



Lands & Resources Department

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March 11, 2022

Spencer Roth
Crown Consultation Coordinator – Upper Beaver Gold Project
Impact Assessment Agency of Canada
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Sent via email only

Dear Mr. Roth:

Subject: **Wahgoshig First Nation Comments on the Draft Tailored Impact Statement Guidelines and Indigenous Engagement and Partnership Plan for the Upper Beaver Gold Project Federal Impact Assessment**

Wahgoshig First Nation engaged our technical advisors, Shared Value Solutions (SVS), to conduct a technical review of the draft Tailored Impact Statement Guidelines (TISG) and draft Indigenous Engagement and Partnership Plan (IEPP) prepared by the Impact Assessment Agency of Canada (IAAC; the Agency) for the Upper Beaver Gold Project (UBGP; the Project) Federal Impact Assessment (IA).

Following the initial technical review of the TISG and IEPP by SVS, the Wahgoshig First Nation Lands and Resources staff reviewed, revised and approved the comments and recommendations in Appendix A and B of this memo, respectively. The comments in Appendix A and B identify ways in which the TISG and IEPP must be improved to ensure that the substantial impacts that the Project will have on our Treaty and Aboriginal rights and interests are accurately and completely assessed by the Proponent and Agency. This will facilitate proper avoidance, mitigation and accommodation of these vast and substantial impacts.

As a Nation highly impacted by the Project, we request that you incorporate all Wahgoshig First Nation's recommendations in Appendix A and B, or provide us with written rationale as to why you have not. Please note that Wahgoshig First Nation will record and track the recommendations that are not incorporated, should this result in impacts to our Treaty and Aboriginal rights and interests being unaccounted for in the IA.

We intend to continue to take an active role in the IA as a highly impacted Nation. We look forward to working extensively at a treaty partnership level with the Agency on the Upper Beaver Gold Project IA.

Lance Black, MEDI

Senior Manager, Negotiations & Resources, Wahgoshig First Nation

CC: Chief June Black and Council Wahgoshig First Nation
Mike Guillemette, Director, Lands & Resources for Wahgoshig First Nation
Chris Sackaney, Environment and Resource Coordinator for Wahgoshig First Nation
Kate Kempton, Legal Counsel to Wahgoshig First Nation from Olthuis Kleer Townshend LLP
Maurice J Kistabish, Lands & Resources, Wahgoshig First Nation

Appendix A: Comments and Recommendations on the draft Tailored Impact Statement Guidelines

#	Comment	Recommendation
1.	<p>While the Tailored Impact Statement Guidelines discuss cumulative effects assessment in the context of valued components, cumulative effects were not included as guidelines for consideration throughout the document. Potential effects, and positive and/or negative effects were discussed thoroughly, but it is not clear if these include cumulative effects considerations.</p> <p>All aspects of the environment anticipated to be impacted by the UBG, including biophysical components as well as human health, cultural and socio-economic conditions, have already experienced the cumulative pressures of historic and present-day development. It is anticipated that the UBG will further compound these pressures. Assessment of cumulative effects through all aspects of the biophysical environment as well as health, cultural, social and economic conditions are very important to Wahgoshig First Nation. The Tailored Impact Statement Guidelines as drafted do not include requirements for the adequate assessment of cumulative effects. Without the incorporation of potential contributors to cumulative effects throughout the entire Impact Statement, Wahgoshig First Nation is concerned that aspects of the cumulative effects to our Treaty and Aboriginal rights and interests will be overlooked and inadequately assessed, and thus not properly avoided, mitigated or accommodated.</p>	<p>a. Wahgoshig First Nation requests that the Agency specify the consideration of both cumulative and individual effects anytime potential effects, or positive and/or negative effects are discussed. Rather than addressing each point individually, the Agency should change the wording of introductory paragraphs and sentences to specifically include cumulative effects and then amend any subsequent information as required. For example, in Section 8.3.2 (Effects to Topography), the first sentence in the soil and sediment section should read "<i>The Impact Statement must describe all individual and cumulative effects of the project on topography, soil and sediment including...</i>".</p> <p>b. Sentences leading to information on potential effects that do not specifically state the phrase "potential effects" should also be amended to state that they will discuss both individual and cumulative effects, and subsequent information should be updated as required. For example, in Section 8.1 (Meteorological Environment) the first sentence should begin with "<i>Considering both individual and cumulative effects</i> the Impact Statement must..."</p> <p>c. In addition to amending the introductory paragraphs and sentences, which were most commonly seen in the Effects Assessment Methodology for Sections 8-12, the IAAC should update all subsequent subsections, such as Mitigation and Enhancement Measures, and the HHERA described in Section 9.1.2, to account for the consideration of cumulative effects. A table on cumulative effects should also be added to the list of tables in Section 16 Assessment Summary.</p>
2.	<p>In comment #22 of Wahgoshig First Nation's comments on the draft Initial Project Description for the UBG, we requested that the Proponent clarify how they will gather and incorporate input from Wahgoshig First Nation to inform their GBA Plus assessment (as</p>	<p>Wahgoshig First Nation requests that Section 1.2 of the TISG include an additional sentence which states "<i>The Proponent is required to facilitate the gathering and incorporation of GBA Plus data from Indigenous Nations if the Nation requests that Nation-specific data is</i></p>

