



March 23, 2023

Delivered by Email

Impact Assessment Agency of Canada

Email: NorthernRoad-RouteDuNord@iaac-aeic.gc.ca

RE: Weenusk 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 Weenusk First Nation. 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.

We have reviewed the Northern Road Link ("NRL") Initial Project Description ("IPD" or "Project Description") for consideration and integration of our Section 35 rights. Please find overarching comments and a detailed review in the below table.

Aboriginal Rights and Interests Management Plan

During our review, we took particular note of the Aboriginal Rights and Interests Management Plan. This was referenced as a preliminary mitigation for multiple components, including Indigenous Land and Resource Use, Cultural Well-being, and Human Health. Given the proponents' reliance on this Management Plan to address impacts to Aboriginal and Treaty Rights and Interests (as titled in the IPD), it is essential that Weenusk First Nation be provided with more information surrounding the proposed development of the Management Plan and its role in eliminating, reducing, or offsetting impacts. Determining the effectiveness of mitigation measures, or the ability to accurately predict their effectiveness, is crucial for informing the decision-makers responsible for the Project's assessment and approval. As such, the detailed development of this Management Plan in the EIS Phase in close collaboration with Weenusk First Nation is essential.

Support of, and Benefit from, the Project

While Weenusk First Nation understands that this Project is critical infrastructure for Webequie First Nation and Marten Falls First Nation in order to better connect their communities, this cannot be construed as a free pass to dismiss potential impacts to rights. While the Project Description outlines that Indigenous rights will be considered, it must be noted that Weenusk First Nation rights are more expansive than hunting, fishing, trapping and gathering. Weenusk First Nation's Section 35 rights also include aspects not explicitly addressed in Treaty texts, including land and resource rights, the right to self-govern, practice our culture, and speak our language. Impacts to our rights from projects within our territory must be considered and assessed through an expansive lens. We look forward to working with Webequie First Nation and Marten Falls First Nation to assess impacts to our rights.



Information Related to Participation in Impact Assessment Planning Phase

In addition to our comments on the Initial Project Description Weenusk First Nation would like to indicate our interest in participating in all phases of the Northern Road Link Project Federal Assessment Process, starting with the Planning Phase. Weenusk First Nation would like the opportunity to review and provide comment into the Summary of Issues, the Indigenous Engagement Partnership Plan as well as the Tailored Environmental Impact Statement Guidelines. Weenusk First Nation is also receptive to ensuring this process is collaborative with the Crown, as represented by the IAAC, as well as the proponents.

We look forward to your decision in relation to the designation of this Project. We further look forward to consultation and engagement from the IAAC and proponent on this project to ensure impacts to Weenusk First Nation's rights are considered, assessed, and mitigated.

We look forward to your response to our comments and to future engagement.

Sincerely,

<Original signed by>

Chief Abraham Hunter
Weenusk First Nation



Weenusk First Nation Comments on Northern Road Link Initial Project Description

#	Section	Details	Comment
1.	5.3.3 Marten Falls First Nation Elders' Guiding Principles	5. "Chi Mamow waban ji kateg emishiinonaniwang mashkawisiinaniwang." "Looking at it together. In numbers there is strength."	<p>This Guiding Principle is aligned with how Weenusk First Nation prefers to include and inform community members in Peawanuck.</p> <p>The community as a whole needs to be consulted by MFFN and WFN on Project information and details, rather than just leadership alone. For this to be achieved, there must be community-to--community engagement, subject to capacity.</p>
2.	5.4 Key Communication and Engagement Tools Table 5-1 Communication and Engagement Tools	"Public and Stakeholder Open Houses" indicates that there are opportunities for introductory materials to be shared in-person or virtually. It also indicates that open houses will be live-streamed or presented on the Project website.	It is Weenusk First Nation's preference to have the MFFN and WFN Project Team come to Peawanuck to present and engage in-person with Weenusk community members, subject to capacity and availability. This supports the community-to-community relationships that Weenusk First Nation wishes to foster with WFN and MFFN.
3.	16 Description of the Health, Socio-economic, Cultural Heritage Resources, and Aboriginal and Treaty Rights and Interests Context 16.2 Socio-economic Context 16.2.1 Preliminary Baseline Description	Under "Community Services and Infrastructure" the proponent describes that generally, the communities in close proximity to or in the broader area surrounding the Project are supported by local health centres and nursing stations on reserve.	Any differences outside of this generalization should be described in the Impact Statement. Variability in the availability of/access to certain levels of care can increase community susceptibility to adverse effects resulting from Project-related changes to health access, particularly during construction.



