



Kashechewan First Nation Chief & Council

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Impact Assessment Agency of Canada

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RE: Kashechewan First Nation Review and Comments on the Northern Road Link Initial Project Description

To Whom it May Concern,

I am writing as the elected Chief of Kashechewan First Nation ("KFN"). This letter, review, and comments are on behalf of myself, the Council, and Nation members of KFN. As the Chief of my Nation, it is my duty to protect our Section 35 rights which can be exercised throughout Treaty 9, of which we are signatories.

To this end, we have reviewed the Northern Road Link ("NRL") Initial Project Description ("IPD" or "Project Description") for consideration and integration of our rights and interest and hope to collaboratively work with the Nation proponents for mutually acceptable outcomes. We acknowledge the guiding principles provided by both communities that include mutual recognition of inherent rights; mutual recognition of ancestral knowledge; mutual recognition of traditional knowledge and practices; mutual recognition of clan families and relationships; mutual recognition of sustainable livelihood; and mutual recognition of traditional protocols. KFN confirms that we will also adhere to the guiding principles.

Many of the waterways which will be intersected by the Northern Road Link Project flow to Kashechewan and into James Bay, with the water starting near Marten Falls. This is a key concern for our Nation as fish are depended on year-round as a food source; animals rely on the water, and our people on the animals and water. The animals travel great distances and potential disruption of these migration routes is top of mind.

Our Nation and our Elders are also concerned with the environmental assessment process. Representatives from the Impact Assessment Agency and the Northern Road Link Project Team must be able to visit our community and hear from the people, subject to capacity and availability. To that end, this letter and comments must be taken by the Impact Assessment Agency of Canada as our expressed interest in continued involvement throughout the Assessment Process. This includes our involvement in reviewing and commenting on the forthcoming Summary of Issues, the Indigenous Engagement and Partnership Plan, as well as the Tailored Impact Statement Guidelines. This involvement in the Planning Phase will ensure the Environmental Impact Statement is best positioned to assess impacts to our rights and areas of concern to our Nation. As these documents become available, please continue to contact our Nation with funding opportunities and provide sufficient time for fulsome participation and review.

Further, this letter must signal to the Northern Road Link Project Team, KFN's interest in continued engagement, including community meetings.

We look forward to working with you and the Nation proponents to ensure this Project is assessed in the most fulsome way to ensure protection of all Nations rights and interests.

Sincerely,

<Original signed by>

Chief Gaius Wesley
Kashechewan First Nation

APPENDIX A: KASHECHEWAN FIRST NATION COMMENTS ON NORTHERN ROAD LINK INITIAL PROJECT DESCRIPTION

#	Section	Details	Comment
1.	<p>16 Description of the Health, Socio-economic, Cultural Heritage Resources, and Aboriginal and Treaty Rights and Interests Context</p> <p>16.2 Socio-economic Context</p> <p>16.2.2 Proposed Baseline Studies</p>	<p>“Primary information for regional and local economy will be collected for communities in the Project area through community surveys and interviews with band administration and council portfolio holders.” (p. 106)</p>	<p>The Northern Road Link Project Team must coordinate with the KFN Assessment Coordinator to facilitate data collection through community surveys and interviews as KFN members and staff are best placed for this exercise.</p>
2.	<p>20.1 Potential Changes to Fish and Fish Habitat Under the <i>Fisheries Act</i></p> <p>20.1.1 Potential Effects</p>	<p>Potential effects to fish and fish habitat include effects related to harmful alteration or destruction of fish habitat, death of fish, increased concentrations of contaminants in fish tissue, and changes in fish habitat due to water quality changes.</p>	<p>Changes to fish quantity and quality, and changes to water quality as a result of Project construction activities or increased access to the Project area have the potential to impact KFN Treaty 9 fishing rights as well as KFN's right to steward and protect the environment.</p> <p>This is of particular note as many of the waterways which will be intersected by the Northern Road Link Project flow to Kashechewan and into James Bay, with the water starting near Marten Falls. This is a key concern for our Nation as fish are depended on year round as a food source; animals rely on the water, and our people on the animals and water.</p>
3.	<p>20.3 Potential Changes to Migratory Birds under the <i>Migratory Birds Convention Act, 1994</i></p>	<p>Potential effects to migratory birds outlined for the construction and operation phases include sensory disturbance, death or reduction of habitat quality, habitat degradation, and</p>	<p>The assessment of impacts to Migratory Birds should also include an assessment of potential changes to migration patterns as a result of the Project. It is noted that this is included as a field</p>

