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TIMISKAMING FIRST NATION



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General Comments

The Timiskaming First Nation (TFN) wants to reiterate that participating in the process of commenting on documentation from the Impact Assessment Agency of Canada does not mean that in any way that TFN agrees with the timeframe or budget that the Federal government has provided. Both are inadequate in terms of allowing for meaningful review of the impact assessment of the Upper Beaver Mine Project.

PRESENTATION DOCUMENT QUESTIONS: Draft Indigenous Engagement and Partnership Plan

- How you want to be consulted
- When you would like to be consulted and your objectives

What are your community's consultation objectives?

With support from the Agency, Timiskaming First Nation will identify potential impacts on the exercise of our rights. Timiskaming First Nation will work collaboratively with the Agency to draft the impacts on rights report. By completing this process, our goal is to build internal capacity to respond to impact assessments. In case of conflict of opinion, Timiskaming First Nation will make effort to express our perspective in a detailed manner and with ongoing dialogue. Timiskaming First Nation intend to review and comment all documents that pertain to us in the Impact assessment in the agreed comment period. Determine if Free Prior Informed Consent is achieved through this process.

How do you want information shared?

Documents sent in e-mail, or direct link, translation of documents, plain language summaries, presentation to be sent ahead of meeting, and minutes to be sent in a timely manner. Smaller, more frequent presentations.

How do you want to be consulted?

In-person meetings when public health allows, zoom meetings for now, meetings with elders, women, and youth, protocols and procedures for Agency to consider, dates to avoid for meetings, etc.
When? Announcements or notices, possibly monthly check ins.

How do you want to share your knowledge with the Proponents?

Sharing documents and stories, participation in data collection, conduct studies that pertain to our community or have great importance.

How would you like to participate?

Collaboration and co-development during the impact assessment such as the impact on rights and the impact assessment Report?

ONLINE DOCUMENT

Page 4 Objectives “Ensure engagement is consistent with the Government of Canada’s commitment to implement the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration) as a comprehensive international human rights instrument and Canada’s roadmap for reconciliation. The Declaration also emphasizes the need to work together in partnership and respect, as articulated through the principle of free, prior and informed consent...”

Comments: How will we identify if FPIC has been achieved?

Page 7 “.. Communicating with Indigenous communities in an ongoing, open, and transparent manner;”

Comments: Timely or regular communication

Page 10 Table 1

Increase Indigenous communities’ awareness of the impact assessment process and meaningful participation

Comments: Increase awareness AND understanding

Timeline

Comments: can you have target dates (adjust as needed)

Engagement and consultation Method

Comments: e-mail relevant documents and notices, community outreach summary docs

Conduct Follow ups

Expected Indigenous communities' participation/activities

From January 31, 2022 to March 12, 2022, the Agency invites comments on the draft IEPP and draft Guidelines including the identification of any existing regional studies or plans that could inform the assessment of the Project

Comments: TFN did not perform this activity. This could be done at a later time but the time given is not appropriate.

PRESENTATION DOCUMENT QUESTIONS: Draft Tailored Impact Statement Guidelines

What valued components are important to your community?

At this time, we haven't evaluated Valued components as it relates to the impact assessment process and this project.

Are there any locations of particular importance to your community where traditional activities are practiced?

At this time, we haven't all the places of importance as it relates to the study area. We have yet to identify or conduct this assessment.

Are there any valued components that relate to your ability to practice Aboriginal or Treaty rights as recognized and affirmed by section 35 of the *Constitution Act*, 1982?

Timiskaming First Nation has rights that are recognized by Section 35, however, we would like to discuss the matter further relating to Valued components in the assessment. We know that these components are rights that connect us directly to the resources that Mother Earth has gifted us. These resources are considered valued components as it pertains to our culture as a whole.

Are any other items of concern, that are not currently adequately covered in the draft Tailored Impact Statement Guidelines?

We weren't able to receive the presentation from the Agency on the Valued components so we didn't start looking at the VC worksheet. Due to various reasons, covid-19 in the community, the meeting with agency was held later than expected, etc. TFN cannot not provide informed comments as the half presentation was mid way through the comment period. As well, TFN considers the upper beaver impact assessment to currently be moving faster than anticipated.

We may need more time to review as we can only provide some comments based on the following sections; Section 6, section 7.

Draft tailored impact statement guidelines DOCUMENT

Section 6

Pg 21. "support the participation of Indigenous communities in the completion of the Impact Statement, which could include funding studies conducted by potentially affected Indigenous communities who will have demonstrated interest in this regard"

Comments: Support community by funding external professional if needed

Pg 22 "This principle reflects working together in good faith on decisions that impact Indigenous peoples, with the intention to achieve consensus"

Comments: TFN would like to know how you will intend to achieve consensus.

"convey the perspective of the Indigenous communities being engaged"

Comments: convey perspective of indigenous communities or be co-written

Pg 23 "The Agency notes that not all Indigenous communities may be willing to collaborate with the proponent, "

Comments: Not all communities may be willing OR able

Section 7.2

Pg.30 “VC presence in the study area;”

Comments: Is this encompassing of Regional Study area RSA, Local Study Area LSA, and Project Study Area PSA?

“the extent to which the VC may be affected by other past, existing or future projects and activities and natural processes;”

Comments: Does this include cumulative effects?

Pg. 31 “Based on comments from participants during the Planning phase, the following components have been raised as important to consider in the assessment, but it is not exhaustive:”

Comments: TFN would also add prolonged land loss

ADDITIONAL COMMENTS

Comments: TFN wants to consider our own study on baseline conditions, relevant valued components (VC), including the assessment of the effects of each VC and the interactions between the VCs, the identification of mitigation measures, the residual effects analysis and the cumulative effects assessment.

Comments: TFN wants to work on its own spatial and temporal boundaries for the VC determined by the community.