.

2) Co-Management Approach to Regional Planning/Decision-making

All development in the Ring of Fire area needs to be looked at holistically, with the right people sitting at the table together, and making decisions collaboratively. All impacted First Nations must be involved, not just those proximate to the Ring of Fire mineral deposits. There are other mineral deposits all along the proposed access roads that will become far more viable if/when road access is established. The existing access road projects themselves will have significant environmental, socio-cultural, and economic impacts. Development in the Ring of Fire will fundamentally alter the environment and First Nations' way of life.

Development must be planned carefully and thoughtfully to avoid negative impacts and maximize opportunities. We are concerned that the current project-by-project approach to development in the region represents a piecemeal approach that does not address cumulative impacts and may have many unplanned consequences. Due to the sensitive and ecologically significant nature of the Region, all development must be carefully planned with a regional focus. We cannot rely on individual environmental (impact) assessments to predict potential adverse effects, due to the interconnected nature of the ecosystem it is crucial to assess projects in a regional context. This requires a proactive, participatory approach that engages decision makers such as federal and provincial governments, First Nation governments, and other stakeholders.

It is time for the Federal and Provincial Governments to adopt a co-management framework for Treaty #9 Territory similar to other jurisdictions in Canada (e.g., Northwest Territories, Yukon, James Bay Region in Quebec) so that First Nations can have an equal say in issues that impact our lands or sovereignty. First Nations know these lands better than anyone, and ultimately, we will experience the impacts related to development. These lands are our grocery stores, our museums, and our spiritual sites, we must have a strong voice at the table to ensure the right decisions are made.

We support responsible and careful development in the region using a co-management approach that allows for input and participation from regional First Nation in decision-making and stewardship. Our owner First Nations wish to be meaningfully involved in the process, not simply consulted.

The draft Agreement and Terms of Reference should be re-drafted to incorporate a co-management approach to regional planning and decision-making.

3) Government-to-Government-to-Government

The draft Agreement and Terms of Reference speak to the Governments of Canada and Ontario wishing to “support Indigenous peoples in having economic opportunities and access to infrastructure that would benefit their communities, in accordance with their needs and objectives.” First Nations are more than communities. First Nations are governments. The most effective way for the Governments of Canada and Ontario to “support” First Nations to have economic opportunities and access to infrastructure is to work in partnership with First Nations in this RA through a formal government-to-government-to-government relationship.

First Nation governments will also no doubt “acknowledge the importance of sound decision-making to ensure that economically beneficial and environmentally responsible projects move forward in a manner that fosters sustainability”, especially when First Nation governments sit at the RA table with equal status to the Governments of Canada and Ontario.

First Nation Governments will no doubt “acknowledge that sustainable development seeks to attain a balance between economic activity and its benefits, environmental protection, and the health, cultural, social and economic well-being of people and communities”, especially when First Nation governments sit at the RA table with equal status to the Governments of Canada and Ontario.

Acknowledging such sound decision-making and sustainable development approaches is not the exclusive domain of the Governments of Canada and Ontario when applied to First Nation governments and their rights and interests.

The draft Agreement and Terms of Reference should be reissued to strengthen the involvement and decision-making ability of all impacted First Nation governments to reflect a government-to-government-to-government approach.

4) Expand the Geographic Boundary of the Assessment Area for Regional Assessment

The Assessment Area for the Regional Assessment must include all the physical activities and their associated locations that are directly included in future Ring of Fire mineral activities. Cliffs Natural Resources, Noront Resources and the Government of Ontario have indicated that extracted minerals will be transported on roads to transload facilities located in the Aroland First Nation and Nakina areas ¹ adjacent to both the CN Railway line and access roads to the TransCanada Highway. Both the physical mining transport activities located on roads, and the transload facilities for further rail and road transport must be included in the geographic boundary of the assessment area.

¹ See <https://norontresources.com/about/regional-infrastructure/> and <https://wawataynews.ca/home/road-versus-rail-ring-fire>

5) Assessment Priorities Must Include Social, Health, Cultural and Economic Components Associated with Physical Activities to Transport Mineral Resources from the Ring of Fire

“**Assessment Priorities**” means the environmental, health, cultural, social, and economic components specified in Section 2.3 of the draft Agreement upon which the RA’s analysis of effects and associated recommendations will be focused. If the Geographic Boundary of the Assessment Area does not include the physical activities fundamentally required to transport mineral resources from the Ring of Fire to rail and road transload facilities, then the RA will not include transload facility region assessment priorities related to environmental, health, social and economic components, except as an after thought. Extensive environmental, health, social and economic impacts should be expected as direct results of extracting and transporting minerals to rail and road transload facilities.