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	<p>required by Section 22(s) of the <i>Impact Assessment Act</i>), in particular those aspects of the assessment that will have a disproportionate effect on Wahgoshig First Nation membership. Wahgoshig First Nation has not yet received a response from the Proponent on this question.</p> <p>Incorporation of Wahgoshig First Nation-specific information into the GBA Plus assessment will be essential given the high level of impact on our Nation and the likelihood of disproportionate impact to subgroups within our Nation that are assessed within a GBA Plus analysis.</p>	<p><i>incorporated. The Proponent is encouraged to provide funding to studies requested by Indigenous Nations to gather GBA Plus data".</i></p>
3.	<p>Overall, Wahgoshig First Nation is encouraged by the level of detail the Proponent is required to provide in assessing the biophysical environment, with the exception of rigorous inclusion of cumulative effects. Wahgoshig First Nation is concerned about the human, cultural and social components of the TISG, which in general are more vague and leave the Proponent much more room to exclude the assessment of potential impacts to Wahgoshig First Nation's rights and interests.</p> <p>Section 14 of the TISG (Extent to which the Project contributes to sustainability) is a clear example of this, as the Proponent is required to "include any description of sustainability as defined by Indigenous communities", but is left substantial room to do so at their discretion.</p> <p>In Comment #47 of our review of the draft Initial Project Description, Wahgoshig First Nation requests that the Proponent specify how they will incorporate Wahgoshig First Nation's Traditional Knowledge and Land Use, studies and plans, or any Project-specific Wahgoshig First Nation-led assessments into their assessment of Wahgoshig First Nation's unique definition of sustainability, and how that definition will be incorporated into their assessment as required by Section 22(h) of the <i>Impact Assessment Act</i>. We are yet to receive a response from the Proponent on this request, and are concerned that the language in the TISG allows the Proponent to</p>	<p>a. Wahgoshig First Nation requests that the IAAC include the following additional language in Section 14 of the TISG: <i>"The Proponent must present an analysis of the description of sustainability as provided by Indigenous communities. This analysis must describe how the assessment of the sustainability of the Project, as based on the definition of sustainability provided by Indigenous Nations, differs from the general analysis of sustainability, and how they have addressed any differences in the definitions anywhere appropriate in the Impact Statement."</i></p> <p>b. Wahgoshig First Nation may wish to keep our Nation-specific definition of sustainability confidential, and thus may wish for the Nation specific assessment of sustainability in the Impact Statement to be kept confidential if we choose. To accommodate this, the Agency should include the following language in Section 14 of the TISG: <i>"Any descriptions of sustainability as defined by an Indigenous Nation may be confidential to the Indigenous Nation, and as such the analysis of the Nation's definition of sustainability in the Impact Statement would be confidential to the Nation in question if requested."</i></p>

