

FORT ALBANY FIRST NATION

Preliminary Comments on the draft Indigenous Engagement and Participation Plan for the Northern Road Link Project (June 21, 2023)

August 4, 2023

ID	Reference	Topic	Comment
FAFN 001	5 and 6	General	<p>The IEPP does not identify methods to ensure that consultation is accessible to all members of Indigenous communities, including members living off reserve. It is essential that the ‘grassroots’ members are involved at an early stage in the impact assessment process.</p> <p>Please revise the IEPP to identify mechanisms to ensure that consultation is accessible to all members of Indigenous communities, including those living off reserve.</p>
FAFN 002	6 Table 1 p. 9	Phase 3 – Impact Assessment	<p>The IEPP identifies consensus-seeking as a key objective. However, this objective is not reflected in the engagement and consultation approach. The Agency must work with FAFN to ensure that FAFN’s issues and concerns are substantively addressed in each phase of the impact assessment process, including with respect to FAFN’s views on key documents. The Agency and FAFN must determine whether consensus has been achieved at these key points.</p> <p>Please revise Table 1 of the IEPP to identify how consensus-seeking will be incorporated into each phase of the impact assessment.</p>
FAFN 003	6 Table 1 p. 9	Phase 3 – Impact Assessment	<p>Under Phase 2 in Table 1, the IEPP states that Indigenous communities will submit “opinions or comments to the Agency on the proponent’s Impact Statement” and that the Agency will issue “requests to the proponent for information or studies.” There is no assurance that FAFN’s comments will be appropriately conveyed to the proponent by the Agency, or if FAFN will have the opportunity to assess whether its comments have been adequately addressed.</p>

			Please revise the IEPP to identify mechanisms that will enable Indigenous nations to determine whether their comments on the Impact Statement have been appropriately conveyed to and adequately addressed by the proponent.
FAFN 004	6 Table 1 pp. 9-10	Phase 3 – Impact Assessment	<p>The IEPP states that Indigenous communities will have the opportunity to work with the Agency in the approach to complete the assessment of potential project impacts on the exercise of Aboriginal and Treaty rights, that the Agency will work collaboratively with Indigenous communities to complete this assessment and that Indigenous communities will collaborate on or validate the Agency’s preliminary analysis and conclusions. It is unclear whether Indigenous communities will have the opportunity to develop a fully Indigenous-led assessment, or whether such opportunities are limited to collaboration with the Agency. It is also unclear how the Agency will work with Indigenous communities to incorporate their Indigenous-led assessments into the Agency’s Assessment Report.</p> <p>Best practice and the principle of free, prior and informed consent require the opportunity for Indigenous Nations to complete an assessment of project impacts on their Aboriginal and Treaty rights according to their own process and methods. Please revise the IEPP to indicate opportunities for Indigenous communities to conduct an Indigenous-led assessment of project impacts on their Aboriginal and Treaty rights and how the Agency will work with Indigenous communities to incorporate their Indigenous-led assessments into the Agency’s Assessment Report.</p>
FAFN 005	6 Table 1 pp. 9-10	Phase 3 – Impact Assessment	<p>The IEPP’s description of engagement and consultation activities in Phase 4 – Decision does not identify an opportunity for Indigenous nations to indicate their consent or lack of consent to the project. In accordance with Canada’s commitment to UNDRIP and with Indigenous nations’ legal traditions, it is essential for Indigenous nations to have this opportunity to exercise this right.</p> <p>Please revise the IEPP to identify the opportunity for Indigenous communities to submit a notice of consent or lack of consent in relation to the Project and describe how this notice will be considered during the Decision phase.</p>

FAFN 006	6 Table 1 p. 11	Phase 5 – Post- Decision	<p>The IEPP does not identify if or how the Agency will consult and engage with Indigenous communities on the proponent’s implementation of Decision Statement conditions during the Post-decision phase.</p> <p>Please revise the IEPP to identify how the Agency will consult and engage with Indigenous communities on the implementation of Decision Statement conditions in the Post-decision phase.</p>
FAFN 007	7 p. 12	Participant Funding	<p>Participant funding should clearly take into account the cumulative nature of developments within the Ring of Fire area. FAFN objects to the exclusion of the Community Access Road and Webequie Supply Road from the Project scope. This project splitting significantly increases the regulatory and consultation burden on FAFN. Participant funding should therefore take into consideration the significant procedural and administrative burden placed on FAFN as a result of additional projects in the area.</p> <p>Please ensure participant funding clearly takes into consideration the cumulative nature of projects within an Indigenous community’s territory and provides enough support to uphold the significant procedural and administrative burden placed on Indigenous communities in the Ring of Fire area.</p>