6) The Emerging Mining Hub in the Greenstone Region Will Be Directly Impacted – Positively and Negatively

The Greenstone Region is where the transload facility for the Ring of Fire will be located. With the current construction of the Greenstone Gold Mine with an initial capital investment of \$1.5 billion to establish a mine with 800 local and 1,300 regional jobs during construction, 500 jobs during operations, plus numerous opportunities for indirect and support businesses in the region,² Ontario is experiencing a transformative project at the base of the Ring of Fire’s mining operations:

This area is rapidly emerging as “The Greenstone Project is a generational employment opportunity for our First Nations and the local community, and we believe this is the beginning of something much bigger as the region transforms into Ontario’s newest mining hub,” said Joe Donio, President of Minodahmun Development LP³.

The positive and negative impacts of the transload facility in the Greenstone Region must be fully included in the RA, including impacts on the four First Nation governments and their constituent communities. Given the Ring of Fire mineral extraction zone’s requirements for southern staging areas for mining supplies, human resources, construction, operations and decommissioning staging in the Greenstone Region, the traditional territories of the four First Nations will be massively impacted by physical mining activities of Ring of Fire mining companies and their associated facilities located in the Greenstone Region.

The draft Agreement and Terms of Reference speaks to “mine development activities” including the physical activities associated with the construction, operation, decommissioning, closure and rehabilitation of a mine and the associated facilities that support it, are specific to that mine, and are proposed as part of that mine for the purposes of its development. No mine operator will be able to operate without the physical activities associated with transportation of minerals, transload facilities, and staging areas for mining supplies, human resources, construction, operation, and decommissioning.

² <https://www.newswire.ca/news-releases/equinox-gold-announces-groundbreaking-for-full-scale-construction-of-greenstone-mine-in-ontario-canada-862248165.html>

³ <https://www.link2build.ca/news/articles/2021/june/province-invests-3-6m-in-trades-training-for-indigenous-people-at-greenstone-mine/>

The future mine development activities associated with transload, linked-all season roads and mining supply and staging in the Greenstone Region will have impacts on:

- a) Surface and ground water (quality and quantity), including wetlands (peatlands)
- b) Woodland caribou and other species at risk
- c) Physical and cultural heritage
- d) Current use of lands and resources for traditional purposes by Indigenous peoples
- e) Economy, employment, and business
- f) Community health and well-being
- g) Greenhouse gas emission and climate change

Minodahmun agrees with these categories for the RA's focus on impacts, provided that the assessment includes ALL the physical activities fundamentally required to construct, operate, and decommission Ring of Fire mining inclusive of ALL transportation, transload, staging areas, human resource development, training, and mine facilities required for Ring of Fire Mining in all of their locations.

About Minodahmun Development LP

Animbiigoo Zaagi'igan Anishinaabek, Aroland First Nation and Ginoogaming First Nation formed a partnership in 2016 to collectively negotiate an impact benefit agreement with Greenstone Gold Mines located at the base of the Ring of Fire mineral area in the Municipality of Greenstone. Through this process our First Nations experienced the advantages of cooperation and working in partnership to advance the interests of the Nations and the regional economy, including actions to further develop the Greenstone Region as a regional "mining hub."

Our First Nations unified approach led to the formation of Minodahmun Development LP in September 2019 to jointly manage business opportunities and advance employment preparedness in our First Nations related to mining and other industrial projects. Minodahmun's goal is to ensure our First Nation governments and their community constituents benefit from development in our Territories and generate own-source revenue. Minodahmun is also implementing a Training and Employment Strategy to maximize Indigenous employment in the regional economy with a focus on the mining, construction, skilled trades, and support services. With support from Ontario, Minodahmun has been running the Indigenous Workforce Development Program (IWDP) since 2021. The IWDP aims to increase access to training and employment opportunities for Indigenous people in the Greenstone region and Far North. The program will provide training, career development, work placements and apprenticeship opportunities. See video for more info:

<https://www.facebook.com/minodahmundevelopment/videos/497007408020076>