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	<p>disregard the most important aspects of our definition of sustainability that we feel are vital to the conduct of adequate impact assessments.</p>	
4.	<p>Comment #34 from Wahgoshig First Nation's review of the draft Initial Project Description includes the following information:</p> <p><i>"Wahgoshig First Nation's Traditional Territory is shared with the Crown/settlers by Treaty 9. Wahgoshig First Nation agreed to share its land with settlers through Treaty 9. Wahgoshig First Nation did not agree to become subjugated to the Crown or to surrender its rights to and its Traditional Territory to the Crown. Wahgoshig First Nation understands Treaty 9 to be a pact of mutual co-existence, of the sharing of the lands and resources and the governance over them, such that dual or mutual consent is required for Conduct in such shared lands.</i></p> <p><i>On April 6, 2010, Wahgoshig First Nation, along with other Anicinape (Algonquin) First Nations from Quebec, signed a declaration of assertion, affirmation and confirmation of their rights stating, among other things, that <u>they never relinquished their governance, jurisdiction or sovereignty anywhere in Canada; that they agreed to live in peaceful co-existence with settlers and not to be subjugated by the Crown or settlers.</u></i></p> <p><i>Wahgoshig First Nation also introduced and is in the process of enactment of our Engagement and Consent Law which is to be sent to the Agency in the coming weeks. While in "bill" form and not enacted, it is representative of our expectations and requirements for this (and other) engagements about proposed development in our territory. This law also confirms that Wahgoshig First Nation's rights to use its Traditional Territory and its corresponding responsibility to protect this part of the world for future generations, are inherent – coming from forever being "in here," and sacred, coming from the Creator. Wahgoshig First Nation decides how to exercise such rights and responsibilities through self-determination, which are embodied in many</i></p>	<p>Wahgoshig First Nation requests that the IAAC add language to Section 3.3 of the TISG to state <i>"The Proponent must summarize how any land use planning, land zoning, community plans or other plans provided by Indigenous Nations to the Proponent was incorporated into the Impact Statement. The summary the Proponent provides is subject to approval and revision by the Indigenous Nation which provided the plan."</i></p>

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	<p><i>international legal instruments including the United Nations Declaration on the Rights of Indigenous Peoples to which Canada is a signatory and which has recently become adopted in Canadian law through the passing of Bill C-15."</i></p> <p>As stated in this comment in the draft Initial Project Description, Wahgoshig First Nation has an essential and equal role to the Crown in the determination on whether to allow for the UBGP or not.</p> <p>In addition to our equal responsibility with the Crown, Wahgoshig First Nation is continuing to conduct land use planning for our Traditional Territory. As a Nation with equal authority and responsibility to the Crown, our planning and governance protocols and documents must be integral to decision making for the UBGP.</p>	
5	<p>In Section 6 of the TISG (Description of Engagement with Indigenous Communities) the Agency states that "For the purposes of the Impact Statement, the proponent must ... 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".</p>	<p>As an Indigenous Nation highly impacted by both historic and proposed activities at the UBGP, Wahgoshig First Nation wishes to confirm with the Agency and the Proponent that we will have an interest in both participating in and leading studies to support the Impact Statement for the project. We anticipate that the specific studies selected will reflect gaps in available information that will be essential for accurately assessing the impacts to Wahgoshig First Nation Treaty and Aboriginal rights and interests from the UBGP.</p>
6	<p>In Section 7.2 of the TISG (Selection of Valued Components) the Agency states that "Indigenous communities may identify holistic Valued Components (VCs) that encompass the effects on a number of individual environmental, health, social, or economic value components."</p>	<p>Wahgoshig First Nation wishes to confirm with the Agency and the Proponent that we will have a list of VCs, including holistic VCs, which will be essential for accurately assessing impacts of the Project to Wahgoshig First Nation Treaty and Aboriginal rights and interests.</p> <p>Wahgoshig First Nation is highly impacted by the UBGP and has been highly impacted by the historical mining activities at the UBGP site. This includes aspects of Wahgoshig First Nation which may have been previously overlooked and are difficult to assess through western methodologies. Wahgoshig First Nation also wishes to remind the Agency that the range of potential impacts to Wahgoshig First Nation</p>

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		<p>Aboriginal and Treaty rights and interests are defined by Wahgoshig First Nation alone, and not by the Proponent or by the Crown. We see the potential for holistic VCs to bridge some of the gaps in assessing impacts to our Treaty and Aboriginal rights and interests and wish to engage our membership to identify the holistic VCs most important to our Nation.</p>

Appendix B: Comments and Recommendations on the draft Indigenous Engagement and Partnership Plan

