



Sub office (Frenchman's Head)
P.O. Box 100, Hudson, Ontario P0V 1X0
Telephone: (807) 582-3503
Fax: (807) 582-3449

No. 28 (Kejick Bay)
General delivery, Lac Seul, Ontario P0V 2A0
Telephone: (807) 582-3211
Fax: (807) 582-3493

Sub office (Whitefish bay)
General delivery, Lac Seul, Ontario P0V 2A0
Telephone: (807) 582-3228
Fax: (807) 582-3839

Lac Seul's Preliminary Assessment of Right Impacts from the Springpole Project

Note: This material provided by Lac Seul First Nation is preliminary and partial at this time as the Kita-ki-nan process for the Springpole Project is ongoing. It will be updated and revised in the new year.

1. Introduction

This report sets out Lac Seul First Nation's (Lac Seul or LSFN) assessment of the impacts of the Springpole Project (the Project) on our members' rights. It is based on the lived experience of Lac Seul elders and community members, who have lived in relationship with the land and endured previous infringements of their rights and way of life.

Early last year, First Mining Gold (FMG or the Proponent) prepared an Environmental Impact Statement (EIS) in support of the Project. FMG conducted studies surrounding the Project Development Area (PDA) and the Local Study Area (LSA).

The EIS contained many inaccuracies. For example, the EIS stated that LSFN is located 130 kilometers southwest of the Project and is comprised of three separate settlements.¹ In fact, Lac Seul is comprised of **five** communities, one of which – Trout Lake – is located approximately 50 kilometers **west** of the Project.² The EIS also claimed that "there were no specific values reported within the [PDA] or [LSA] by LSFN in their TKLU Study."³ This assertion was not only inaccurate—it was deeply misleading. It erased the lived reality and voices of Lac Seul members and presented an incomplete picture of the Project Area.

This report is aimed at outlining the Project's impacts and correcting the various inaccuracies, gaps and concerns relating to the EIS and FMG's supplemental studies. It provides a glimpse into how LSFN views the Project, applying our teachings of Anishinaabe law. Lastly, it makes several

¹ EIS, at s. 6.26.2.6.

² Letter from Chief Bull to IAAC, dated June 27, 2025, at p. 135.

³ EIS, at s. 6.26.2.6.

recommendations to IAAC on ways to ensure that the Project can proceed in a manner which is more consistent with our laws and our constitutionally protected rights, and mitigate foreseeable adverse impacts.

To be clear, LSFN currently assesses that **the Project will violate our s. 35 rights and does not respect our responsibilities under Anishinaabe law**. The recommendations presented throughout the report address some of our concerns. But, as discussed we anticipate the Project will have irreversible impacts on our rights.

2. The Project Development Area

(a) Overview

The Project Development Area (PDA) and Local Study Area (LSA) constitute one of the last relatively pristine areas in LSFN's traditional territory. It is a breadbasket for many families—a place where fish, plants, and medicines have provided sustenance and healing for thousands of years.

Lac Seul members have hunted, trapped and otherwise used the PDA for generations. The relationships between our people and these lands run deep, sustained over generations through ceremony, stewardship, and daily life. As noted by the Hudson Bay Post manager in 1920:

The hunting grounds of Lac Seul are on both sides of the Lake: Lac Seul up to Root River to the East. Some of the east Indians are in close touch with those of Cat Lake Post, where they trade for themselves...The country is very good, and far from being exhausted.⁴

Included in Appendix "A" is an approximate sketch of LSFN's trapping territory in 1920, which includes the PDA and LSA. As noted by the Hudson Bay Post manager in 1920:

The hunting grounds of Lac Seul are on both sides of the Lake: Lac Seul up to Root River to the East. Some of the east Indians are in close touch with those of Cat Lake Post, where they trade for themselves...The country is very good, and far from being exhausted.

Lac Seul members have held registered traplines in the PDA and LSA since the provincial government introduced that system in the 1950s. Included in Appendix "B" is a sketch of LSFN trapline districts in the 1950s.

Springpole and Birch Lake represent one of the few places in LSFN's territory where concerns about contamination are low, and which is located away from roads, industrial activities, and settlements. This offers LSFN members a serene place where they can undertake their traditional practices without the interruptions experienced elsewhere. Lac Seul relies on

⁴ Romanet's Report on Lac Seul Section, 1 March 1920, p.9-10 (HBCA A92/19/11)

Springpole and Birch Lake to harvest fish such as walleye (pickerel, *okaans*), whitefish, lake trout, muskies, bass, and sturgeon.

Waabizheshi Agaasademon Onigam epitomizes our connection to this area. Waabizheshi Agaasademon Onigam is a site of deep cultural, spiritual, and legal significance to Lac Seul First Nation. Archaeological evidence and oral history confirm that this portage has been used by Lac Seul ancestors for over 7,000 years.

The PDA has become increasingly important to our tradition, culture, and rights, given that extensive impacts elsewhere in our territory have effectively extinguished our ability to exercise those rights in other regions. For example, caribou used to be abundant throughout our territory, but now the PDA is the last remaining habitat for them in our traditional territory. Similarly, moose (*mooz*) used to be abundant near LSFN's reserve, but members must now travel north to the PDA and LSA to harvest moose due to climate and landscape changes.

(b) Ongoing Connection with the Land

As noted by the Hudson Bay Post manager in 1920:

The hunting grounds of Lac Seul are on both sides of the Lake: Lac Seul up to Root River to the East. Some of the east Indians are in close touch with those of Cat Lake Post, where they trade for themselves...The country is very good, and far from being exhausted.

Lac Seul Elders, including Rose-Mary Prince and Lloyd Quedent, have spoken time and again about their families' enduring connection to Springpole and Birch Lake, in the PDA and LSA. For example, Rose-Mary Prince was born on Birch Lake and lived there until she was 20 years old when her family was forced off the trapline. Rose-Mary used to go Sturgeon fishing near Birch Lake with her dad. Her father had shown her that Sturgeon spawned on Birch Lake near a waterfall in the spring, when leaves come out and reach the size of a beaver's ear. Rose-Mary recalled setting 7x7 nets to catch Sturgeon in September. While her health no longer allows her to travel to the area, her nephews do so on a regular basis.

The archaeological record reflects the deep connection of Rose-Mary Prince's family to the Springpole and Birch Lake area. Polly Kozeur, the credited author of the archaeological findings, documented arrowheads within the Project Area after Rose-Mary uncovered them while tending her family's garden.

Additionally, the Quedent family, including Ray and Lloyd Quedent, have spent generations on Springpole and Birch Lake. Lloyd has often spoken about the importance of knowing the history of this area and the fact that his ancestors lived on Dole Lake, a couple kilometers east of the Project. The Quedent family holds traplines in the Project area and are active hunters, trappers and fishers there. They had also replanted *Manoomin* fields in Birch Lake after the flooding of Lac

Seul in the 1920s. Although the Quedant family was later displaced from the field after Ontario began regulating wild rice, they still maintain a cabin on Birch Lake.⁵

These stories highlight the enduring relationship between Lac Seul families and the land within the PDA and LSA. The archaeological record is a living testament to the knowledge, care, and presence of Lac Seul families whose hands have shaped and protected these lands for generations. These are not only historical ties – they are living relationships, rooted in memory, practice, and responsibility. Looking closely at the testimony of our knowledge keepers and the evidence of our continued use and care for these lands clearly demonstrates that LSFN most certainly holds “specific values” in the Project area.

In short, the PDA and LSA are places of profound importance to LSFN. Lac Seul First Nation also acknowledges the importance of the PDA and LSA to Cat Lake and Slate Falls First Nations. Lac Seul welcomes their collaboration on all project conditions, set out below.

3. About Lac Seul

Lac Seul is an Anishinaabe Nation comprised of five communities. Four communities are located along the shores of Lac Seul and the remaining community, Trout Lake – Namekosipiink – is located approximately 50 kilometers west of the Project.

Lac Seul’s history is marked by a hundred years of resource development, which began when it entered Treaty 3 with the Crown. The intense resource extraction displaced LSFN members from their homes and ancestral sites, and interfered with their way of life. As summarized by Chief Clifford Bull, a century of cumulative impacts has made it “virtually impossible to make a living off the land”.

In 1874, LSFN established a relationship with the Crown known as Treaty 3. Through Treaty 3, LSFN agreed to share some of their traditional territory – which encompasses the PDA and LSA-- on the understanding that their way of life would be protected, and they would benefit from the Treaty.

The Crown did not keep these promises. In 1929, the Crown flooded over 11,000 acres of Lac Seul’s reserve land, as well as tens of thousands of acres of their traditional territory, after constructing Ear Falls Dam and increasing Lac Seul’s water levels by ten feet to meet the power needs at the Howey Gold Mine in Red Lake.⁶ This destroyed everything Lac Seul had established: their wild rice fields, homes, and gardens. The flooding obliterated hunting grounds, traplines and fishing sites, and forced members to leave their home or risk starvation. Kejick Bay turned into an island, and members had to paddle into their homes to retrieve what they could. In 1936, the Superintendent General of Indian Affairs remarked that: “the flood conditions have not only

⁵ Pizaaniziwin at p. 14.

⁶ *Southwind v. Canada*, [2017 FC 906](#) at para. [140](#).

submerged the Indian hay lands, gardens and cultivated land, but have also seriously impaired the efforts of these Indians to earn their livelihood.”⁷

The gold rush also led to further displacement of communities and increased pressures on the ecosystem. In the 1920s and 30s, approximately 3,000 settlers flooded into Lac Seul’s territory. Elder Kaaren Dannenmann recounts how her mother watched endless streams of boats bring prospectors to their homeland. On Trout Lake (Namekosipiink), non-indigenous settlers began living and commercial fishing year-round. Ontario destroyed Anishinaabe burial sites and homes to build more a firebase and homes for the settlers. The increase in population decimated animal life, which the Anishinaabe had relied on for generations, and forced many families out of their homelands.

Logging activities in the Sioux Lookout region around this time exacerbated the profound ecological changes and devastated livelihood activities. For example, Chief Bull recalls how his father returned to his trapline one year only to find the forest cleared, his livelihood destroyed without warning. The destruction and fragmentation of complex habitats, housing old-growth forests rendered species like Adik, which depend on large, undisturbed tracts of boreal forest particularly vulnerable. As logging roads and clearcuts expanded, other wildlife populations too, including birds, small mammals, and traditional food and medicinal plants, dwindled. In short, it led to the loss of Lac Seul’s way of life.

