



WEENUSK FIRST NATION

Post Box 1, Peawanuck, ON P0L 2H0
Tel. (705) 473-2554 • Fax (705) 473-2503

February 17, 2022

Martyna Krezel
Crown Consultation Advisor
Regional Assessment & Consultation Support Team,
Crown Consultation and Operations Division
Impact Assessment Agency of Canada
E: Martyna.Krezel@iaac-aeic.gc.ca
E: Regionalrof-cdfregionale@iaac-aeic.gc.ca

RE: Weenusk First Nation Review of the draft Agreement to conduct a Regional Assessment in the Ring of Fire Area and Terms of Reference – Committee

Dear Martyna Krezel,

I am writing as the elected Chief of Weenusk First Nation (“WFN”). Part of my responsibility as Chief is to protect my Nation’s Section 35 rights. We, as a Nation, are signatories to Treaty No. 9 and hold rights throughout this treaty area. The comments within this letter are provided with that intent.

Weenusk First Nation is aware of the actions of other Treaty 9 Nations who are requesting the Impact Assessment Agency of Canada (“IAAC”) retract the draft Agreement to conduct a Regional Assessment in the Ring of Fire Area (“draft Agreement”) and Terms of Reference (“ToR”) for the Committee and reissue a collaborative draft agreement and ToR. We feel this is provided for in Section 93(1)(a)(i) of the *Impact Assessment Act* which states:

“93(1) *If the Minister is of the opinion that it is appropriate to conduct a regional assessment of the effects of existing or future physical activities carried out in a region that is composed in part of federal lands or in a region that is entirely outside federal lands,*

(a) *The Minister may*

(i) *enter into an agreement or arrangement with any jurisdiction referred to in paragraphs (a) to (g) of the definition jurisdiction in section 2 respecting the joint establishment of a committee to conduct the assessment and the manner in which the assessment is to be conducted”*

While section 2, referred to within Section 93(1)(a)(i), limit Indigenous governing bodies to those under land claim agreements or self-government agreements, effectively excluding historic treaty signatories, the Minister can be empowered to enter into assessment partnership agreements with Nations such as ours as per Section 114(1)(e) which indicates:



WEENUSK FIRST NATION

Post Box 1, Peawanuck, ON P0L 2H0
Tel. (705) 473-2554 • Fax (705) 473-2503

“114(1) For the purposes of this Act, the Minister may

- (e) if authorized by the regulations, enter into agreements or arrangements with any Indigenous governing body not referred to in paragraph (f) of the definition jurisdiction in Section 2 to
 - (i) provide that Indigenous governing body is considered to be a jurisdiction for the application of this Act on the lands specified in the agreement or arrangement, and*
 - (ii) authorize the Indigenous governing body, with respect to those lands, to exercise powers or perform duties or functions in relation to impact assessments under this Act – except for those set out in section 16 – that are specified in the agreement or arrangement.”**

We draw your attention to this for consideration as we feel that collaboration with Indigenous Nations is imperative to ensuring the Regional Assessment is completed in a credible and authoritative manner. This approach is consistent with the post-passage guidance from the IAAC on collaboration with Indigenous Peoples in impact assessments.

In advance of a decision being made in this matter, please accept our comments on the existing draft Agreement and ToR which highlights the gaps and deficiencies therein. These comments are based on technical review of the document as well as direct input from myself as Chief documented in December 2021 during discussions specifically related to the agreement and ToR.

Key Comments – Preamble

Within the draft Agreement, the preamble indicates:

“WHEREAS the Governments of Canada and Ontario 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.”

This must be amended to specifically reference Indigenous rights and Indigenous Knowledge. Indigenous Knowledge is foundational to the environment, health, culture, social and economic well-being of Indigenous peoples. The omission of rights and Indigenous Knowledge from this statement is inappropriate. Both the Governments of Canada and Ontario hold a duty to consult Indigenous peoples when a decision or action has the potential to adversely impact their rights - as is the case for the Regional Assessment. Therefore, we suggest amending the preamble to state:

WHEREAS the Governments of Canada and Ontario acknowledge that sustainable development seeks to attain a balance between economic activity and its benefits, the rights and Indigenous Knowledge of Indigenous peoples, environmental protection, and the health, cultural, social and economic well-being of people and communities [emphasis added for additional text].



