



## MARTEN FALLS FIRST NATION #65

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February 28, 2022

To:

Ministry of Environment and Climate Change and the Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry

*Re: Comments on the Regional Assessment cooperation agreement*

Dear Sir or Madam,

The Regional Assessment on the Ring of Fire region contemplates an assessment area that is almost entirely Marten Falls First Nation territory. We recognize that we have shared territory with Webequie First Nation in the Ring of Fire region but with this submission, we are providing our community's perspective and look forward to engagement with you on this matter.

The development in the Ring of Fire will come to impact Marten Falls First Nation more than any other community. An aggregation of impacts on neighbouring communities can perhaps help create a sense of what those impacts might be. Some might be concerned about impacts to the river, given their significant geographic distance, while others might be concerned about impacts to the watershed or animals they hunt, trap and fish. We acknowledge those concerns and hope and expect to understand them through direct engagement as a proponent. However, as a rights bearing community, we also expect a recognition of our traditional territory and the fact that we are the most impacted community. From the perspective of the Regional Assessment, this means that we expect that the Agency would engage our community substantially and in good faith. One measure of that is the relative effort made with the community and time spent with the community on this front, relative to other engagement and consultation activity. Similarly, while we expect to work directly with the Agency on an Agency led RA, we also want to clarify that the community will participate in any Indigenous led elements of the RA and as this project is on MFFN territory, the community would expect to lead those elements.

COVID has impacted all aspects of life and Marten Falls is no exception. We have changed many long-established ways of conducting business. Despite the issues we face, given the relative importance of this work to our community and as the most impacted community, we will

continue to work with the Agency and with Ontario on the RA. With this letter, please find a table of our comments attached.

We look forward to engaging with you in the near future.

Sincerely,  
Chief Bruce Achneepineskum

<Original signed by>

## Comment table

Agreement Comment	Comment from MFFN
<p><i>P3. To provide information, knowledge and analysis regarding mine development activities and other existing and future physical activities in the Ring of Fire and their potential effects, in order to enhance the effectiveness and efficiency of future impact assessments for these activities in a way that helps protect the environment and health, cultural, social and economic conditions while also creating opportunities for sustainable economic development.</i></p>	<p>Since this statement potentially covers existing projects lead by MFFN (NRL and MFCAR), how will the RA enhance the effectiveness and efficiency of existing Impact Assessments lead by the community? Is efficiency not a priority for ongoing MFCAR and NRL projects? The community is concerned that the initial onset of the RA will reduce the efficiency and potentially the effectiveness of existing Impact Assessments. What measure will be taken to ensure that there is no negative impact on existing impact assessments?</p>
<p>P4. An area centered on the Ring of Fire mineral deposits in northern Ontario, which reflects the specific underlying geological formations that represent the Ring of Fire mineral deposits as set out in Appendix A. This area encompasses the future mine development activities upon which the Regional Assessment’s analysis of effects and associated recommendations will focus (see Section 2.3 and Appendix B Section 2.2 Items e) to j)).</p>	<p>This implies that the RA is squarely focused on mining. Both of the existing road projects, ( the NRL and WSR) go into that area. Would the RA focus on these projects?</p> <p>Would this focus be limited to the impact of mining development activities and not on the roads? Or is the RA expected to be broader than mine-site specific activity?</p>
<p>P 4. 2.3 In identifying and considering potential positive and adverse effects, the Regional Assessment will focus on the following Assessment Priorities. These represent key environmental, social, cultural and economic components which may be affected by future mine development activities in the Assessment Area, but which are often challenging to address solely through individual project-level assessments and decisions, making a regional-scale approach to effects assessment and management appropriate and beneficial. This focus is intended to enable improved efficiency and effectiveness of future project impact assessments:</p>	<p>How were the valued components selected? What was the rationale? Was any consultation done to select these VCs?</p> <p>Marten Falls has expressed an interest in other VCs as well, which matter just as much to the community. Those VCs were described in the last submission. Will those VCs be considered by the RA, or would that be limited to individual impact assessments?</p> <p>Lastly, please explain what is meant by “improved efficiency and effectiveness”? Do you expect that the RA will help make IAs in the region more efficient, i.e., enable proponents to complete an IA in a shorter duration?</p>