In response to the declining wildlife population, Ontario began regulating hunting, trapping and fishing. The Anishinaabe were treated like poachers in their own homeland. By the 1940’s the traditional economy of Lac Seul, including wild rice harvesting, commercial fishing and trapping, had been greatly diminished to the point of near disappearance.⁸

Because of the flooding, logging and overcrowding, our people were confronted with a stark reality: maintain your traditional lifestyle and face starvation, or leave your homes, your community, and move to settler communities like Sioux Lookout and make your way in the wage-economy. Many members relocated away from their homes on Lac Seul and Trout Lake, forever weakening ties to their homeland and way of life.

4. Environmental Assessment and Rights Assessments

The *Canadian Environmental Assessment Act, 2012* (“CEAA 2012”) empowers and requires the Impact Assessment Agency of Canada (IAAC) to assess the effects of a project on aboriginal peoples.⁹ However, IAAC has a broader constitutional duty to assess the impact of the project on Aboriginal **rights** as distinct from environmental impacts.

⁷*Southwind v. Canada*, 2021 SCC 28 (CanLII), at para 27.

⁸ Socio-economic study at p. 30.

⁹ Canadian Environmental Assessment Act, at s. 5(1)(c)

IAAC's Guidance on the *Assessment of Potential Impacts on the Rights of Indigenous Peoples* (IAAC's Guidance on Rights Impacts) makes clear that impact assessments must go beyond impacts to colonially-defined rights and incorporate impacts to indigenous legal systems:

*Consideration of potential impacts on the rights of indigenous peoples in the impact assessment process should include consideration of how the project could affect the exercise of rights that are related to governance, including Indigenous laws and governance systems.*¹⁰

IAAC's Guidance on Rights Impacts states that it is necessary to consider whether "the decisions of a proponent or government, or an impact from a project, [are] in contravention of Indigenous laws and jurisdiction".¹¹

(a) Anishinaabe Law

This rights impact assessment is rooted in Anishinaabe law.¹² In addition to rights, Anishinaabe law focuses on **responsibilities to others**—including to the land, to other beings, to ancestors, and to future generations. This distinction reflects a fundamentally different legal, ethical, and constitutional worldview—one rooted in relationships, reciprocity, and the ongoing practice of living well together on the land.

All our relations – *Kakinakitinawemaakaninaanak* – encapsulates the principle that animals, plants, land, and water are all living entities with whom LSFN has kin relationships and sacred responsibilities. They are not resources. These gifts are honoured by taking only what is needed.

Anishinaabe Law is not a set of rules to be enforced, but a way of living in harmony, guided by stories, ceremonies, and the wisdom of Elders. At the heart of Anishinaabe Law is the concept of *Manitoo Ogitigaan*—the understanding that all of Creation is a gift, and that each being (human and non-human) is entrusted with unique gifts and responsibilities, as set out in the Creator's original instructions.

These responsibilities and *Manitoo Inaakonigewin* (Creator's Law), are not abstract rules, but instead provide us with a living path. *Manitoo Inaakonigewin* is learned by observing and interacting with the land – from the centre of the earth to the sky, and throughout the entire universe. They are truths that cannot be changed. These unwritten laws guide humans' actions and decisions.

(b) Cumulative Impacts

¹⁰ <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/guidance-assessment-potential-impacts-rights-indigenous-peoples.html> at p. 30.

¹¹ chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.canada.ca/content/dam/iaac-acei/documents/policy-guidance/practitioners-guide/guidance-assessment-potential-impacts-rights-indigenous-peoples.pdf at p. 31.

¹² However it is also important to anchor rights and this assessment in the United Nations Declaration on the Rights of Indigenous People, which Canada ratified into domestic law in 2021.

Anishinaabe law requires us to assess a project by its cumulative impacts. One way to understand the teaching of seven generations is that we stand as the fourth generation and must look back three generations and look forward three generations in making decisions.

Assessing a project's cumulative impacts is also captured under Canadian law. The Supreme Court of Canada said in *Chippewas of the Thames*:

[I]t may be impossible to understand the seriousness of the impact of a project on s. 35 rights without considering the larger context. Cumulative effects of an ongoing project, and historical context, may therefore inform the scope of the duty to consult.¹³

IAAC's Policy Framework for Assessing Cumulative Effects under the Impact Assessment Act, directs that:

Indigenous communities should be fully involved in the identification and assessment of cumulative effects....The input of Indigenous communities should inform all parts of the cumulative effects assessment...In addition, the assessment of impacts on the rights of Indigenous Peoples needs to consider the context of cumulative effects.¹⁴

IAAC's Guidance on Rights Impact underscores that the appropriate baseline against which to assess cumulative effects on rights (and the contribution of an individual Project to those total cumulative effects) is not current conditions, but rather a point in time in the past when the right was reasonably practicable:

A preferred approach to evaluating this context is to obtain an understanding of a community's view of a temporal period when there were good conditions for the exercise of rights (and what that looked like) as a baseline for assessment, and then compare current conditions for the exercise of rights with those previous conditions and any community-defined thresholds.¹⁵

As such, an assessment process cannot rely exclusively on baseline data from the present but must both account for how the Anishinaabe were able to live on their territories before the imposition of various policies, projects and harms. **For Lac Seul, this baseline is best represented by the period prior to the construction of the Ear Falls Dam and the Red Lake gold rush in the 1920s**—before widespread flooding, habitat fragmentation, and industrial development.

Despite these requirements, the EIS fails to meaningfully consider cumulative impacts and meaningfully involve LSFN. Lac Seul submitted numerous information requests to address these

¹³ *Chippewas of the Thames*, *supra* note 141, at para. 42.

¹⁴ <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/policy-framework-assessing-cumulative-effects-under-impact-assessment-act.html>

¹⁵ <https://www.canada.ca/content/dam/iaac-acei/documents/policy-guidance/practitioners-guide/guidance-assessment-potential-impacts-rights-indigenous-peoples.pdf>, pg. 10 of 38.

deficiencies.¹⁶ FMG has failed to meaningfully answer, and IAAC has failed to require meaningful answers to, numerous information requests from Lac Seul about the cumulative effects of the project. Without this information, IAAC is unable to make an informed decision about the impact of this Project on LSFN's rights.

However, even in the absence of the EIS's assessment of cumulative impacts, the severity of cumulative impacts speak for themselves. As explained by Chief Bull:

*Today it is virtually impossible to make a living off the land. I am a hunter and fishermen, but I cannot make a living from these activities. Today, our ability to live off the land is restricted to acting as guides for non-indigenous sportsmen. I don't know of any LSFN members who are able to make a living off the activities that sustained our people for thousands of years.*¹⁷

The socio-economic baseline study for this Project also provides a clear picture of the cumulative and interconnected impacts already experienced by Lac Seul First Nation:

*Persistent and cumulative social effects of colonialism, residential school, devastating flooding, fragmented habitat, and declining participation in traditional activities contribute to a heavily damaged baseline of cultural wellness. ...The cultural state of wellness is already heavily damaged.*¹⁸

The cumulative impacts of colonialism, flooding, logging, and previous resource extraction have already severely damaged Lac Seul's ability to exercise Treaty rights. The Project's impact on rights and responsibilities must be assessed not in isolation, but as an additional burden on a heavily impacted baseline. The loss of one of the last pristine harvesting areas, and the further decline of caribou and other relations, compounds the alienation and cultural loss experienced by Lac Seul members.

(c) Impacted Rights and Responsibilities

Framed in the context of "rights" as defined in the IAAC's Guidance on Rights Impacts, the Project will impact our rights to:

- Hunt;
- Fish;
- Harvest medicines and maintain Anishinaabe health practices, including conservation of medicinal plants;
- Gather berries and plants;
- Trap;
- Use and navigate our waters;

¹⁶ See for example: Sufficiency Review Comments 22, 30 and 31, dated January 31, 2025; Technical Comments CLLSFN-2025-137 to CLLSFN-2025-143, dated February 10, 2025; and Kita-ki-nan Information Requirements 50, 51, 135 and 136 dated August 15, 2025.

¹⁷ Letter from Chief Bull to IAAC, dated June 27, 2025, at p. 141.

¹⁸ Socio-economic study at p. 24.

- Maintain our ancestral, spiritual and cultural connection to our lands and waters;
- Peacefully enjoy our land;
- Conduct ceremony and spiritual practices, in preferred areas, without interference;
- Pass on our knowledge and way of life to future generations;
- Retain food security;
- Self-determination;
- Determine the best “use” of lands and “resources”;
- Monitor and “manage” the “environment”;
- Develop programs for monitoring, maintaining and restoring our health;
- Improve our economic and social conditions;
- Rebuild and fostering community well-being; and
- Uphold our stewardship laws and norms.

This report organizes and assesses the Project’s impacts on the aforementioned rights by measuring them against whether we could meet our responsibilities outlined in *Manitoo Inaakonigewin*:

1. **Our rights to Caribou (Adik), and corresponding responsibilities:** Adik is one of our clan animals, making up a core part of our governance system and the network of reciprocal relationships that have sustained us for generations. Adik are our relatives. Adik clan members are legally and spiritually responsible to ensure their well-being;
2. **Our Right to Water (Nibi) and corresponding responsibilities:** Nibi is not a resource. She is sacred and a living relative. Nibi possesses inherent value, dignity, and spirit, beyond its usefulness for human ends. Nibi has rights:
 - a. to flow along her ancestral trail;
 - b. be free from all pollutants, toxins, and hazardous waste; and
 - c. to maintain her connections to all her relations on Turtle Island.
3. **Our rights to harvest and corresponding responsibilities to marten and all animals:** Animal populations in our territory are declining and the Project will destroy additional animals and their habitat. *Kakinakitinawemaakaninaanak* means that animals, plants, land, and water are all living entities with whom LSFN has kin relationships and sacred responsibilities. Wauzhushk (marten) reminds us that all of creation is of equal importance, and we must take equal measures to protect them.
4. **Our right to maintain a spiritual connection to the sites of Ancestors and corresponding responsibilities:** Waabizheshi Agaasademon Onigam is a sacred landscape, woven into the fabric of Lac Seul’s identity and governance. It is a place of continuous use, spiritual practice, and ancestral connection. We have a responsibility to maintain our connections to the past, so we can provide for our future.
5. **Our right to benefit from our lands and corresponding responsibilities:** *Ozaawaa-zhooniyaa* (gold), is a gift from the Creator to benefit all Anishinaabeg, including those yet to be born. Lac Seul First Nation, and other impacted First Nations should be the primary beneficiaries from the proposed Project.