WEENUSK FIRST NATION

Post Box 1, Peawanuck, ON P0L 2H0
Tel. (705) 473-2554 • Fax (705) 473-2503

The preamble further indicates that:

“WHEREAS the Governments of Canada and Ontario wish to support Indigenous peoples in having economic opportunities and access to infrastructure that would benefit their communities, in accordance with their needs and objectives.”

Please note that economic opportunities, while important, are secondary to the protection of Weenusk First Nation Section 35 rights. We suggest an additional clause be added to the preamble to explicitly describe Canada and Ontario’s duty to consult. The clause could include:

WHEREAS the Governments of Canada and Ontario have a duty to consult Indigenous groups when it considers a decision or action that might adversely impact potential or established Aboriginal or Treaty rights [emphasis added for additional text].

Section 1.0 – Regional Assessment Goals and Objectives

This Section indicates that the goal of the Regional Assessment is to:

“...provide information, knowledge and analysis regarding mine development activities and other existing and future physical activities...”

The Agreement does not contain a definition for physical activities. We require confirmation of whether the Regional Assessment will consider physical activities as per the Physical Activities Regulations (SOR/2019-285) Schedule (Section 2) Physical Activities, or whether smaller scale/scope activities which would not trigger designation of the project under the *Impact Assessment Act* will be considered?

Additionally, this section specifies that the goal of the Regional Assessment is to:

“...protect the environment and health, cultural, social and economic conditions while also creating opportunities for sustainable economic development”.

As with comments above within the preamble, this goal should be updated to specifically reference the rights and Indigenous Knowledge of Indigenous peoples. Please refer to the above suggested change.

Within the objectives of the Regional Assessment, it specifies in sub-section a) that the goal for the Regional Assessment will be facilitated by:

“Providing information, knowledge and analysis related to key, regional-scale environmental, health, cultural, social and economic conditions, values, and issues, with consideration and integration of both Indigenous knowledge and scientific information.”

Similar to the above noted comments, this should be amended to specifically reference Indigenous rights. Suggested text includes:

Providing information, knowledge and analysis related to key, regional-scale environmental, health, cultural, social and economic conditions, values, and issues, with consideration and integration of



WEENUSK FIRST NATION

Post Box 1, Peawanuck, ON P0L 2H0
Tel. (705) 473-2554 • Fax (705) 473-2503

both Indigenous rights, Indigenous Knowledge and scientific information.” [emphasis added for additional text].

Also within the objectives of the Regional Assessment, it specifies in sub-section b) that the goal for the Regional Assessment will be facilitated by:

“Identifying and recommending mitigation measures and other potential and innovative approaches for addressing potential positive and adverse effects (both project-specific and cumulative, including potential impacts on Indigenous peoples) as part of future decision-making for mine development activities, in a manner that fosters sustainability;”.

As the duty to consult arises from the unique rights guaranteed under Section 35 of the *Constitution Act, 1982* this section should be updated as follows:

Identifying and recommending mitigation measures and other potential and innovative approaches for addressing potential positive and adverse effects (both project-specific and cumulative, including potential impacts on Indigenous peoples and their rights) as part of future decision-making for mine development activities, in a manner that fosters sustainability [emphasis added for additional text].

Section 2.0 – Scope of the Regional Assessment

This Section specifies that:

“...the Regional Assessment will focus on future mine development activities and their potential effects, as these types of activities are considered the most likely future physical activities to be proposed and carried out in this region in the foreseeable future.”

Mines cannot be developed in isolation and require infrastructure to support their operations and eventual decommissioning; such as roads, transmission lines, powerlines and their associated needs (e.g., borrow pits, lay down areas, etc.). These activities must also be considered in the Regional Assessment to ensure a broad scale view is taken in relation to future activities and potential resulting cumulative effects. To this end, suggested wording includes:

...the Regional Assessment will focus on future mine development activities, any associated infrastructure and their potential effects, as these types of activities are considered the most likely future physical activities to be proposed and carried out in this region in the foreseeable future.” [emphasis added for additional text].