<p>a) Surface and ground water (quality and quantity), including wetlands (peatlands)  b) Woodland caribou  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</p>	
<p>P 5. 2.5 It is acknowledged that there are on-going impact and environmental assessments for proposed road developments in Northern Ontario that are not linked to specific mine development activities, which will continue according to their legislated processes and timelines. The regional assessment will not duplicate these on-going assessments, including their project-specific assessments of effects, analyses of the purpose or need for these projects, or other factors and components.</p>	<p>Since you do not expect duplication, can you confirm that the expectation is that existing IAs will continue on their independent timeline?</p> <p>Would you look at data that is collected at the project level or analysed at the project level? What would be the source of all data that you consider?</p>
<p>P 5. 3.6 The Committee’s mandate and responsibilities, outlined in its Terms of Reference (Appendix B), are established by the Minister of Environment and Climate Change in accordance with Sections 93 and 96 of the IAA.</p>	<p>If this is a joint committee and the mandate of the Committee is established by the Federal minister, then what is the joint part?</p> <p>Is that related to the selection of the Committee members only? Please clarify what is joint and what is unilateral.</p>
<p>P 6. 3.9 The Committee members will be unbiased and free from real or perceived conflict of interest with respect to the Regional Assessment.</p>	<p>It is very important for MFFN that Committee members do not have any conflict. How will conflict be checked? Will the Agency and the Ministry conduct conflict checks? If so, then how? How will existing proponents like MFFN be engaged with to check if applicants have had any conflict of interest with existing projects?</p>
<p>P 6. 4.5 Existing information includes but is not limited to that contained in any past or ongoing impact or environmental assessments conducted under federal or provincial legislation, and information provided by government, industry, academia, Indigenous peoples or the public.</p>	<p>Will the secretariat collect any new information or data? Either as a baseline or through participation of Indigenous communities?</p>

<p>P 6. 5.1 The Committee will establish, and seek information and advice from, a number of advisory supports during the conduct of the Regional Assessment, as outlined in the sections that follow and in Appendix C of this Agreement.</p>	<p>Will the Committee seek Indigenous community participation in this “advisory support ” role? Will MFFN be assured of such participation given that they are the most impacted community in the Ring of Fire as the projects are mostly on MFFN territory?</p> <p>It is MFFN’s position, based on facts, that as the most impacted community, MFFN must have a lead position in all Indigenous participation, and we would work with IAAC and Ontario on that.</p>
<p>P 6-7. 5.3 These advisory supports will be comprised of individuals or organizations from within or outside of government, including Indigenous peoples, who have knowledge or experience deemed relevant to the Regional Assessment by the Committee. They will be identified by the Committee, including by way of a public call for interest through which interested persons will provide information on their relevant interests, qualifications and affiliations to the Committee.</p>	<p>Will MFFN receive this public call directly? Can we expect to receive this information, or would we have to look at a certain posting board?</p> <p>Would MFFN have a chance to review criteria for selection and validation that experts are qualified?</p>
<p>P 8. 6.2 The Circle would allow participants, respecting and valuing their relationship to the land and creation, to bring forward and share traditional knowledge, information and perspectives in a collaborative manner for consideration by the Committee in its conduct of the Regional Assessment.</p>	<p>Would participation from Indigenous community members be considered as consultation with the community?</p> <p>Will the Agency report on the Traditional Knowledge collected, what was collected, and how it was used?</p>
<p>P 15. Appendix B. 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</p>	<p>Will MFFN’s role as a proponent and as the most impacted community be recognized in the participation plan? More specifically, will the Committee recognize and create 2 unique Participation Plans to ensure the involvement of the community as an impacted community and as a proponent?</p>

<p>Committee, with advice from the advisory supports, to ensure that participants are aware of planned participation approaches and upcoming activities.</p>	
<p>P 16. If requested, provide copies of the draft Report in paper or electronic formats to participating communities, organizations and industry in addition to posting the draft Report on the Canadian Impact Assessment Registry Internet site. In addition, the Committee will include a summary of its Report translated into Ojibway, Oji-Cree and Cree.</p>	<p>MFFN requests that both paper and electronic copies of the draft report be provided to MFFN as soon as possible.</p>
<p>P 19. f) Recommendations for a Regional Assessment follow-up program to consider and incorporate any new or updated information that becomes available after submission of the final Report by the Committee, in order to help ensure that the Regional Assessment remains current and useful into the future and continues to fulfill the goal and objectives of the Regional Assessment as outlined in this Agreement.</p>	<p>MFFN would like to participate in follow-up programs including the ability to participate in the collection, analysis, and use of new information.</p>
<p>P 20: Potential positive and adverse effects, including cumulative effects, on the Assessment Priorities;</p>	<p>In addition to the adverse effects of development, MFFN is highly interested in the potential positive effects of mining and related development on MFFN and in the region. This is the only development opportunity available to MFFN and the community has a deep interest in understanding any positive impacts, how they can be augmented, and how their provision can be insured to MFFN as the most affected community. The community would look for this information and analysis in the RA report and expects that this will not be a superficial exercise but will be conducted in-depth with due consideration for what it means to a remote community like MFFN.</p>