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Ms. Martyna Krezel  
Crown Consultation Advisor  
Regional Assessment & Consultation Support Team  
Crown Consultation and Operations Division  
Impact Assessment Agency of Canada  
600-55 York Street  
Toronto, Ontario  
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February 2, 2022

**RE: Notice of a Public Comment Period on the Draft Agreement to Conduct a Regional Assessment in the Ring of Fire Area**

To Ms. Martyna Krezel,

Aroland First Nation (AFN) writes in response to an email dated December 3, 2021, regarding the Notice of a Public Comment Period on the draft Agreement to Conduct a Regional Assessment in the Ring of Fire Area. We were also previously contacted by Virginia Crawford of the Impact Assessment Agency of Canada (the Agency) and Andy Lock of the Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry (the Ministry) by email on November 8, 2021, regarding the draft Agreement, Terms of Reference and nominations for Committee Members for an Independent Regional Assessment Committee.

*Terms of Reference for the Regional Assessment*

AFN intended to take an active role in the Regional Assessment process and provide comments on the Regional Assessment draft Agreement and draft Terms of Reference (ToR). However, the ToR are so far removed from anything that could be considered meaningful or honourable to Indigenous Peoples, and so far removed from anything that could be considered adequate from a scientific standard of investigation, that the ToR are too badly broken to be fixed. This is largely because the Agency failed to develop them with Indigenous peoples, ignored our ideas and requests and have shut us out of the planned Regional Assessment. In AFN's view, the Agency needs to scrap the fundamentally flawed ToR and begin again in true partnership with AFN and other affected First Nations comprising an indigenous governing body co-leading the RA with Canada.

We remind the Agency of a letter submitted by AFN to the Agency dated October 1, 2019 (please see attached), regarding a *Request for Regional Assessment*. This letter included detailed comments regarding impacts on AFN's Treaty and Aboriginal rights and interests and recommendations on the conduct of a

Regional Assessment from this perspective. We recognize recommendations included in that letter have not been adopted nor addressed through discussion with AFN since that time.

Specifically, AFN advised the Agency that any Regional Assessment process must be First Nations-led and conducted in a Government-to-Government manner. AFN affirmed in this letter that the Regional Assessment must be initiated before any project-based environmental and impact assessments and approvals can proceed. Instead, we recognize that the process to date has been created by the Agency alone and that individual project assessments are already underway. Similarly, a request for additional information by the Agency (dated November 15, 2019) included AFN's proposed Regional Assessment boundary, inclusive of the area impacted by all projects; the Northern Road Link Project, Marten Falls Community Access Road and Webequie Supply Road Projects. Acknowledging that AFN has been forthcoming in providing information to support a Regional Assessment from the beginning, we are frustrated as to why these recommendations have not been brought forward or adopted in the current process and draft Agreement.

Based on the above actions, it seems readily apparent that AFN's input was ignored.

We are open to meeting with the Agency (once we are in a position to do so), if and only if and when there is a Ministerial commitment to start this Regional Assessment again in partnership with First Nations, as we have repeatedly requested. AFN is not interested in consultation that is a check box exercise and we are deeply concerned that future engagement with the Agency will result in the same outcomes we've experienced to date.

#### *Imperatives for a First Nations Led Regional Assessment*

The Ring of Fire and subsequent projects will have severe and adverse impacts on AFN's Treaty and Aboriginal rights and interests. The advancement of the Northern Road Link, Marten Falls Community Access Road and Webequie Supply Road Projects confirms AFN's significant concerns that industrial traffic is being contemplated along the proposed Marten Falls Community Access Road and existing Painter Lake and Anaconda Roads, which pass directly through AFN's Traditional Territory and our community. Given the unprecedented level of infrastructure required to develop the Ring of Fire and the number of Matawa communities affected, the need for a First Nations-led regional planning approach has never been greater.

AFN reiterates its deep concern with the fragmented approach to assessing regional impacts through various impact and environmental assessment processes. These processes have proven ineffective in engaging First Nations and fully accounting for the cumulative environmental, socio-economic and cultural impacts the development of this area represents. Our concerns are further exacerbated by the approach and scope being proposed for the Regional Assessment process. From AFN's perspective, the suite of road projects enabling access to the Ring of Fire must be assessed together to ensure that the complete picture of regional and long-term impacts is communicated, understood, and addressed.

We maintain our initial request that any contemplation of access to and development of the Ring of Fire must result from a collaborative and unified Regional Assessment process led by impacted First Nations and that the Regional Assessment be conducted before any further action on project-specific assessments. In the absence of a comprehensive assessment and a First Nations-led process, the proposed series of assessments are too narrow and weak to consider the cumulative and unprecedented changes these projects represent.

*Concerns with Timelines and Regional Assessment Communications*

In addition to the substantive fatal flaws as stated above, the process has been and continues to be wholly inadequate and disrespectful. The initial request for review and comment on the Regional Assessment documents was made during an election period for many Matawa Nations, over the holiday closure period, and during a time when several First Nations communities are facing a public health crisis due to impacts of the Omicron variant. Such timing does not reflect considerate, appropriate or collaborative engagement efforts.

As you know, AFN has declared a state of emergency due to the rise of COVID cases in our community. Therefore, we are prioritizing the health and wellbeing of our membership. We understand that the deadline for comments on the ToR was extended until March 1, 2022, but we will continue to request and expect flexibility from the Agency and the Ministry until the lockdown has been lifted. We would also like to note that AFN has been contacted by several individuals from both the Agency and the Ministry regarding the Regional Assessment and individual project assessment processes. This fragmented approach to communication contributes to consultation exhaustion when we are already facing a public health crisis due to COVID impacts. We require that a designated Regional Assessment representative from the Crown, to represent both the Agency and the Ministry, be established to streamline all consultation and engagement with our Nation.

Please respond to the many concerns raised in this letter.

Respectfully,

<Original signed by>

Chief Dorothy Towedo  
Aroland First Nation

Cc: Aroland Council  
Virginia Crawford, Impact Assessment Agency of Canada  
Lori Churchill, Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry  
Andrew Lock, Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry  
Kate Kempton, Barrister and Solicitor, OKT Law  
Meghan Buckham, Negotiations and Regulatory Consultant, Shared Value Solutions  
Andrew Peach, Land Use Planning Consultant, Shared Value Solutions