With the expansion of the scope, so too should the geographic boundary of the Assessment Area for the Regional Assessment be expanded. This will ensure that linear developments such as roads, transmission lines and powerlines can be included and that the associated recommendations can include specific recommendations related to the same. This geographic area should, at minimum, include existing road applications designated by the Impact Assessment Agency as well as transmission line connection points that are existing in the northern region.



WEENUSK FIRST NATION

Post Box 1, Peawanuck, ON P0L 2H0
Tel. (705) 473-2554 • Fax (705) 473-2503

Section 2.3 describes the Assessment Priorities. It is noted within this Section that these are selected as they are often challenging to address solely through individual project-level assessments and decision. The language used is “Current use of lands and resources for traditional purposes by Indigenous peoples”. This language is outdated under the *Impact Assessment Act* and does not capture the full scope of Weenusk First Nation Section 35 rights. This must be updated to “Indigenous rights and Indigenous Knowledge”.

Current use of lands and resources for traditional purposes is not challenging to address; indeed, most jurisdictions across Canada have, in some form or fashion, assessed this for many years using Traditional Land Use studies. However, these studies only capture a small facet of Indigenous rights – typically harvesting rights – and do not provide data for assessment of governance rights, cultural rights, language rights or the economic and cultural aspects of harvesting rights. Further, current use of lands and resources for traditional purposes has been used against Indigenous Nations. It ties the exercise of their rights to site specific locations and makes mitigation for impacts relatively easy for proponents and meaningless to those Nations. This must be updated to ensure the following steps are undertaken by the Governments of Canada and Ontario:

- Identify and understand Weenusk’s rights,
- Contextualize those rights,
- Identify Weenusk guiding values and topics,
- Identify impact pathways,
- Assess the level of impact, and
- Complete meaningful dialogue to address impacts. (as described within the Practitioner’s Guide to Impact Assessment).

As with the other Assessment Priorities, once defined, Indigenous rights and Indigenous Knowledge will require definition of specific Study Areas to ensure the analysis and consideration of potential positive and adverse effects is completed in an accurate and meaningful way.

Sub-Section 5.7 and 5.8 – Advisory Support: Indigenous Knowledge and Perspectives

This Sub-Section must also be updated to include language related to Indigenous rights and the advisory support should include expertise to provide knowledge and perspectives in relation to rights. This will inform the above noted Assessment Priorities and can enhance the overall process.

Section 6.0 – Indigenous Talking / Sharing Circle

This Section must be updated to link with Indigenous rights as well as acknowledge the foundational nature of Indigenous Knowledge. Indigenous Knowledge and Indigenous rights are not simply tied to the use of lands and waters; instead, it is a basis of all aspects of the physical, cultural and social environments. Further, the focus on “use” rather than rights and Indigenous Knowledge must be corrected.

Appendix B – Terms of Reference – Committee

Clause B1.2 of the Terms of Reference (“ToR”) indicates:



WEENUSK FIRST NATION

Post Box 1, Peawanuck, ON P0L 2H0
Tel. (705) 473-2554 • Fax (705) 473-2503

“The Committee is mandated to receive information from Indigenous peoples on the nature and scope of any Aboriginal or Treaty rights protected by Section 35 of the Constitution Act, 1982 in the Assessment Area and Study Area(s), as well as information on potential adverse impacts that future mine development activities in the Assessment Area may (individually or cumulatively) have on these rights. Information provided to the Committee as part of this process may also inform Crown efforts to develop and implement meaningful consultation processes with Indigenous peoples in future project-specific impact assessments and other regulatory decision-making processes.”