6. **Our right to governance and corresponding responsibility:** *Pizaaniziwin* - a life in balance and moderation – is one of our central teachings.¹⁹ At its most basic level it teaches us to orient our actions towards self-sufficiency and balance, not accumulation. Our Elders teach us that conservation is not a technical afterthought, but a core legal and ethical responsibility.

5. Impacts on Caribou (Adik) Rights and Responsibilities

(a) Summary & Required Conditions

The Project's impacts to *Adik* are significant and inconsistent with Anishinaabe law and constitute a significant infringement of Lac Seul's section 35 rights. The Project as it stands does not allow Lac Seul to meet its responsibilities to *Adik*.

Before issuing a decision statement, IAAC must issue additional information requests to ensure that the Proponent has co-developed a Caribou protection and restoration plan with Lac Seul. This plan must be approved by Lac Seul and:

- Include a rigorous, independent assessment of whether mitigation and offset measures are technically and ecologically feasible to ensure the long-term sustainability of Caribou populations within the PDA and LSA;
- Clearly identify all mitigation and offset measures necessary to ensure the long-term sustainability of Caribou populations within the PDA and LSA;
- Include measurable targets for population health, habitat restoration, and connectivity, with timelines and monitoring protocols;
- Establish binding commitments for adaptive management, including the authority for Lac Seul to require additional measures if monitoring shows adverse trend; and
- Provide for ongoing community-led monitoring.

IAAC must issue additional Information Requests to ensure it has sufficient information before issuing its decision statement. Having all the necessary information in hand, before issuing a decision is required by a traditional decision-making process which emphasizes *weweni*—the importance of taking our time, and *bebekaa*—proceeding carefully.

The Project may become compliant with Anishinaabe law with respect to Caribou with the full implementation and completion of this condition.

(b) Analysis

Adik once ranged abundantly throughout Lac Seul's traditional territory. For thousands of years, they shaped our way of life, stories, and ceremonies. *Adik* is one of our clan animals, making up

¹⁹ *Pizaaniziwin* Report at p. 51.

a core part of our governance system and the network of reciprocal relationships that have sustained us for generations. In Anishinaabe law, Adik are our living relatives, and Adik clan members are legally and spiritually responsible to ensure their well-being. Members of Adik give their lives to our hunters so that we may survive.

The Springpole Project is located within the Churchill Range—traditional territory of the Adik clan of LSFN, including the Quedent family.²⁰ It is the last area where Adik remains within Lac Seul's territory. Human disruption, including the cumulative impacts of settler development, have caused the loss of Adik in the southern part of the territory.²¹

Both the federal and provincial governments acknowledge that the Adik population in the territory and the Churchill Range are at risk of extirpation. Since 2003, Boreal Caribou have been designated as “threatened” under the *Species at Risk Act*,²² and Ontario's *Endangered Species Act*.²³ In 2012, the federal government adopted and published a federal recovery strategy for boreal Adik, which set the strategic direction to arrest species decline and provides broad strategies to do so.²⁴ It established that 65% of habitats in a range must be undisturbed for Adik populations to become self-sustaining.²⁵ 45.7% of the Churchill is already disturbed, in staggering excess of 35% federal recovery strategy.²⁶ IAAC has mistakenly estimated the disturbance at 36%, using a less precise methodology than that used by MECP.²⁷

Adik populations in the territory continue to decline.²⁸ In 2014, MECP observed 292 Adik in the Churchill Range, but by 2023, they only observed 193.²⁹ ECCC found that the Churchill Range Adik population is already stressed and declining at a rate of 5% per year.³⁰ It concluded that if population growth occurs at the lower estimate, only 12% of the population would remain after 10 years.³¹ Using the mean growth rate, only 11% of the population would remain in 50 years.³² In short, ECCC concludes that the magnitude of impacts to Adik constitutes “Level III”,³³ meaning

²⁰ Letter from Chief Bull to IAAC, dated June 27, 2025, at p. 141.

²¹ 2023 Aerial Survey at p.22. See also EIS ch 6 T P. 60.

²² https://publications.gc.ca/collections/collection_2024/eccc/cw66/CW66-1533-2024-eng.pdf [discussion paper section 80 SARA]

²³ Ontario Boreal Adik Monitoring Program 2023 Aerial Survey Results. See also EIS at ch. 6.

²⁴ https://publications.gc.ca/collections/collection_2024/eccc/cw66/CW66-1533-2024-eng.pdf [discussion paper section 80 SARA]

²⁵ https://publications.gc.ca/collections/collection_2024/eccc/cw66/CW66-1533-2024-eng.pdf [discussion paper section 80 SARA]

²⁶ MECP-SARB review of FMG responses to comments received on the Springpole Mine Final EA/EIS, December 23, 2025.

²⁷ <https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/report-progress-recovery-document/Adik-rangifer-tarandus-boreal-report-progress-recovery-strategy-2017-2022-action-plan-2018-2023.html#toc48> and ECC at p. 39

²⁸ 2023 MECP Aerial Survey

²⁹ 2023 MECP Aerial Survey.

³⁰ ECCC Comments; EIS Ch6 at p. 48.

³¹ ECCC Comments at p. 18.

³² ECCC Comments at p. 18.

³³ ECCC Comments at p. 43.

that Adik populations are “sensitive and unable to support the predicted change even with special measures”.³⁴

According to the Government of Canada’s own analysis, the Project is proposed to destroy “at least 6,701 hectares of critical habitat in the Churchill Range due to direct loss and degradation of existing habitat...[including], 6,336 hectares of nursery and wintering critical habitat.”³⁵ FMG estimates that this represents the additional destruction of 0.4% of Adik habitat, pushing the Churchill Range **further** beyond the 65% limit outlined in the *Amended Recovery Strategy for the Woodland Adik (Rangifer tarandus Adik), Boreal Population, in Canada* (2020).

This analysis greatly underestimates Caribou habitat loss. MECP estimates that 13,107 hectares—twice as much fragile habitat—will be destroyed.³⁶

Yet FMG says that there are no significant residual impacts to Adik and has not provided a detailed offset plan.³⁷ ECCC determined that even with an offset plan, the project could render the critical habitat uninhabitable for Adik:

ECCC is of the view that Adik calving, post-calving, and winter areas in the project area (classified as provincial Category 1 habitat) may be irreplaceable in function and are noted as key calving/nursery areas that are likely regionally significant to Adik persistence on the Churchill Range (MNRE 2014). Even with offset measures, impacts on these areas might still prevent the recovery goals from being met...³⁸

ECCC stated its conclusion in no uncertain terms:

*The probability of Adik decline due to loss of habitat is high and is not mitigated by the Proponent. **This project will contribute to the extirpation of Caribou from the Churchill range.***

The probability of additional population decline is high and not mitigated. All predictions suggest additional population decline due to this project and at the most extreme could mean less than 12% of the RSA-population (combination of regional ranges) remaining after 10 years”

It is ECCC’s science-based advice that the adverse residual effect on Boreal Adik due to a change in population state and a change in probability of persistence is assessed as high risk and will have a cumulative impact on an already declining and vulnerable boreal Adik population in Churchill, Berens and Kinloch ranges³⁹

³⁴ EIS Ch. 6 at p. 11.

³⁵ ECCC Comments at para. 39.

³⁶ MECP-SARB review of FMG responses to comments received on the Springpole Mine Final EA/EIS, December 23, 2025.

³⁷ EIS Ch. 6, at p. 57-58

³⁸ ECCC Comments, at p. 44.

³⁹ ECCC Comments at pp. 39 and 41.

Elders and Community members echo the ECCC’s findings.⁴⁰ Speaking about losing Adik populations from the southern portion of their territory, one Elder explained:

And I know my uncles and my dad, they would go hunting. ... When they had the old muzzleloaders, they call them. ... But they would hunt them [Adik] around that area...So, they were around. ... But they don't show up because the cutting, I guess. It's ruined a lot of vegetation for them.⁴¹

The consequences for LSFN are dire. With Adik already extirpated from the southern portion of its territory, the construction of the Project will mean the permanent and irreversible loss of the clan animal from LSFN’s territory. The loss of Adik is a loss to the Adik clan, to our governance, and to the fabric of our reciprocal responsibilities which hold our community together.

To proceed with a project that threatens this final refuge is not only an ecological risk, but a risk to our ability to uphold our responsibilities as Adik clan members and as a Nation. Our Elders have emphasized that, “our customary access to Land is bound together into a larger system. Suppress one part and the ripples of this suppression are felt throughout the entire system”.⁴² When Adik are harmed or displaced, it disrupts the responsibilities, knowledge, and governance practices that are passed down through the clan system—a system that is foundational to our law, culture, and survival. Impacts to Adik will directly interfere with the legal and spiritual interconnectedness of Adik clan members, and the health of the entire Nation.

An offset plan is crucial for our nations to feel reassured that some measure of connectedness will be preserved with our Adik kin. The feasibility and likelihood of success for an offset plan must be determined **before** approving the Project.

IAAC has pointed to the potential for amendments to the forestry operations to offset the Project’s impact on Caribou. As set out in the draft EA:

Landscape-level planning is essential for the recovery of boreal caribou and to support the continuation of Indigenous harvesting. While forestry operations are ongoing in the Trout Lake Forest Management Unit, a dynamic caribou habitat schedule is followed to maintain sufficient caribou habitat over space and time.⁴³

However, it has imposed no project conditions or measures to ensure this outcome. As such, it amounts to no more than hopeful thinking. Particularly, considering the scheduled forestry activities observed by MECP:

There is an additional 385,289 ha of forest harvest which has been approved to occur between now and 2025. This will impact an additional 40,293 ha of

⁴⁰ See for example LSFN TK study at p. 64.

⁴¹ LSFN TK study at p. 60.

⁴² Pizaaniziwin p. 33.

⁴³ Draft EA Report February, 2026.