#	Section	Details	Comment
		increased harvest due to increased public access.	<p>survey, however, not articulated as a potential impact.</p> <p>Animals, including migratory birds, travel great distances and potential disruption of these migration routes is top of mind for KFN.</p>
4.	<p>22.2 Aboriginal and Treaty Rights and Interests</p> <p>22.2.1 Potential Effects</p>	<p>Potential direct effects to ILRU for the Construction and Operations phases include potential “Project related disturbance to or loss of natural resources used for rights-based activities and other interests...” (p. 136)</p> <p>Potential indirect effects for ILRU during the Construction and Operations of the project include elaborations such as atmospheric environment and sensory disturbance links to “air quality” and “noise, vibration”, respectively.</p>	Please expand the terminology of “natural resources” used within this excerpt to include fish, wildlife, birds, and vegetation to ensure precision of language. This will better link Indigenous Land and Resource Use more explicitly with other identified biophysical Valued Components.
5.	<p>22.2 Aboriginal and Treaty Rights and Interests</p> <p>22.2.2 Preliminary Proposed Mitigation</p>	Under proposed mitigations for impacts to Indigenous Land and Resource Use, as well as Cultural Continuity and Well-being, the proponent briefly describes the development of an Aboriginal Rights and Interests Impact Management Plan that is “to the rights-based activities and other interests ... exercised by participating Indigenous communities. This management plan will outline mitigation measures to avoid, minimize, reduce, and/or offset potential direct and indirect effects to rights-based activities and other interests.” (p. 139)	<p>As this Management Plan appears to be a crucial aspect of the Project’s mitigation for impacts to Indigenous Land and Resource Use, KFN requires more information surrounding it.</p> <p>Additional detail is required, including:</p> <ul style="list-style-type: none"> • Confirmation that this Management Plan will be developed during the EIS Phase to allow decision maker consideration of any identified mitigation, • Identification of which Regulatory Authority and/or Indigenous groups will be responsible for the management and oversight of this plan, and • What capacity funding is available for input and participation in execution of this plan.
6.	<p>23.1 Human Health</p> <p>23.1.2 Preliminary Proposed Mitigation</p>	Proposed Mitigations listed under Construction and Operations again reference the development of an Aboriginal Rights and	See Comment #5.

#	Section	Details	Comment
		Interests Impact Management Plan (see details in Comment #5).	
7.	22 Indigenous Physical and Cultural Heritage, Current Use of Lands and Resources for Traditional Purposes, and Archaeological Resources And 23 Indigenous Health, Social and Economic Conditions	Most preliminary mitigation measures currently listed under Sections 22 and 23 rely either on mitigations for impacts to biophysical components (i.e., fish and fish habitat, aquatic environments, air quality, noise, water, etc.) or the proposed Aboriginal Rights and Interests Impact Management Plan.	As previously indicated, there appears to be a reliance on the Aboriginal Rights and Interests Impact Management Plan to address impacts identified for Indigenous Land and Resource Use, Cultural Well-being, and Human Health. See Comment #5. It is essential that this Management Plan is fully developed during EIS Phase of the regulatory process in order to inform decision-makers in the Project's approval.
8.	24.5 Surface Water 24.5.2 Preliminary Proposed Mitigation	Mitigations for the Construction and Operations Phases include: "Develop water quality and quantity monitoring plans, as needed to monitor for flow and sediment events during in-water works." (p. 151)	As waterways are interconnected in this area, maintaining and supporting water quality is a primary concern for KFN. Water quality monitoring will be an essential element to surface water quality mitigations; similarly, affected communities, such as KFN, should be involved in such monitoring activities.
9.	25 Management Plans Table 25-1	Management Plans for components such as fish and fish habitat, vegetation, noise, and light are listed for the Construction and Operations/Maintenance phases. However, a surface water management plan is listed only for the Construction phase.	Please explain why a Management Plan is not considered necessary for surface water during the Operations/Maintenance phase of the Project as water quality, quantity and interconnection is a key issue of importance for KFN.