Nation’s such as ours operate with a deficit of internal capacity. This affects our ability to collect and provide information on the nature and scope of our Section 35 rights. The passive wording within this Section for Committee involvement in the steps outlined above from the Practitioner’s Guide must be updated to be more active and more collaborative. Wording updates include:

The Committee is mandated to receive information from Indigenous peoples on the nature and scope of any Aboriginal or Treaty rights protected by Section 35 of the Constitution Act, 1982 in the Assessment Area and Study Area(s) and will facilitate the collection of this information through collaborative engagement and capacity provision. Additionally, the Committee is mandated to receive as well as information on potential adverse impacts that future mine development activities and associated infrastructure in the Assessment Area may (individually or cumulatively) have on these rights. The Committee also is committed to facilitate the collection of this information through collaborative engagement and capacity provision. Information provided to the Committee as part of this process may also inform Crown efforts to develop and implement meaningful consultation processes with Indigenous peoples in future project-specific impact assessments and other regulatory decision-making processes.” [emphasis added for additional text].

Clause B1.4 of the ToR indicates:

“In conducting its work, the Committee will recognize that Indigenous Knowledge is an important component of understanding potential effects (both positive and adverse), and that regional assessments can provide a means of integrating scientific information and Indigenous Knowledge for use in future impact assessments.”

The language within this Clause must be updated to reflect our understanding of Indigenous Knowledge. Wording updates include:

In conducting its work, the Committee will recognize the foundational nature of Indigenous Knowledge as an important component of understanding potential effects (both positive and adverse), and that regional assessments can provide a means of integrating scientific information and Indigenous Knowledge for use in future impact assessments [emphasis added for additional text].

Clause B1.6(b) indicates that in conducting the Regional Assessment, the Committee will:



WEENUSK FIRST NATION

Post Box 1, Peawanuck, ON P0L 2H0
Tel. (705) 473-2554 • Fax (705) 473-2503

“Engage with Indigenous peoples and governmental and non-governmental organizations, the mining industry, and individuals that have information, knowledge or interests relevant to the Regional Assessment. This will include members of the public, industry associations and companies, environmental and community organizations and any other person or group with information and interests related to the Regional Assessment and who wishes to participate in it.

The Committee will develop and implement Participation Plans, including an Indigenous Participation Plan, with advice from the advisory supports referred to in Section 5.0 of the Agreement, if these advisory supports are in place at that time. The Committee will collaborate with Indigenous peoples on the development and implementation of the Indigenous Participation Plan. Once completed these Participation Plans will be posted to the Registry and updated regularly by the Committee, with advice from the advisory supports, to ensure that participants are aware of planned participation approaches and upcoming activities.”

Indigenous Participation Plans should be developed with each Nation to recognize their unique needs and unique capacity constraints. Each Nation, in recognition of their self-governance and self-determination should be involved in the development, rather than the overarching advisory supports referenced in Section 5.0.

Clause B1.6(c) *Description of Existing Conditions* specifies that the Committee will:

“Identify, compile, review and present information on existing environmental, health, cultural, social and economic conditions within the Study Area(s) referenced in Appendix A.”

The language within this section must be updated to reflect our above suggestions in relation to Indigenous rights and Indigenous Knowledge (Preamble Comments).

Clause B1.6(f) *Analysis of Effects, Mitigation and Follow-up* specifies that the Committee will:

“Identify and consider the potential positive and adverse effects of future mine development activities...”

This must be updated to include both mine activities and associated infrastructure. Wording updates include:

“Identify and consider the potential positive and adverse effects of future mine development activities and associated infrastructure...” [emphasis added for additional text].

This change must also be applied in Clause B1.6(g), B1.6(h), and B1.6(i).

Clause B1.6(o) *Administration, Review and Reporting* specifies that the Committee will:

“Provide a public review and comment period on a draft Report prior to the submission of the final Report to the Ministers.”



WEENUSK FIRST NATION

Post Box 1, Peawanuck, ON P0L 2H0
Tel. (705) 473-2554 • Fax (705) 473-2503

This must be amended to include a discrete Indigenous comment period that provides additional time and capacity funding to allow for Indigenous participation. Our Nation, among others, has unique constraints which make aligning with a public comment period challenging.