*Category 1 nursery habitat. The cumulative impacts on the range results in 20% of current nursery habitat being adversely impacted without the impact of the proposed mine.*⁴⁴

Section 79(2) of the *Species at Risk Act* provides that IAAC “must ensure” that mitigation measures are “taken in a way that is consistent with any applicable recovery strategy.”⁴⁵ IAAC must not approve the Project before FMG presents an offset plan and its feasibility is determined. For example, in Blackwater Gold Mine, the proponents provided an offset plan **before** the government chose to approve the project.⁴⁶

An offset plan is also necessary because the province stripped away protections for Adik when it completely overhauled the *Endangered Species Act* in June 2025. Specifically:

- The previous *ESA* stated that the purpose of the legislation was to “to protect species that are at risk and their habitats, and to promote the recovery of species that are at risk.” The amended *ESA* states that the goal is to “provide for the protection and conservation of species at risk while taking into account social and economic considerations including the need for sustainable economic growth in Ontario”.
- The previous *ESA* required MECP to enter into a Species Recovery strategy. The amended *ESA* removes this requirement wholesale.
- The previous *ESA* only permitted the Minister to issue a permit to damage habitat *if* certain conditions were met, including that there was an overall benefit to the species, and that the activity will not jeopardize the survival of the species. The amended *ESA* gives the Minister virtually unfettered discretion to issue a permit to damage critical habitat.
- The previous *ESA* defined habitat as “an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding”. The amended *ESA* limits habitat to mean “a dwelling-place, such as a den, nest or other similar place, that is occupied or habitually occupied by one or more members of a species for the purposes of breeding, rearing, staging, wintering or hibernating”.

MECP confirmed the amended *ESA* has significantly weakened protections for Caribou.⁴⁷ For example, the Proponent will no longer be required to obtain an Overall Benefit Permit to proceed with the Project activities.

Given MECP’s weakened standard for issuing permits in destroying Adik habitat, we will be unable to protect Adik and continue to exercise our Treaty protected right to hunt and harvest them, without an adequate offset plan in place before a decision statement is issued. Proceeding

⁴⁴ MECP-SARB review of FMG responses to comments received on the Springpole Mine Final EA/EIS, December 23, 2025.

⁴⁵ *Species at Risk Act*, SC 2002, c 29, at s. 79(2).

⁴⁶ Blackwater Gold EA at pp. 147-149.

⁴⁷ Meeting between Cat Lake, Lac Seul and MECP on April 2, 2026.

with the Project in its current state will sever our ties with our relations, our land, and cause irreversible harm to our community.

(d) Conclusion

The Project poses an unacceptable risk to Adik and, by extension, to Lac Seul's governance, culture, and intergenerational rights and responsibilities. Adik populations in this area cannot reasonably absorb further disturbance without severely increasing the risk of permanent extirpation.

In this context, approval cannot be contemplated until a co-developed Caribou Protection and Restoration Plan is in place, has been independently verified for technical and ecological feasibility, and formally approved by Lac Seul. Absent a plan with demonstrable feasibility, and a high probability for success, proceeding with the Project would sever vital legal and spiritual ties between Lac Seul and Caribou and unjustifiably infringe LSFN's rights.

6. Impacts on Water (Nibi) Rights

(a) Summary & Required Conditions

The Project's impacts to *Nibi* are significant and inconsistent with Anishinaabe law and constitute a significant infringement of Lac Seul's section 35 rights. The Project as it stands does not allow Lac Seul to meet its responsibilities to *Nibi*.

Before issuing a decision statement, IAAC must issue additional information requests requiring FMG to produce:

1. A hydrogeological assessment, conducted in full collaboration with LSFN, to ensure the safety and suitability of the Co-disposal facility's ("CDF") location, including site-specific data on bedrock integrity, fracture networks, permeability, and groundwater flow;
2. An evaluation of all alternative locations and designs for the CDF, conducted in full collaboration with LSFN, using best available science and Indigenous knowledge, to demonstrate that the proposed location and configuration is the most environmentally optimal and safe option; and
3. An expert assessment, conducted in full collaboration with LSFN, to assess the risk of mercury methylation from all potential contributory sources associated with the physical works and activities of the Project, including local sediment sampling, and recommend mitigation measures and monitoring protocols as necessary.⁴⁸

IAAC must also impose the following conditions on the Project:

⁴⁸ This could be similar to what is being done for the Great Bear project.

- Joint water monitoring with Lac Seul, requiring the ongoing provision of full information and Adaptive Management conditions;
- A right for LSFN monitors to trigger an immediate pause to the Project if water monitoring data exceeds provincial or federal guidelines, or otherwise constitutes an unacceptable risk;
- A condition to maintain an active water collection and treatment system post-closure to minimize seepage and to reduce the risk of longer-term water quality pollution from the Project on Springpole and Birch Lakes. The system shall be in place for at least two years, or such other period to ensure that Springpole and Birch Lake water quality measurements at all nodes match pre-Project conditions.

(b) Analysis

(i) Anishinaabe Legal Teachings on Water

For Lac Seul First Nation, Nibi is not a resource. She is sacred and a living relative. To say water is sacred means that she possesses inherent value, dignity, and spirit, beyond her usefulness for human ends. Nibi has rights, including:

- The right to flow along her ancestral trail;
- The hereditary right to be free from all pollutants, toxins, and hazardous waste; and
- The ancestral and inherent right to maintain her connections to all her relations on Turtle Island.

Nibi has many dimensions—physical, spiritual, cultural, and legal. She is the lifeblood of the land, the connector of all beings, and the foundation of our ceremonies and teachings. We are called to honor her cycles, respect her power, and ensure that she remains clean and abundant for all who depend on her.

Nibi is a gift from the Creator, entrusted to us with reciprocal responsibilities: to care for it, to protect its purity and flow, and to ensure its abundance for all beings, present and future. In a 2023 report by Lac Seul First Nation Elders shared that: “Our sacred relationship with our Lands and Nibi is based on Respect, on our Rights and Responsibilities, and on Reciprocity. Our relationship is about mutual benefit, us taking care of the Nibi, and the Nibi taking care of us.”

This relationship is not one of ownership or control, but of kinship, stewardship, and ongoing dialogue.

The voices of the men and women of Lac Seul, Red Lake, and Trout Lake remind us that Nibi is not just for us, but for all our relations—plants, animals, and future generations:

Nipi is Life, Kinipiiminaan

*Even before we are born to this world,
We, Anishinaapek, we, humans
And many other relations
Are surrounded by Nipi, Nibi.
When babies are in the womb,
They are protected by Nipi.*

Essence

*Nipi is one of the four Life-Givers.
Life-Giver from the West.
Nipi is life.
Nipi is Sacred.
Nipi is a Teacher and Sustainer of Life,
Nipi is Healer, carrier of Medicines.*

Profile

*Nipi takes on many different forms and shapes:
Fluid - lake Nibi, spring Nibi, swamp Nibi,
Salt Nibi, rain, clouds, fog, aquifers,
Birth Nipi;
Crystal - ice, snow, frost, sleet.
Millions of shapes,
Honeycomb ice melting in spring music.
Lakes freezing with ice cracking in echoes
Across lake expanse and dome of the sky.*

Our relationship with Nipi

*We have many Nibi Ceremonies to show
The Respect we have for Nipi;
We know that Nipi has rights to her Life
And we honour that;
We have many responsibilities to Nipi
Which with great pride and love, we carry out;
We know the strength and power of Nipi
And we know that Nipi can cause pain and take life,
So we have to show Respect;
Nipi takes care of us and heals us:
Gives us tears to comfort us in our pain,
Gives us sweat to cool us and release poisons;
Heals our aches and fatigue.
When we feel fear when we are with her,
She teaches us how to Respect her power.
We also have power, of love and mutuality.
And so we reciprocate and take care of Nipi,
Follow her example and plan seven generations ahead.*

Interconnectedness

*As we are all a part of the interconnectedness
Of all Life, of all Creation;
We are a part of the relationship Nipi has with
Our Grandmother Moon,
Kookomisinaam Tipikikiisis
And with all the Universe.
The Spirit of Nipi is also our Spirit;
Because all Life is Sacred.*

Original Instructions

*Our responsibilities to care for Nipi are Sacred.
Creator gave instruction to all she created.
To Nipi, the Nibi, she instructed
To carry the unborn of the two and four legged;
To compose the most of all beings,
To quench the thirst of all relations;
To ground us all to our Mother, Kiinkeminaan,
For its rivers to act as the veins of our Mother, Aki,
To provide strength and power, home places,
Sustenance, life and joy.
To offer calm, beauty, gentleness,
To inspire unity, brotherhood, collaboration,
To teach consensus.
To live in MinoPimaqtisiwin,
To inspire strength and power and greatness,
To teach, as she seeks the lowest places,
Humility and grace and gratitude,
To exemplify wellness and teach healing.
Nipi. Life-Giver of the West.*

The Rights of Nipi, Nibi

*Nipi has the right to flow along her ancestral trail
From the heights of Aki to her ocean destiny;
Nipi has the Hereditary Right to be free
From all pollutants, toxins,
Hazardous waste;
Furthermore,
Nipi has the Ancestral and Inherent Right,
The permanent Right to
Continue and maintain
Her connections to
All her Relations on this Turtle Island.*

To harm Nibi is to harm the entire web of life and break the sacred trust that binds us to Creation. In Anishinaabe law, any action, project or decision must be weighed against the harms it may cause to the health of Nibi and the ability to exercise our responsibilities. Any project must answer to the standard of respect, balance, and mutual benefit that our law requires.

(ii) Project's Impact to Nibi

Lac Seul members and knowledge keepers have expressed deep concern about the Project's impact on Nibi, including:

- Impacts to the quality of Nibi in the Project Area resulting from Project activities and long-term storage of contaminated materials;
- Loss of trust in Nibi throughout the PDA, LSA, and beyond, due to fears of contamination;
- Impacts to the health of local and regional plants and wildlife due to the above risk of Nibi contamination from the Project; and
- Impacts to Nibi in the event of a tailings dam breach or catastrophic failure.⁴⁹

These concerns are heightened as Elders and community members continue to drink directly from lakes in our traditional territory.⁵⁰

The Project threatens the quantity and quality of Nibi. In terms of water quality, we are concerned that the Project's waste products will seep into Birch and Springpole Lake. The CDF is located immediately adjacent to Springpole and Birch lake, which limits the ability to mitigate seepage.⁵¹ Waste products are supposed to be caught by the CDF, but by the Proponent's own analysis 10% of seepage from the CDF will bypass the collection ditch system and flow directly into Birch and Springpole Lake.⁵² This means that significant amounts of untreated seepage, containing mercury, arsenic, and uranium, will enter Springpole or Birch Lake every single day.⁵³ These metals will seep into the water long after closure. Moreover, the amount of seepage will likely increase post-closure after the Proponent removes the collection ditches.