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4.	16 Description of the Health, Socio-economic, Cultural Heritage Resources, and Aboriginal and Treaty Rights and Interests Context 16.2 Socio-economic Context 16.2.2 Proposed Baseline Studies	“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)	The Northern Road Link Project Team must coordinate with the Weenusk First Nation Assessment Coordinator to facilitate data collection through community surveys and interviews as Weenusk First Nation members and staff are best placed for this exercise.
5.	20.1 Potential Changes to Fish and Fish Habitat Under the <i>Fisheries Act</i> 20.1.1 Potential Effects	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.	As Peawanuck is downriver from the Project, changes to water quality, and as an indirect effect, changes to fish quantity and quality are a primary concern for Weenusk First Nation. Changes to water quality and fish can have direct impacts to Weenusk First Nation’s Section 35 rights, including the right to fish. Weenusk First Nation recommends that water monitoring initiatives be developed in partnership with Weenusk First Nation and implemented prior to Project construction. This monitoring should continue throughout Project construction with follow-up monitoring during operation with Weenusk First Nation involvement.
6.	20.3 Potential Changes to Migratory Birds under the <i>Migratory Birds Convention Act, 1994</i>	Potential effects to migratory birds outlined for the construction and operation phases include sensory disturbance, death or reduction of habitat quality, habitat degradation, and increased harvest due to increased public access.	The assessment of impacts to Migratory Birds should also include an assessment of potential changes to migration patterns as a result of the Project. For example, if Canada geese currently use the Project area while migrating north to the Hudson’s Bay near Peawanuck, changes in the Project area



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7.	22.2 Aboriginal and Treaty Rights and Interests 22.2.1 Potential Effects	<p>Included under potential direct effects to ILRU during the Construction and Operations phases is potential “Project related disturbance to or loss of natural resources used for rights-based activities and other interests...” (p. 136)</p> <p>Under indirect effects to ILRU during the Construction and Operations phases, atmospheric environment and sensory disturbance are elaborated as “air quality” and “noise, vibration”, respectively. In this way, the air quality, noise, and vibration VCs are linked to impacts to Indigenous Land and Resource Use.</p>	<p>could impact migration and ultimately result in changes in Canada geese availability to Weenusk.</p> <p>“Natural resources” should be expanded to include fish, wildlife, birds, and vegetation (i.e., removal of culturally significant plants or medicines). This specification will link Impacts to Indigenous Land and Resource Use more explicitly with previously listed biophysical VCs.</p>
8.	22.2 Aboriginal and Treaty Rights and Interests 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 indicates they “will engage with Indigenous communities and organizations to develop an Aboriginal Rights and Interests Impact Management Plan specific 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>	<p>More detail is required surrounding the Aboriginal Rights and Interests Impact Management Plan.</p> <p>At what phase will this Management Plan be developed during the regulatory process (e.g., EIS phase, EA report phase, etc.)? This is important because any potential mitigation developed from the Management Plan must inform the decision-making processes for the Project in order to assess their effectiveness on impacts to Aboriginal and Treaty Rights and Interests. Therefore it must be developed during the EIS Phase.</p> <p>Similarly, who is responsible for oversight of the Management Plan? If the Management Plan is meant to be developed in collaboration with potentially affected Indigenous communities, will those communities have a say in whether the Management Plan is carried out appropriately?</p>



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			Will those communities have input on the cross-cultural awareness training?
9.	23.1 Human Health 23.1.2 Preliminary Proposed Mitigation	Proposed Mitigations listed under Construction and Operations include the development of an Aboriginal Rights and Interests Impact Management Plan (see details in Comment #8).	See Comment #8.
10.	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	As currently laid out, many preliminary mitigation measures for the impacts identified in 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.	See Comment #9. Given the preliminary 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, it is essential that this Management Plan is fully developed during the EIS Phase in order to inform decision-makers in the Project's approval.
11.	24.5 Surface Water 24.5.2 Preliminary Proposed Mitigation	Proposed mitigations for the Construction and Operations Phases list: "Develop water quality and quantity monitoring plans, as needed to monitor for flow and sediment events during in-water works." (p. 151)	Maintaining and supporting water quality is a primary concern for Weenusk First Nation. It is essential that water monitoring programs are developed for the Project starting in the EIS Phase, and that Weenusk First Nation is involved in these programs.
12.	25 Management Plans	Table 25-1 Summarizes the Management Plans introduced in the Project Description. While Management Plans for components such as fish and fish habitat, vegetation, noise, and light are listed for the Construction and Operations/Maintenance phases, surface water is listed for the Construction phase only.	Please provide additional details as to why a Management Plan is not considered necessary for surface water during the Operations/Maintenance phase of the Project, particularly as fish and fish habitat extends to operations.