Clause B2.2 describes Objective A as:

“Objective A: Providing information, knowledge and analysis related to key, regional-scale environmental, health, cultural, social and economic conditions, values, and issues, with consideration and integration of both Indigenous knowledge and scientific information.

- a) An inventory and compilation of existing and publicly accessible scientific, technical, Indigenous and cultural information and knowledge for the Assessment Area and Study Area(s).*
- b) A description of current environmental, health, cultural, social and economic conditions of the Assessment Area and Study Area(s). This description will be presented in a manner to be determined by the Committee, which in addition to the Committee’s Report may include information in an electronic format (such as through a Geographic Information System (GIS) application).*
- c) An identification and analysis of key information gaps, requirements and opportunities, with a focus on those with relevance to, and implications for, impact assessments for future mine development activities in the Assessment Area.*
- d) Recommendations to address such information and knowledge gaps as appropriate.”*

This must be updated as follows:

Objective A: Providing information, knowledge and analysis related to key, regional-scale Indigenous rights and Indigenous Knowledge-based, environmental, health, cultural, social and economic conditions, values, and issues, with consideration and integration of ~~both~~ foundational Indigenous knowledge and scientific information.

- a) An inventory and compilation of existing and publicly accessible scientific, technical, Indigenous rights and Indigenous Knowledge ~~and cultural~~ information and knowledge related to the Assessment Area and Study Area(s).
- b) A description of current Indigenous rights and Indigenous Knowledge-based environmental, health, cultural, social and economic conditions of the Assessment Area and Study Area(s). This description will be presented in a manner to be determined by the Committee, which in addition to the Committee’s Report may include information in an electronic format (such as through a Geographic Information System (GIS) application).
- c) An identification and analysis of key information gaps, requirements and opportunities, with a focus on those with relevance to, and implications for, impact assessments for future mine development activities in the Assessment Area.
- d) Recommendations to address such information and knowledge gaps as appropriate. [emphasis added for additional text].

Clause B2.2 describes Objective B as:



WEENUSK FIRST NATION

Post Box 1, Peawanuck, ON P0L 2H0
Tel. (705) 473-2554 • Fax (705) 473-2503

Objective B: Identifying and recommending mitigation measures and other potential and innovative approaches for addressing potential positive and adverse effects (both project-specific and cumulative, including potential impacts on Indigenous peoples), to support sustainability considerations as part of future decision-making for mine development activities in the Assessment Area.

- e) An identification and analysis of potential changes to the environment or to health, cultural, social or economic conditions that may result from mine development activities in the Assessment Area, and the potential positive or adverse consequences of these changes on the Assessment Priorities.*
- f) Recommendations on potential mitigation measures and other approaches that are technically and economically feasible for addressing the potential adverse effects or maximizing the potential positive effects of future mine development activities in the Assessment Area on the Assessment Priorities. This may include standard mitigation measures as well as other potential and innovative approaches, technologies and measures that may be required to address particular issues identified through the Regional Assessment.*
- g) Recommendations on potential approaches and measures to address regional-scale and non-project specific effects on the Assessment Priorities. This may include potential policy, plan, program, regulatory or other initiatives by governments or other relevant parties.*

This must be updated as follows:

Objective B: Identifying and recommending mitigation measures and other potential and innovative approaches for addressing potential positive and adverse effects (both project-specific and cumulative, including potential impacts on Indigenous peoples), to support sustainability considerations as part of future decision-making for mine development activities and associated infrastructure in the Assessment Area.

- e) An identification and analysis of potential changes to Indigenous rights, Indigenous Knowledge, the environment or to health, cultural, social or economic conditions that may result from mine development activities and associated infrastructure in the Assessment Area, and the potential positive or adverse consequences of these changes on the Assessment Priorities.
- f) Recommendations on potential mitigation measures and other approaches that are technically and economically feasible for addressing the potential adverse effects or maximizing the potential positive effects of future mine development activities in the Assessment Area on the Assessment Priorities. This may include standard mitigation measures as well as other potential and innovative approaches, technologies and measures that may be required to address particular issues identified through the Regional Assessment in collaboration with Indigenous Nations.
- g) Recommendations on potential approaches and measures to address regional-scale and non-project specific effects on the Assessment Priorities developed in collaboration with Indigenous Nations. This may include potential policy, plan, program, regulatory or other initiatives by governments or other relevant parties. [emphasis added for additional text].