Our Nation has significant concerns with the location of the CDF. The proponent has provided very little information on the geological structures and hydraulic properties of the CDF site, such that the MECP "cannot conclude and do not assume that the risks association with the proposal are acceptable for the purposes of issuing permissions under the *OWRA* and *EPA*."⁵⁴ MECP also notes that the CDF may be located in a conductive fracture zone, which would exacerbate seepage into Birch and Springpole Lake, beyond the anticipated amounts.⁵⁵

⁴⁹LSFN TK Study at p. 2-3.

⁵⁰ LSFN TK study at p. 30.

⁵¹ ECCC Comments; MECP Government Review Team Comments.

⁵² ECCC Comments at p. 12.

⁵³ MECP Government Review Team Comments at p. 37; ECCC Comments at p. 14.

⁵⁴ MECP Government Review Team Comments at p. 10.

⁵⁵ MECP Government Review Team Comments at p. 52.

ECCC has determined that the predicted seepage from the CDF poses a significant risk of toxicity for aquatic life, with a global hazard quotient of 14.6. This indicates that acute toxicity may arise at the seepage face where groundwater contaminated by the CDF enters Birch Lake and Springpole Lake, a vital fish habitat.⁵⁶ Lac Seul has little information about how the proponent chose the CDF's location.

In addition to seepage, the Project will discharge water with increased levels of toxins and heavy metals. Each day, the equivalent of 7.5 Olympic swimming pools of treated water, containing detectable amounts of cyanide (used for gold leaching), nitrates, metals, sulphates, and ammonia, will be released into Birch Lake or Springpole Lake. While the proponent maintains that chemical discharge levels will remain below provincial and federal guidelines following water treatment, the MECP has cautioned otherwise. MECP has identified risks that in foreseeable scenarios, discharges could exceed provincial and federal guidelines.

MECP also identified the potential risk associated with the formation of methylmercury.⁵⁷ MECP notes that elevated sulfate concentrations in discharge water could stimulate mercury methylation in lake sediments, posing a risk to aquatic life through bioaccumulation in fish. This is a serious and grave risk and must be fully investigated and addressed.

In terms of water quantity, 6% of Springpole Lake is expected to become an open pit mine, with a depth of 321 meters – equivalent to the height of the Eiffel Tower. The open pit will act as a hydraulic sink, drawing groundwater in and reducing contributions to nearby lakes and wetlands. This in turn could dry up soil moisture and exacerbate forest fires.⁵⁸ When the water table drops, vegetation dries up and becomes more prone to ignition.⁵⁹ Community members have already reported dryer ground in the project area in recent years due to climate change.

Nibi will also be diverted by coffer dams and pumped mechanically into places it would not naturally go, throughout the life of the Project, even after closure. Several small inland water bodies will be “overprinted” (e.g., destroyed) to build the CDF and other mine infrastructure.

(c) Conclusion

FMG has failed to adequately assess their Project impacts as it relates to Nibi. Our connection to Nibi will be impacted by the destruction of small inland waterbodies, alterations of the shorelines of Springpole Lake, reduced availability of groundwater in the local area due to the open pit attracting groundwater ingress, and real and perceived increased contamination of what is now

⁵⁶ ECCC Comments.

⁵⁷ MECP Government Review Team Comments at p. 45.

⁵⁸ See for example: [chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://www.fs.usda.gov/rm/pubs_journals/2025/rmrs_2025_holden_z001.pdf](https://www.fs.usda.gov/rm/pubs_journals/2025/rmrs_2025_holden_z001.pdf)

⁵⁹ See for example: [chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://www.fs.usda.gov/rm/pubs_journals/2025/rmrs_2025_holden_z001.pdf](https://www.fs.usda.gov/rm/pubs_journals/2025/rmrs_2025_holden_z001.pdf)

considered amongst the cleanest water in Lac Seul territory. Members will no longer feel safe drinking water or consuming fish from a contaminated lake.

The Project will violate Nibi's rights to flow along her ancestral trails; to be free from toxins, and to provide for all our relations. Nibi will be corrupted, no longer giving life, but threatening it. The Project, as currently contemplated, poses an unacceptable risk to Nibi and an infringement of our section 35 rights.

7. Impacts on Harvesting Rights

(a) Summary & Required Conditions

The Project's impacts on harvesting rights and responsibilities are inconsistent with Anishinaabe law and constitute a significant infringement of Lac Seul's section 35 rights. The Project as it stands does not allow Lac Seul to meet its responsibilities to its animal and plant relations.

IAAC must impose the following conditions on the Project:

1. A furbearing and large mammal habitat offset plan⁶⁰ co-developed and approved by Lac Seul. This plan must:
 - a. Demonstrate, through independent assessment and best available science, as well as indigenous knowledge, that all animal habitat lost or degraded by the Project will be offset such that there is no net loss of habitat area, quality, or ecological function;
 - b. Set measurable targets for habitat restoration, connectivity, and species population health, with clear timelines and monitoring protocols; and
 - c. Include adaptive management provisions, allowing Lac Seul to require additional offsetting or restoration requirements if monitoring indicates unsuccessful offset measures or that the Project may have adverse impacts.
2. Lac Seul must approve the required Fish Habitat Offsetting and Compensation Plan prior to being filed with the Department of Fisheries and Oceans, and:
 - a. Demonstrate, through independent assessment and best available science, as well as indigenous knowledge that all fish habitat lost or degraded by the Project will be offset such that there is no net loss of habitat area, productivity, or ecological function;
 - b. Include precautionary and increased habitat replacement ratios' that meet or exceed the standard of 2:1, with the credits subject to external independent vetting including by Lac Seul;
 - c. Set measurable targets for fish habitat restoration, species diversity, and ecosystem health, with clear timelines and monitoring protocols; and

⁶⁰ Separate from the Caribou Plan noted above.

- d. Include adaptive management provisions, allowing Lac Seul to require additional offsetting or restoration requirements if monitoring indicates unsuccessful offset measures or that the Project may have adverse impacts.
3. The Proponent must provide evidence of co-developing an ongoing community-led fish and fish habitat monitoring plan with Lac Seul First Nation across the life of Project, including through post-closure until there is evidence that fish habitat meets the current conditions in the north basin of Springpole Lake. This must include comprehensive fish tissue sampling tied to a Fish and Fish Habitat Adaptive Management Plan.

However, even with these conditions in place, we note that the Project will lead to the effective extirpation of Lac Seul's use of the PDA and LSA due to sensory disturbances, reduced habitat, animal migration and potential contamination. This represents a significant infringement of Lac Seul's harvesting and cultural rights.

(b) Analysis

(i) Anishinaabe Legal Teachings

Lac Seul's territory is a source of health and well-being. Our culture, governance, and health cannot be separated from our ability to maintain a living relationship with this land. As one member puts it, *"I still want that livelihood as Anishinaabe people, that we can still enjoy what the land has to offer. And the Nibi. The animals on the land, in the Nibi. The berries. Ensuring that's all going to be there..."*

Our knowledge of the land is kept alive through continuous presence and practice. One of the teachings from the land is *mino-bimaadiziwin*, the good life. *Mino-bimaadiziwin* refers to balance, reciprocity, and the ongoing practice of our responsibilities to the land and to each other. Even a brief interruption in our relationship with a place can break the thread of cultural continuity, connection to one another, and irreversible loss of knowledge and wisdom tied to the land.

Located on and adjacent to a trout lake, the Project area is a breadbasket for many families—a place where fish, plants, and medicines have provided sustenance and healing for thousands of years. For generations, Lac Seul families have also harvested plants and medicines in the project area, including wild rice, cedar, blueberries, cranberries, and weekay;⁶¹ and fish such as walleye (pickerel, *okaans*), whitefish, lake trout, muskies, bass, and sturgeon.⁶² Lake trout are a key species for Lac Seul. They are now rare elsewhere in its territory due in large part to their heightened sensitivity to environmental contamination.

For thousands of years, LSFN members hunted and trapped wildlife such as moose, Adik, deer, beaver, and marten in the Project area. Over the years, the southern part of the territory has

⁶¹ EIS 6.21-21.

⁶² Lac Seul First Nation and Firelight Research Inc 2025(a).

seen a decline in animal population in the southern portion of the territory. The LSA is one of the last remaining mostly pristine places within our territory where our people can continue these practices in accordance with our laws, customs, and responsibilities.

Time and again, our land users and knowledge holders have witnessed how human development, like the Project, can drive away clan members and fur-bearing relatives from their homes. Elder Rose-Mary Prince shared that her dad foresaw a time when there would be fewer animals around Birch and Springpole Lakes because of human disruptions, threatening their way of life. We are concerned that this Project will fulfill that prediction.

Our Creation story teaches us that the world was once destroyed by a great flood sent by Creator. Only Nanaboozhoo, a few animals, and birds survived, floating on a log in the endless Nibi. Seeking to restore the land, Nanaboozhoo and the animals tried to dive to the bottom to retrieve earth, but all failed—until muskrat volunteered. Despite being small and laughed at by the others, muskrat dove deeper and longer than anyone else, sacrificing his life but returning with a small ball of earth in his paw. Nanaboozhoo placed this earth on the turtle's back, and with the help of the Four Winds and Creator, the earth grew into Turtle Island.

This story teaches us that every animal—including the muskrat—plays a vital role in the survival and renewal of life. It teaches us that even the smallest and most humble beings are essential to the balance and continuity of Creation.