#	Comment	Recommendation
1.	<p>Wahgoshig First Nation wishes to remind the IAAC that the UBGP is located within 50 km of our reserve lands and is located within our Traditional Territory. Our members exercise our Treaty and Aboriginal rights extensively near to and around the Project site.</p> <p>Wahgoshig First Nation members have used the land around the UBGP since time immemorial and the UBGP will have substantial impacts to our Treaty and Aboriginal rights and interests.</p> <p>As such, Wahgoshig First Nation has been highly impacted by the historical activities at the UBGP site and will be highly impacted by the proposed UBGP. Wahgoshig First Nation's support for the impact assessment process for the UBGP will be conditional on the Crown's recognition of the very high level of impact to which the UBGP will impact our Treaty and Aboriginal Rights. The provision of mitigation and accommodation measures from the Proponent and the Crown will be essential in Wahgoshig First Nation's assessment as to whether the Crown has recognized the impact of the Project on our Nation.</p>	<p>a. Wahgoshig First Nation requests that the Agency confirm in writing that they recognize the high level of impact that the UBGP will have on Wahgoshig First Nation Treaty and Aboriginal rights and interests and commit to working in partnership with Wahgoshig First Nation to identify and implement measures to mitigate and accommodate those impacts.</p> <p>b. Wahgoshig First Nation requests that the Agency affirm their commitment to engaging Wahgoshig First Nation in a true Nation-to-Nation manner in the UBGP Impact Assessment, including commitments to ensure free, prior, and informed consent. As such, the Agency should conduct the Impact Assessment in partnership with Wahgoshig First Nation in a manner that aligns with our priorities and values and as reflected in our Engagement and Consent Law, in "bill" form. Wahgoshig First Nation also requests that the Agency include the following text as an additional bullet in the list of the Impact Assessment Agency of Canada's objectives in Section 3 of the IEPP: <i>"The Agency will consider core value and planning documents (such as the Engagement and Consent Law and a land use plan) as essential documents for decision making on the project and in the determination of the project's advancement."</i></p> <p>c. Wahgoshig First Nation recommends that the permitting plan for the Project include an authorization from Wahgoshig First</p>

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		<p>Nation to permit the project to proceed (to be determined through private negotiations with the Proponent). Please note that the contents of the permit will be subject to a confidentiality agreement between the Proponent and Wahgoshig First Nation but the approval of the permit by Wahgoshig First Nation will be public information.</p>
2.	<p>Wahgoshig First Nation notes that there are substantial impacts from the historical operations on the UBGP site which were never mitigated or accommodated by the Proponent at the time, or the Crown. In assessing the impacts of the proposed UBGP, it will be essential for the Agency to include the impacts of the historic activities on site as part of the assessment of cumulative effects of the project.</p> <p>Wahgoshig First Nation has been subject to intense industrial development pressure in addition to other colonial laws, constructs and practices which have dramatically impeded our ability to revitalize and maintain our culture as well as transfer cultural teachings to future generations. Most of these impacts historically have not been mitigated or accommodated. The UBGP will have additional impacts to our Nation's ability to revitalize, maintain and transmit our culture that must be considered by both the Proponent and the Crown. While the TISG provide clarity around the Proponent's requirement to consider the impacts the Project will have on Wahgoshig First Nation's ability to revitalize, maintain and transmit our culture, the Crown also has a responsibility to mitigate and/or accommodate some historic impacts at the Project site which will be exacerbated through further cumulative effects from the UBGP.</p> <p>Wahgoshig First Nation wishes to remind the Agency that the Crown is ultimately responsible for addressing historic infringements on Treaty and Aboriginal rights such as this. Considering this, Wahgoshig First Nation will expect the Crown to work with</p>	<p>a. Wahgoshig First Nation requests that the Agency agree to working with Wahgoshig First Nation to identify historic impacts to Wahgoshig First Nation's ability to transmit and maintain our culture which are the responsibility of the Crown to mitigate and accommodate. The approach to addressing historic impacts which the Crown is responsible for addressing could be formalized through a terms of reference document drafted collaboratively by the Agency and Wahgoshig First Nation as part of a Wahgoshig First Nation-specific consultation plan. Wahgoshig First Nation requests that the Agency confirm their willingness to support this approach.</p> <p>b. Wahgoshig First Nation requests that the Agency include the following additional bullet to the list of the Impact Assessment Agency of Canada's objectives in Section 3 of the IEPP: <i>"The Agency recognizes that certain historic impacts relevant to the Project are the responsibility of the Crown to mitigate and/or accommodate. The Agency will develop an agreed upon approach with interested First Nations to identify and address relevant historic impacts which require mitigation and/or accommodation by the Crown."</i></p> <p>c. As part of a Wahgoshig First Nation-specific consultation plan, Wahgoshig First Nation requests the Agency agree to developing a mutually agreed upon approach with Wahgoshig First Nation to identify, assess and mitigate and/or accommodate the impacts from the historic mining activities on site specific to Wahgoshig First Nation.</p>