WEENUSK FIRST NATION

Post Box 1, Peawanuck, ON P0L 2H0
Tel. (705) 473-2554 • Fax (705) 473-2503

Clause B2.2 describes Objective C as:

Objective C: Providing an understanding of the regional context that can be used in considering and evaluating the effects of future mine development activities in the Assessment Area to inform future impact and the planning and management of cumulative effects in a manner that fosters sustainability.

- h) An identification and analysis of key environmental, health, cultural, social or economic components, values and issues with respect to potential effects on the Assessment Priorities, that should be considered in impact assessments for future mine development activities and other physical activities in the Assessment Area. This will include identifying and highlighting:
 - i. Any components, values, locations or times that may be particularly susceptible to further change as a result of past, on-going or future mine development activities and other natural or human-induced disturbances; and*
 - ii. Any circumstances where the nature, location, timing and potential accumulation of these effects may result in potential cumulative effects (positive or adverse), and potential approaches to avoiding, creating, reducing or maximizing such effects, as applicable.**

This must be updated as follows:

Objective C: Providing an understanding of the regional context that can be used in considering and evaluating the effects of future mine development activities and associated infrastructure in the Assessment Area to inform future impact and the planning and management of cumulative effects in a manner that fosters sustainability and respects Indigenous rights.

- h) An identification and analysis of key Indigenous rights, Indigenous Knowledge, environmental, health, cultural, social or economic components, values and issues with respect to potential effects on the Assessment Priorities, that should be considered in impact assessments for future mine development activities and other physical activities in the Assessment Area. This will include identifying and highlighting:
 - iii. Any components, values, locations or times that may be particularly susceptible to further change as a result of past, on-going or future mine development activities, associated infrastructure and other natural or human-induced disturbances; and
 - iv. Any circumstances where the nature, location, timing and potential accumulation of these effects may result in potential cumulative effects (positive or adverse), and potential approaches to avoiding, creating, reducing or maximizing such effects, as applicable. [emphasis added for additional text].



WEENUSK FIRST NATION

Post Box 1, Peawanuck, ON P0L 2H0
Tel. (705) 473-2554 • Fax (705) 473-2503

Clause B2.2 describes Objective D as:

Objective D: Describing how the findings or recommendations of the Regional Assessment could be used to inform, and enhance the effectiveness and efficiency of, future impact assessments as well as other initiatives as applicable.

- i) *Recommendations on how to consider, implement or otherwise address the Regional Assessment findings in a clear, effective and efficient manner in future impact assessments for future mine development activities in the Assessment Area, and/or through other initiatives by governments or other parties.*

This must be updated as follows:

Objective D: Describing how the findings or recommendations of the Regional Assessment could be used to inform, and enhance the effectiveness and efficiency of, future impact assessments as well as other initiatives as applicable.

- i) Recommendations on how to consider, implement or otherwise address the Regional Assessment findings in a clear, effective and efficient manner in future impact assessments for future mine development activities and associated infrastructure in the Assessment Area, and/or through other initiatives by governments, Indigenous Nations, or other parties. [emphasis added for additional text].

Clause B2.3 outlines additional aspects the Committee will also include within its report. This section must be updated to include associated infrastructure for each instance of 'mine development activities'. Further, within B2.3(d) and B2.3(e) a more collaborative approach with Indigenous Nations should be highlighted and emphasized. For example:

- d) A description of the public and collaboratively undertaken Indigenous ~~participation~~ engagement activities undertaken by the Committee during the conduct of the Regional Assessment, including a summary of any cooperative assessment work completed, comments received and ~~of~~ where and how this information was considered in the Regional Assessment.
- e) An overview of how the Committee integrated any foundational Indigenous Knowledge provided during the Regional Assessment. In doing so, the Committee must obtain consent to disclose any confidential Indigenous Knowledge provided as per Section 119 of the IAA unless otherwise required by law.