(iii) Project's Impact to Harvesting

Lac Seul members and knowledge keepers have expressed concern that the Project will impact their hunting, trapping, gathering and fishing rights, including:

- Impacts to the safety and quality of fish caught in Birch Lake and Springpole Lake;
- Loss of confidence in the health and suitability of Nibi and fish for harvesting and consumption;
- Impacts to the abundance of animals in the Project Area due to disturbance from mining activities dispersing animals from the area;
- Impacts to the health and quality of harvested plants and medicines in the LSA, due to the potential for chemical contamination from mining activities;
- Impacts to the abundance of harvested plants and medicines in the LSA;
- Impacts to the ability of LSFN members to harvest plants and medicines in the Project Area; and
- Impacts to the transmission of culture, knowledge and connection with the land.⁶³

Members have reflected on the impact this Project will have on harvesting:

⁶³ LSFN TK at p. 4

Nature is my church, and I wouldn't want something like this [Project to] disturb my peace and the peace of the animals...

Mooz (moose) are particularly important in this area. Despite the decline in moose population in the southern portion of Lac Seul's territory, our members continue to harvest them in the LSA, where they remain abundant.

According to the Proponent's own assessment, the project will:

- Cause the direct loss of approximately 5% of large mammal habitat; and
- 18% of habitat for furbearing species, including muskrat⁶⁴.

The Proponent has not proposed any satisfactory offsetting or mitigation measures for large mammals (other than Caribou) or furbearing species. For example, the Proponent states that there is ample suitable habitat for large mammals (other than Caribou), muskrat, and other furbearers elsewhere in the PDA and LSA. However, this does not alter the fact that the Project would destroy such animals and their habitat, leading to an overall decline in their population. Nor does it address the severity of any loss of habitat, in light of the cumulative impacts to LSFN's rights throughout its traditional territory.

Our legal responsibilities require us to give back in equal measure to what we take. Despite this, the Proponent does not propose any offsetting plans for impacts to animals other than fish and Adik.

These impacts are not merely environmental—they strike us at the heart of our spiritual existence. Our Elders teach that “we are the land, and the land is us; what we do to the land, we do to ourselves.” The consequences of harm to the land are felt not only in our bodies, or even our emotions, but in our spirits and our collective soul. The land is woven into our very being; its wounds become our own.

The Quedent family actively hunt, trap and fish in the PDA and LSA. They have a trapping cabin on Birch Lake. The construction and operation of an open pit mine, alongside a mine access road and transmission line, will have permanent and irreversible impacts on harvesting, due to sensory disturbances (sound, light, vibration, dust, taste, visual changes to landscape). Moreover, members have repeatedly warned that these activities **will** lead to a significant decline in animal populations in the area:

What I'm concerned about is the way that animals travel. Moose and other animals through [the Project Development Area]. It's going to affect what goes south and what goes north they will have to find a new route...This is going to affect their livelihood quite a bit. These animals are no longer going to be in this area.

⁶⁴ EIS 6.12-41

Lac Seul members have identified ten factors which are among those that determine suitable conditions for harvesting in any given place at any given time:

1. Peaceful enjoyment of the land and waters
2. Knowledge of the area
3. Healthy, abundant relations
4. Clean and abundant water
5. Freedom from outside competition for harvesting
6. Sense of safety and welcome on the land
7. Clean and abundant habitat
8. Access
9. Navigation ability; and
10. Measurable, observable and perceived contamination of area

The Project will negatively impact each of these factors, many of them significantly, such that members will avoid the area completely, leading to the practical extinguishments of hunting, trapping, gathering and fishing rights.

The EIS also finds that the open pit of the Project will destroy 71 ha of fish habitat and the construction of two dikes and subsequent dewatering would disrupt 85 ha.

The Proponent has not provided sufficient scientific evidence to demonstrate that its proposed mitigation measures will adequately protect fish and fish habitat. The Proponent proposes to refill and restore a basin to be used as a lake, once the mine's operations are complete. However, the Department of Fisheries and Oceans raise doubts about this approach, noting that, "[s]uccessfully refilling and restoring a basin in a lake as productive fish habitat is novel and rare."⁶⁵ The Nations' independent expert agreed: **no** known examples of a lake system has recovered from the effects of open-pit mining.

Even assuming that the Proponent's fish habitat offset plan is technically feasible, LSFN's independent expert concluded that the proposed plan to restore a basin would only replace 35 ha of productive fish habitat, and that it would take decades for lake trout to seriously repopulate the reconstituted north basin of Springpole Lake.

Given the lack of a proper mitigation plan, and few protections against seepage (as discussed in the previous section), the Project will irreversibly displace us from exercising our fishing rights on Springpole and Birch Lake. Members report they are highly unlikely to consume fish from a lake that is being mined, and lies adjacent to a permanent tailings facility. Through bitter experience, LSFN members are risk averse and sensitive to the effects of contamination on traditional foods and will avoid harvesting fish and wildlife from places where contamination is observed and perceived.

⁶⁵ DFO's Comments on EIS

LSFN's lived experience is reinforced by Health Canada's conclusions that:

The Human and Ecological Health Risk Assessment (HEHRA) predicts total hazard quotients for arsenic, cobalt, and methylmercury that exceed threshold levels for the protection of human health, with country food items (e.g., fish) driving some of the Project-related incremental risk.⁶⁶

(c) Conclusion

The Project will extirpate LSFN's constitutionally protected rights from the PDA and LSA. Lac Seul Members have repeatedly and consistently expressed that they will not carry out their Treaty rights to hunt, fish, trap and gather medicines in proximity to an operating or decommissioned gold mine because of its environmental and health risks.

Along with the loss of these avocation rights, comes the loss of cultural continuity, governance, and the ability to live *mino-bimaadiziwin*—the good life—on our lands. The loss of access to these lands and water is not just a loss of resources, but a loss of identity, health, and the foundation of our Nation's future. These losses are exacerbated by the losses Lac Seul has already endured in the southern and western portion of its traditional territory.

The cultural well-being of Lac Seul First Nation is inseparable from the ability of members to practice ceremonies, transmit language, harvest traditional foods and medicines, and maintain spiritual connections to the land and water. The Project threatens these foundations by disrupting access to preferred harvesting areas, sacred sites, and places of intergenerational knowledge transmission. These impacts are a significant infringement of LSFN's constitutionally protected 35 rights.

8. Impacts on Heritage Rights

(a) Summary & Required Conditions

The Project's impacts on cultural heritage rights and responsibilities are inconsistent with Anishinaabe law and constitute a significant infringement of Lac Seul's section 35 rights. The Project as it stands does not allow Lac Seul to meet its responsibilities to protecting our ancestors and sacred sites.

Before issuing a decision statement, IAAC must issue additional information requests requiring:

- A new Stage 1 and Stage 2 archaeological assessment, co-designed and co-led with Lac Seul First Nation, for the Waabizheshi Agaasademon Onigam, the proposed CDF location, and the exploration camp/proposed main mine infrastructure zone. The final study must be approved by Lac Seul;

⁶⁶ Health Canada's Comments at p. 5.

- A *Heritage Impact Assessment*, co-designed, co-led and approved by Lac Seul; and
- An updated assessment of the Project's impacts on archaeological and cultural heritage resources, informed by the above.

However, it is important to note that even with these conditions, Waabizheshi Agaasademon Onigam will be inevitably and irreparably destroyed if the Project proceeds. This constitutes a significant infringement of Lac Seul's section 35 rights.

(b) Analysis

The Waabizheshi Agaasademon Onigam is a place of deep cultural and spiritual significance to Lac Seul First Nation. Archaeological evidence and oral history confirm that Lac Seul members used Waabizheshi Agaasademon Onigam for over 7,000 years,⁶⁷ forming a living thread of Anishinaabe presence and knowledge that connects us to our earliest ancestors.⁶⁸ Waabizheshi Agaasademon Onigam continues to be used as an important portage to this day.

Waabizheshi Agaasademon Onigam is a sacred landscape, woven into the fabric of Lac Seul's identity and governance. It is a place of important use, spiritual practice, and ancestral connection.

The Project design requires the Proponent to construct dikes and water storage ponds over top Waabizheshi Agaasademon Onigam. The construction of dikes and water storage ponds will flood and irrevocably destroy Waabizheshi Agaasademon Onigam.

The Proponent proposes to build an alternative portage; this is not a meaningful mitigation measure for the cultural loss of Waabizheshi Agaasademon Onigam. Once destroyed, Waabizheshi Agaasademon Onigam cannot be simply reconstructed elsewhere. Spiritual and cultural continuity cannot simply be recreated anew,⁶⁹ especially in an area that will be visibly and spiritually damaged by industrial development. Sacred ground is rooted place, in the relationships and responsibilities that arise from thousands of years of reciprocal care and use. Waabizheshi Agaasademon Onigam is of central importance to our cultural heritage.

The Proponent's archaeological assessments have been flawed. The Proponent conducted several Stage 1-3 archaeological assessments relying only on incomplete desktop reviews, not the knowledge and oral histories of Lac Seul members.⁷⁰ Based on this flawed methodology, it concluded that there were "no further archaeological concerns" in the project area. As such, the actual number of archaeological sites that the Project will destroy is unknown.

⁶⁷ *Report on Expert Advisor Work Request to Review Recent EIS/EA Archaeological and Heritage Assessments* (Oc. 30, 2025) at p. 59.

⁶⁸ *Report on Expert Advisor Work Request to Review Recent EIS/EA Archaeological and Heritage Assessments* (Oc. 30, 2025) at p. 59.

⁶⁹ *Report on Expert Advisor Work Request to Review Recent EIS/EA Archaeological and Heritage Assessments* (Oc. 30, 2025) at p. 59.

⁷⁰ *Report on Expert Advisor Work Request to Review Recent EIS/EA Archaeological and Heritage Assessments* (Oc. 30, 2025) at p. 59.

The Proponent’s conclusion does not withstand scrutiny. A recent community site visit uncovered **five new archaeological sites**, observable from the surface, in a single day. These sites were located at the proposed location of the CDF and within the exploration camp, directly contradicting FMG’s conclusion that there were “no further archaeological concerns.” These findings demonstrate that the current record is unreliable and that the true extent of heritage resources in the area remains unknown.”⁷¹

(c) Conclusion

The destruction of Waabizheshi Agaasademon Onigam would represent an irreplaceable loss to Lac Seul First Nation’s cultural heritage and identity. This sacred landscape is not simply a physical transportation route, but a living thread of Anishinaabe presence, knowledge, and spiritual practice that has endured for over seven millennia. The proposal to dig up, then flood and permanently alter this site cannot be mitigated by constructing an alternative portage, as spiritual and cultural continuity is inherently tied to place and cannot be recreated elsewhere.