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	<p>Wahgoshig First Nation through the UBGPA IA to identify the impacts specific to the historic operations on site and determine mitigation and accommodation measures that would be appropriate for addressing the historic infringements.</p>	<p>d. Assessing the historic impacts from the mine to Wahgoshig First Nation Treaty and Aboriginal rights and interests may be a suitable section of the Impact Assessment Report to be drafted in partnership with Wahgoshig First Nation. Wahgoshig First Nation requests that the Agency confirm their willingness to facilitate Wahgoshig First Nation's engagement in the IA at the partnership level if we so choose.</p>
3.	<p>In Section 5 of the draft IEPP, the Agency states that they will be <i>“Providing translators and/or interpreters to support meetings between Indigenous communities and the Crown”</i> and that the Agency will explore opportunities for <i>“Translating key high-level summary documents whenever reasonably possible”</i>.</p> <p>Wahgoshig First Nation has a diverse community of members that fluently speak four languages. Without adequate translator services for multiple languages present at all project meetings and for translating all key documents, Wahgoshig First Nation faces a strong barrier to engaging with the entirety of its community on the Project and thus, and inability to meaningfully provide adequate information on Project impacts to Wahgoshig First Nation rights and interests, share relevant TKLU data for consideration, and provide comment on key engagement documents.</p> <p>In 2019, the Government of Canada enacted the Indigenous Languages Act through Bill C-91, which recognizes Indigenous language rights as Aboriginal rights protected under s. 35 of the <i>Constitution Act, 1982</i>. In recognizing that Indigenous language rights now constitutionally protected, Wahgoshig First Nation recommends that the Agency take all measures possible to ensure that Indigenous translation services are provided for all Project meetings and documentation, at request of the Nation. Further, it is recommended that the IAAC provide financial and logistical support in acquiring</p>	<p>To reflect the fact that some participating Nations require multiple language translations to ensure meaningful community participation and engagement, the IAAC should revise Section 5 of the draft IEPP to state: <i>“Providing translators and/or to support meetings between Indigenous communities and the Crown. <u>The IAAC commits to providing funding for, and supporting with the hiring of the number of translators required by the language needs of each Nation</u>”; and <i>“Translating key high-level summary documents <u>at the request of participating Nations</u>”</i>.</i></p>

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	<p>these services, so the burden does not fall to the participating Indigenous community.</p>	
4.	<p>Section 3 of the draft IEPP speaks to the Agency's objectives of Indigenous engagement and partnership throughout the Impact Assessment. While the Agency references the need for meaningful consultation with Indigenous Nations, the section excludes reference to the need for appropriate consultation where the depth is commensurate with the seriousness of project impacts on a Nation's rights and interests.</p> <p>The UBG is located within 50 km of the Wahgoshig First Nation reserve lands and is in the heart of Wahgoshig First Nation Traditional Territory. As such, the Project's adverse impacts are expected to highly impact Wahgoshig First Nation's Aboriginal and Treaty Rights, which to date have already been significantly compromised because of longstanding industrial development within Wahgoshig First Nation's Traditional Territory.</p> <p>The Supreme Court of Canada (Haida Nation v British Columbia, 2004 SCC 73 at paras 39) has previously ruled that the extent of the Crown's Duty to Consult varies with the Nation's strength of claim, where a strong prima facie claim requires a deeper level of consultation and, where appropriate, accommodation. Further, a deep level of consultation (Clyde River v Petroleum, 2017 SCC 40 at paras 47-52) is to include at minimum, formal participation in the decision-making process, adequate funding, and the opportunity to assess project impacts on a rights impact basis in addition to the Project's environmental impacts.</p> <p>Given the proximity of the project to Wahgoshig First Nation and the potential for significant impacts to Wahgoshig First Nation rights and interests, Wahgoshig First Nation highlights the critical importance of the Agency recognizing appropriate depth of consultation throughout the Impact Assessment process.</p>	<p>To ensure appropriate consultation scope and meaningful participation for Nations significantly affected by the Project, the Agency should include two additional objectives within Section 3 that state:</p> <p><i>"Ensure consultation and engagement is commensurate with the level of impact of the Project on the Indigenous community's rights and interests".</i></p> <p><i>"Ensure that mitigation and accommodation measures that the Crown provides to impacted Nations reflect the level of impact of the Project on the Indigenous community's rights and interests."</i></p>