Appendix C – Topics for Which Input from Advisory Supports May be Sought by the Committee

Clause C.1.1 specifies that:

The Indigenous advisory supports referenced in Section 5.0 of the Agreement will provide the Committee with Indigenous Knowledge and perspectives on some or all of the topics listed below, as requested by the Committee during the conduct of the Regional Assessment. It will also advise the Committee on approaches for the collection, sharing and consideration of such knowledge and its incorporation into the Regional Assessment.



WEENUSK FIRST NATION

Post Box 1, Peawanuck, ON P0L 2H0
Tel. (705) 473-2554 • Fax (705) 473-2503

- a) *Indigenous peoples and their communities, activities and other interests in the Study Area(s), including Aboriginal or Treaty rights protected by section 35 of the Constitution Act, 1982;*
- b) *Environmental, health, cultural, social and economic conditions in the Study Area(s);*
- c) *Future mine development activities in the Assessment Area, including their:*
 - a. *Purpose;*
 - b. *Associated physical activities;*
 - c. *Regulatory requirements and applicable standards;*
 - d. *Potential positive and adverse effects, including cumulative effects, on the Assessment Priorities;*
 - e. *Relevant mitigation measures and follow-up, and other approaches for eliminating, reducing, controlling or offsetting potential adverse effects and creating and maximizing potential positive effects on the Assessment Priorities; and*
- d) *Other topics relevant to the Regional Assessment, as requested by the Committee.*

This Clause must be updated as follows:

The Indigenous advisory supports referenced in Section 5.0 of the Agreement will provide the Committee with information related to Indigenous rights (where appropriate), Indigenous Knowledge and perspectives on some or all of the topics listed below, as requested by the Committee during the conduct of the Regional Assessment. It will also advise the Committee on approaches for the collection, sharing and consideration of such information and knowledge and its incorporation into the Regional Assessment.

- a) Indigenous peoples and their communities, activities and other interests in the Study Area(s), including Aboriginal or Treaty rights protected by section 35 of the Constitution Act, 1982;
- b) Environmental, health, cultural, social and economic conditions in the Study Area(s);
- c) Future mine development activities and associated infrastructure in the Assessment Area, including their:
 - a. Purpose;
 - b. Associated physical activities;
 - c. Regulatory requirements and applicable standards;
 - d. Potential positive and adverse effects, including cumulative effects, on the Assessment Priorities;
 - e. Relevant mitigation measures and follow-up, and other approaches for eliminating, reducing, controlling or offsetting potential adverse effects and creating and maximizing potential positive effects on the Assessment Priorities; and
- d) Other topics relevant to the Regional Assessment, as requested by the Committee.

As previously noted, associated infrastructure must be added in instances where 'mine development activities' are described in Clause C.1.2.



WEENUSK FIRST NATION

Post Box 1, Peawanuck, ON P0L 2H0
Tel. (705) 473-2554 • Fax (705) 473-2503

Appendix D – Indigenous Talking / Sharing Circle

The Indigenous Talking / Sharing circle must be expanded to include Matawa-member First Nations and Mushkegowuk-member First Nations who are knowledgeable about Indigenous rights to allow for an expansive view and consideration. This Talking / Sharing circle could be a valuable vehicle for contextualizing Nations rights and identifying values or topics for consideration. Additionally, constraints on the Talking / Sharing circle such as key processes or timelines under which it would operate should be flexible until such a time as the circle is struck; as Nation-specific approaches may vary from those identified.

We look forward to a response from the Governments of Canada and Ontario that responds to the proposed changes suggested herein. Should you have any questions or require further clarification, please do not hesitate to contact myself or Weenusk First Nation representatives.

Sincerely,

<Original signed by>

Chief Abraham Hunter
Weenusk First Nation