Furthermore, the flawed archaeological assessments conducted by the Proponent have failed to capture the true extent of heritage resources in the area, as demonstrated by the recent discovery of additional sites and ancestor belongings by Lac Seul members. This unreliable record underscores the urgent need for thorough, community-led heritage assessments and meaningful protection measures.

9. Impact on Economic Benefit Rights

(a) Summary & Required Conditions

The Project is inconsistent with LSFN’s constitutional right to benefit from its traditional lands and inconsistent with Anishinaabe law. The Project does not allow us to benefit from our lands responsibly.

IAAC must require either directly, or indirectly, meaningful revenue sharing with Lac Seul First Nation, structured as a net smelter return (NSR) royalty or gross smelter royalty (GSR), as a condition of this Project.

Imposition of this condition would respect LSFN’s right to benefit from its traditional lands.

(b) Analysis

(i) Importance of Treaty 3

⁷¹ *Report on Expert Advisor Work Request to Review Recent EIS/EA Archaeological and Heritage Assessments* (Oct. 30, 2025) at p. 59. at p. 87

IAAC's Guidance on Rights Impact requires consideration of the "current land ownership arrangement (e.g., Crown land, private land, part of treaty process)" to understand potential impacts to the "right to the economic benefits of the land".⁷²

The relevant "land ownership arrangement" for Lac Seul is Treaty 3. Lac Seul entered Treaty 3 with the Crown in 1874. Treaty 3 represents the coming together of distinct cultural, legal, and philosophical traditions.

To understand Treaty 3, one must understand the Anishinaabe law surrounding land. In the Anishinaabe legal tradition, land is not a commodity capable of being owned and therefore cannot be surrendered. Instead, it is a gift from the Creator - *Gimiinigoowiziewnan Kiiabigibimaajiegoomen*. The land is our relative and is referred to as "Mother" or *Gidaakiiminaan*. Surrendering land would be akin to selling one's own mother. Our Elders teach us that you do not own the land, the land owns you; we all ultimately return to the land.

Based on this legal framework, Anishinaabe negotiators would not have understood Treaty 3 as a land surrender without significant discussion:

*[C]oncepts of land ownership, surrender, or a coercive ability to take up land, have no basis in Anishinaabe law. In my expert opinion, it is unlikely that such concepts would have been understood by the Anishinaabe signatories to Treaty, absent significant discussion and explanations to bridge the cultural, philosophical and legal divides.*⁷³

The Ontario Superior Court of Justice (SCJ) in *Keewatin* affirms this interpretation of Treaty 3.⁷⁴ The SCJ held that Anishinaabe signatories did not understand Treaty 3 as a surrender of land – they understood it as a relationship to share. The Court found that the Crown "never clearly explained to the Ojibway what he wanted from them... [the Crown negotiators] never discussed 'taking up for settlement, mining, lumbering' etc. with them. He did not use phrases such as 'if you give up your lands,' 'if you sell your lands'."⁷⁵ The SCJ found that the Anishinaabe "agreed to share the use of the resources so long as they also shared the benefits arising out of those uses."⁷⁶

The Ontario Court of Appeal in *Restoule* extends the same principle in interpreting the Robinson-Superior Treaty: "Treaties would have been viewed as an agreement to share in the value of the territory".⁷⁷ The Court also noted that:

⁷² chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://www.canada.ca/content/dam/iaac-acei/documents/policy-guidance/practitioners-guide/guidance-assessment-potential-impacts-rights-indigenous-peoples.pdf at p. 31

⁷³ Letter of Chief Clifford Bull to IAAC, June 2025, Affidavit of Dr. Aaron Mills at para. 12.

⁷⁴ The issue at trial was whether federal authorization was required for Ontario to take up Treaty 3 land. While the SCJ's determination that federal authorization was required has been overturned, the other findings of fact and conclusions were undisturbed and are relevant to the

⁷⁵ *Keewatin v. Minister of Natural Resources*, 2011 ONSC 4801, at para. 490.

⁷⁶ *Keewatin v. Minister of Natural Resources*, 2011 ONSC 4801, at paras. 1631 and 1573.

⁷⁷ *Restoule v. Canada (Attorney General)*, 2021 ONCA 779 at para. 293.

The Anishinaabe were not focused on subsistence in the Treaty negotiations but on sharing the wealth. They sought the ability to live as they had so long as possible but also sought to benefit from the rise in living standards that would accompany development, especially if that development impaired their traditional way of life. They were not aiming at mere subsistence.⁷⁸

(ii) Project's Impact on the Economic Right to Benefit

LSFN did not surrender its sacred right to benefit from the gift of Creation by entering Treaty 3. LSFN agreed to extend some of gifts, to the Crown, through a kinship relationship.

As such, LSFN retains the right to **meaningfully benefit** from the “resources” within its territory. Anishinaabe law teaches us that everything within the Anishinaabe lands—the animals, the trees, and *Ozaawaa-zhooniyaa* (gold) —is a gift from the Creator to benefit all Anishinaabeg, including those yet to be born.

The Project would generate \$11 billion in revenue. Sharing in this revenue can enrich our members lives, many of whom have been severed from making a living off the land after decades of colonial dispossession. Beyond employment and training benefits, revenue sharing can alleviate the myriad of social and economic crises that continue to undermine the wellbeing of our communities:

- **Lack of Housing:** Lac Seul is facing a housing crisis. Many of our homes are overcrowded, in poor condition and unsafe. Many of our members have no home to live in at all.
- **Food Insecurity:** Food insecurity is a daily reality. The cost of groceries is extremely high, and while many families depend on traditional food for survival, health, and wellbeing, these are increasingly hard to come by. As a result, most families depend on highly processed, nutrient-deficient foods, to meet their needs, leading to chronic health issues, such as diabetes.
- **Lack of Clean Drinking Water:** Access to clean and reliable water is unreliable. Boil water advisories are a regular occurrence, and water infrastructure is often inadequate or failing.
- **Economic challenges:** A disproportionate proportion of our members are impoverished. They have been systemically denied economic and education opportunities afforded to other Canadians – and the dignity which comes with gainful employment.
- **Challenges to Mental Health and Wellness:** Mental health and wellness challenges are widespread. In November 2025, Lac Seul was forced to declare a state of emergency, as it grappled with simultaneous crises of addictions, mental illness, and intergenerational trauma. These issues are exacerbated by unemployment, poor housing, and unreliable water.

(c) Conclusion

⁷⁸ Restoule, 2021 ONCA 779 at para. 319.

Gold is a non-renewable resource. Once it is extracted and sold, it is gone forever. It is therefore essential that any approval of the project includes a clear and enforceable condition requiring meaningful benefit sharing from the gold produced, in the form of a net or gross smelter royalty with Lac Seul First Nation. Only then can the Crown satisfy the meaningful promises captured within Treaty 3.

10. Impacts on Governance

(a) Summary & Required Conditions

The Project was not developed in accordance with Anishinaabe law or LSFN's section 35 rights. We are unable to govern ourselves as our laws require us to, should the Project proceed in its current form.

Before issuing a decision statement, IAAC must require the Proponent to co-develop a comprehensive closure and post-closure plan with Lac Seul First Nation. This plan must be approved by Lac Seul and:

- Detail all measures for site restoration, water treatment, waste management, and cultural site protection;
- Include financial assurance sufficient to fund perpetual care and monitoring;
- Be subject to regular review and renewal, with Lac Seul retaining the right to require modifications if new risks or information emerge; and
- Demonstrate, to the satisfaction of Lac Seul, that the site will be safe, healthy, and culturally accessible for at least seven generations into the future.

IAAC must impose the following conditions to mitigate the Project's discordance with Anishinaabe Law:

- Ensure that the Proponent establishes a joint environmental monitoring body, with Lac Seul, with the power to approve, modify, or halt project activities based on compliance with environmental, cultural, and social commitments;
- Conduct environmental and cultural monitoring with Lac Seul-appointed monitors, granting them full access to data, sites, and reporting. Results must be publicly disclosed and used to inform adaptive management;
- Establish a perpetual care endowment, managed jointly with Lac Seul, to fund long-term monitoring, remediation, and cultural revitalisation after closure. The fund must be sufficient to cover worst-case scenarios and be protected from bankruptcy or corporate restructuring; and
- Require that all offset, restoration, and compensation projects (e.g., caribou habitat, fish habitat, cultural sites) be co-designed, co-managed, and co-evaluated by Lac Seul, with binding authority over project selection, implementation, and success criteria; and
- Require the Proponent, directly or indirectly, in coordination with Lac Seul First Nation and the Province of Ontario, to develop and implement a rehabilitation plan for legacy mine sites within Lac Seul's traditional territory. This plan must:

- Be co-designed and co-led with Lac Seul First Nation, ensuring meaningful participation and approval by the Nation;
- Include clear timelines, measurable restoration targets, and monitoring protocols for each site; and
- Secure sufficient financial assurance to guarantee completion of rehabilitation activities.

However, even with these conditions, the Project will not fully align with Anishinaabe Law and LSFN’s governance rights.

(b) Analysis

IAAC’s Guidance on Rights Impact requires consideration of:

[W]hether the effects of the project will affect the community’s ability and systems for self-governance and self-determination with respect to their members (including future generations) and for the management of traditional lands and resources, taking into consideration the laws, customs and structures of the community (including consideration of Aboriginal title)⁷⁹

Lac Seul’s lived experience demonstrates that externally developed projects—whether hydro dams, logging, or mining—have led to dispossession, environmental degradation, and cultural loss throughout our territory. True assessment, therefore, is not just about mitigating impacts, but about whether the project is conceived, governed, and controlled according to Anishinaabe law and values.

Lac Seul follows the Anishinaabe laws of using resources only as needed; wasting as little as possible; gathering resources in moderation; and providing for future generations. The Project must be assessed by considering whether it allows us to live according to these laws.

(i) Anishinaabe Law and Gold

The Project proposes to “develop, operate and eventually decommission and close an open pit gold and silver mine.”⁸⁰ FMG and IAAC describe this purpose as “natural resource development”.