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5.	<p>In Section 3 of the draft IEPP, the Agency states as an objective to Indigenous engagement and partnership to “<i>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. This principle reflects working together in good faith on decisions that impact Indigenous peoples, with the intention to achieve consensus</i>”.</p> <p>Wahgoshig First Nation recognizes the importance of working together in partnership and respect, but affirms that free, prior, and informed consent is more than an intention to achieve consensus. As articulated in the Government of Canada’s Principle #6 of their <i>Principles respecting the Government of Canada’s relationship with Indigenous peoples</i>, “The Government of Canada recognizes that meaningful engagement with Indigenous peoples aims to secure their free, prior, and informed consent when Canada proposes to take actions which impact them and their rights, including their lands, territories and resources.”</p>	<p>Wahgoshig First Nation recommends that the Agency make a firm commitment to securing participating Indigenous community’s’ free, prior, and informed consent wherever possible throughout all stages of the assessment.</p> <p>Wahgoshig First Nation recommends revising Section 3 to state “<i>This principle reflects working together in good faith on decisions that impact Indigenous peoples, with the <u>requirement to secure free, prior, and informed consent</u></i>”.</p>
6.	<p>In Section 1, IAAC states that “<i>interested Indigenous communities may develop community-specific consultation plans, in collaboration with the Agency, to describe the community’s specific objectives for consultation, or any unique features of the impact assessment and consultation process pertaining to that community.</i>”</p> <p>Wahgoshig First Nation will be ratifying our Consent and Engagement Law in March 2022. Within this policy, Wahgoshig First Nation speaks to guiding principles of consultation with Wahgoshig First Nation, expectations for consultation processes, and the rights and responsibilities of Wahgoshig First Nation, the Crown, and proponents.</p>	<p>Wahgoshig First Nation requires that the Agency co-develop a Wahgoshig First Nation-specific consultation plan for the Project. Wahgoshig First Nation expects the plan to be developed collaboratively between Wahgoshig First Nation and the Agency and within the spirit and principles of the Honour of the Crown, Treaty No. 9, s. 35 of the <i>Constitution Act, 1982</i>, and the <i>United Nations Declaration on the Rights of Indigenous Peoples</i>.</p> <p>Wahgoshig First Nation recommends that this plan include, at minimum, sections pertaining to the roles and responsibilities for each party, funding specifications, communication preferences and accessibility requirements,</p>

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	<p>Wahgoshig First Nation expects any consultation and engagement associated with the Project to be aligned with the principles outlined in this Protocol. To ensure this consistency, Wahgoshig First Nation requests the collaborative development of a project-specific consultation plan.</p>	<p>and the mutually agreed upon desired outcomes of meaningful engagement.</p> <p>In addition to including Wahgoshig First Nation's expectations for meaningful consultation from the Crown, Wahgoshig First Nation has similar expectations of the Proponent and as such, Wahgoshig First Nation expects the Crown to outline certain consultation expectations of the Proponent that are aligned with the express wishes of Wahgoshig First Nation.</p>
7.	<p>In Section 1 of the draft IEPP, IAAC states <i>"Within the context of the impact assessment process, the Agency encourages the active participation of a community's diversity such as the Chief and Council, community leaders, as well as other members of the community, such as women, Elders, youth and knowledge holders."</i></p> <p>In its current context, the above section does not adequately capture the diversity of Wahgoshig First Nation and thus, the perspectives which must be considered in meaningful consultation. For example, Wahgoshig First Nation has a total population of 270 members located on-reserve and 149 living off reserve, including members living both within the Nation's traditional territory in Ontario and Quebec. This project has the potential to adversely impact the Aboriginal and Treaty rights, as recognized in Treaty No. 9 and s. 35 of the <i>Constitution Act, 1982</i>, of all Wahgoshig First Nation members. As such, the current wording in Section 1 must include reference to both on and off reserve members, as well as land users.</p> <p>In addition, the Agency's 2019 Fact Sheet entitled <i>"Gender-Based Plus in Impact Assessment"</i> speaks to the critical need to consider the disproportionate Project impacts based on sex and gender as well as other groups representing the "Plus" in GBA Plus, such as groups differing in age, ethnicity, socio-economic status, employment status, and disability. Wahgoshig First Nation strongly supports the</p>	<p>To ensure that the suite of community diversity and voices are captured for participating Indigenous communities, Wahgoshig First Nation recommends revising this section to include <i>"<u>Within the context of a GBA Plus informed impact assessment process</u>, the Agency encourages the active participation and inclusion of a community's diversity both on and off reserve, such as the Chief and Council, community leaders, women and gender diverse people, Elders, youth, knowledge holders."</i></p>

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	<p>need for a GBA Plus consultation lens throughout the impact assessment process and recommends explicit language to include this in the IEPP.</p>	
8.	<p>As noted in our comments above on Section 6 of the draft TISG, Wahgoshig First Nation wishes to confirm with the Agency and the Proponent that we will have an interest in both participating in and leading studies to support the Impact Statement for the project.</p>	<p>a. Wahgoshig First Nation requests that the Agency acknowledge Wahgoshig First Nations interest in additional studies to support the IA, and request that discussions on potential studies to be conducted be included as a commitment in the co-developed Wahgoshig First Nation-specific consultation plan for this Project. These discussions should follow community consultation with our membership where we assess data gaps.</p> <p>b. Wahgoshig First Nation requests that the Agency confirm that any studies led by Wahgoshig First Nation can be confidential to the Nation, and shared with the Agency and Proponent at Wahgoshig First Nation's discretion.</p>
9.	<p>As noted in our comments above on Section 7.2 of the TISG, Wahgoshig First Nation wishes to confirm with the Agency and the Proponent that we will have a list of VCs, including holistic VCs, which will be essential for accurately assessing impacts of the Project to Wahgoshig First Nation Treaty and Aboriginal rights and interests.</p>	<p>a. Wahgoshig First Nation requests that the Agency acknowledge that the inclusion of holistic VCs requested by Wahgoshig First Nation will be essential in the assessment of the UBG, and request that the Agency facilitate a discussion of suitable holistic VCs with Wahgoshig First Nation representatives at a future meeting between the Agency and Wahgoshig First Nation. The details of this discussion should be the subject of the Wahgoshig First Nation-specific consultation plan. The Agency should also include the following additional bullet to the list of the Impact Assessment Agency of Canada's objectives in Section 3 of the IEPP: <i>"The Agency will work in partnership with Indigenous Nations to identify holistic Valued Components (VCs) to be included in Impact Statement and will encourage the Proponent to adopt holistic VCs recommended by Indigenous Nations."</i></p> <p>b. Wahgoshig First Nation requests that the Agency confirm their willingness to facilitate Wahgoshig First Nation's engagement in the assessment of impacts on holistic VCs identified by Wahgoshig First Nation at the partnership level on the spectrum of engagement. The details of this discussion</p>

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		should be the subject of the Wahgoshig First Nation-specific consultation plan.
10.	<p>In Section 1 of the draft IEPP, IAAC states <i>"The Agency is committed to being as flexible as possible in engaging with Indigenous peoples to accommodate the limitations of the ongoing pandemic."</i> This statement is not specific enough to provide Wahgoshig First Nation with the assurance that the Agency is providing adequate recognition and response to the community-specific experiences and challenges of Covid-19.</p> <p>Wahgoshig First Nation is still dealing with the effects of Covid-19 on the community. Consultation backlog and fatigue, ongoing states of emergency, and community illness are all compounding factors which make meaningful consultation and engagement a challenge. A tailored and Nation-specific approach to Covid-19 accommodations is required to sufficiently address these challenges in a manner that is consistent with the policies, procedures, and current emergency status of our Nation.</p>	<p>Wahgoshig First Nation recommends that the Agency revise Section 1 of the draft IEPP to include specific language regarding the diverse approaches required to meaningfully consult and engage with participating Indigenous communities, who are experiencing the Covid-19 pandemic differently. The Agency should include the following addition to Section 1, <i>"The Agency is committed to being as flexible as possible in engaging with Indigenous peoples to accommodate the limitations of the ongoing pandemic. <u>This includes, but is not limited to, flexibility regarding review timelines and deadlines, and capacity supports made available to participating Indigenous communities. The Agency recognizes and will adhere to the extent possible, community-specific Covid-19 protocols and policies including states of emergency.</u>"</i></p>