The concept of “natural resource development” does not exist in *Anishinaabemowin*. Lac Seul Elders do not use the expression ‘using our land’ any more than our people would talk of ‘using my husband’ or ‘using my wife’. Our relationship to Land is one of intense partnership: “the animals, fish or birds of Land are in a special way our relatives.”⁸¹ There is no division, in our way of life and systems of law between people and land.⁸²

⁷⁹ <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/guidance-assessment-potential-impacts-rights-indigenous-peoples.html>

⁸⁰ Project Description, Segment 1 at s. 51.

⁸¹ Pizaaniziwin.

⁸² Pizaaniziwin at p. 41.

We govern our relationship with the land using the principle of necessity. As articulated by one member “...if we have to use the land, make sure that it is useful... and necessary, for living healthy lives.... Is gold, necessary for living healthy lives?” For thousands of years, our Ancestors have “used” animals for food, plants for medicines, trees for shelter, copper and other minerals for tools. So we have not extracted gold or silver for the sole purpose of accumulating wealth. Gold and silver are not critical minerals. Only 7% of gold is used in technology; the remainder is used by central banks, investors and in the production of jewelry.⁸³ Mining gold, for the primary purpose of wealth accumulation, challenges Anishinaabe law and values.

(ii) Anishinaabe Law and Waste

The Project’s logic of extraction and waste is difficult to align with our laws which teach us that all of Creation is a gift, and that our responsibilities are to care for, respect, and reciprocate those gifts.

Our Elders have long known that human beings have the capability to lay waste – *ooshaaonaajiton* – to the bounty of the land and disrupt the created integrity and order of things on Land - *Oonaajijigehin*. We have avoided doing so by practicing *naawii-igo*, which describes a way of living on the land with each other where the created order of Land – including the diversity of Land - and integrity are maintained.⁸⁴ Our Elders instruct us that we may transform the land for our benefit but never at the expense of the land.

The proponent is expected to dig up 282 million tonnes of waste rock, with the hopes of generating approximately 130 tonnes of gold and 690 tonnes of silver.⁸⁵ FMG estimates that 30% of this waste could generate acid drainage and up to 40% may leach toxic metals such as arsenic and cadmium.⁸⁶

In other words, 99.99% of what this mine generates will be waste. Millions of tonnes of rock will be dug up, discarded, and transformed into environmental hazards, to generate a few tonnes of gold and silver.

This approach to extraction is wasteful and at odds with Anishinaabe legal responsibilities to the land and to future generations. For example, our hunters teach us to use every part of a Makwa (bear), not out of mere efficiency but of respect for the Makwa, who gives themselves as a gift. We are taught to honour that gift by using each of its parts, wasting nothing. The principle of conservation is not a technical afterthought, but a core legal and ethical responsibility.

One way to mitigate some of the waste and environmental harm caused by new mining projects is to rehabilitate historic sites. There are over 4,600 abandoned mine sites in Ontario,⁸⁷ many of

⁸³ <https://natural-resources.canada.ca/minerals-mining/mining-data-statistics-analysis/minerals-metals-facts/gold-facts#L1>

⁸⁴ Pizaaniziwin at p. 42

⁸⁵ Project Description, Segment 1 at s. 5.7 and s. 51.

⁸⁶ Project Description, Segment 1 at s. 51.

⁸⁷ <https://www.ontario.ca/page/abandoned-mines-hazards>

which are located within Lac Seul First Nation’s traditional territory. These legacy sites continue to pose risks to water, land, and community health. By requiring the clean-up and restoration of some of these legacy sites, the Project can begin to address the cumulative impacts of past extraction and demonstrate a commitment to healing the land.

(iii) Anishinaabe Law and Accumulation

FMG estimates that the Project will generate \$11 billion in revenue and \$4.3 billion in profit, the overwhelming majority of which will flow to FMG shareholders—most of whom have no relationship to this land.

A project that prioritizes maximizing profit or accumulation conflicts with the primary teaching governing LSFN’s land: *Pizaaniziwin*, or living in balance and moderation.⁸⁸ At its most basic level, this can be distilled as “taking only what you need” and not to excesses.⁸⁹ Economic activity is about meeting needs, sharing abundance, and maintaining harmony within the community and with the land.

Our system of law and way of life prizes self-sufficiency and balance, not accumulation. Lac Seul Elders teach us that, “accumulation is not a value that has been prized in relation to any of our livelihood activities on our Lands”. A person who has enough to live is admired but hoarding and accumulation are seen as negative qualities akin to greed.⁹⁰ Economic leadership is measured by the ability to “provide”—not by the ability to extract and accumulate for oneself or distant others.⁹¹

A project whose primary and indispensable purpose is to generate profit for those who neither live on nor maintain a relationship with this land does not provide for us. It degrades the fabric of our responsibilities to each other and to the land. As the Elders have stated, “the gift of Land (in its totality—physical/spiritual) that is given to us in trust from the Creator, we are to reciprocate with each other freely”.⁹² To convert the land’s gifts into profit for external stakeholders, while leaving behind environmental contamination, threatens our way of life and legal system.

(iv) Anishinaabe Law and Seven Generations

Our Elders often talk about “seven generations”. This is rooted in our understanding of the land as an inheritance from the Creator, and the responsibility to protect that inheritance for those not yet born. We must not just look at where we are today but also consider what our nations once were and who we hope to be as Anishinaabe long into the future.

⁸⁸ *Pizaaniziwin* at p. 51.

⁸⁹ *Pizaaniziwin* at p. 51.

⁹⁰ *Pizaaniziwin*, p. 52

⁹¹ *Pizaaniziwin*, p. 52

⁹² *Pizaaniziwin* at p. 53.

Lac Seul has received little information on the Proponent's closure plan. The absence of a robust closure plan for the Springpole Project undermines our ability to discharge our responsibilities to future generation. Without a clear, enforceable plan for how the mine site will be restored, monitored, and cared for after operations cease, we cannot assess whether the Project will provide for, or undermine the wellbeing of our people and all our relations.

(c) Conclusion

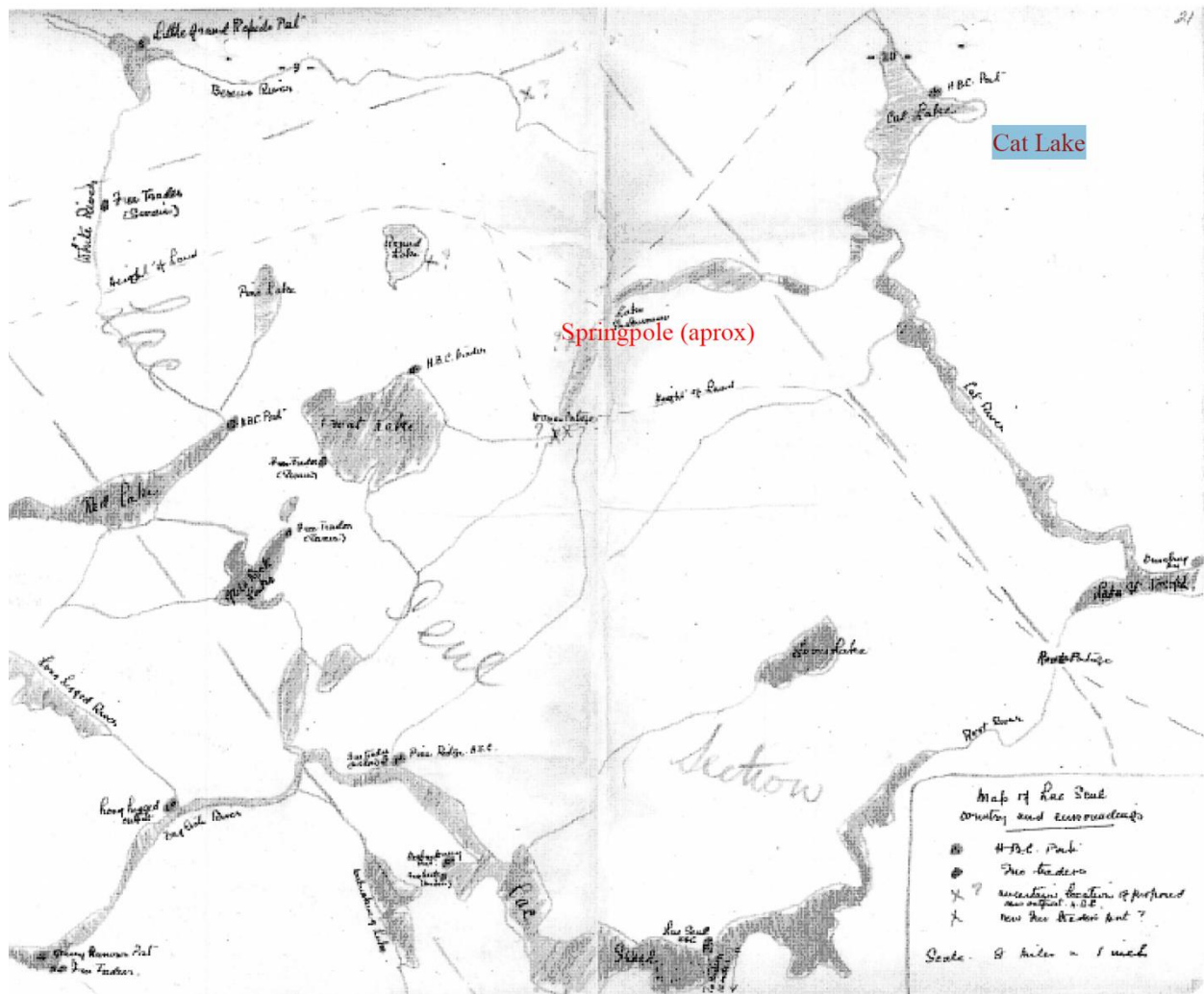
The Project's development process and underlying priorities are misaligned with Anishinaabe law and Lac Seul's governance traditions. The project's logic of extraction, accumulation, and waste stands in stark contrast to the principles of reciprocity, stewardship, and balance that guide Lac Seul's relationship with the land.

To address these deep governance concerns, in part, IAAC must require the co-development and Lac Seul approval of a robust closure and post-closure plan, alongside joint regulatory authority, Lac Seul-led monitoring, perpetual care funding, and binding co-management of all offset and restoration projects.

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Appendix A

Sketch of Lac Seul Section (Trapping "Country"), by L. Romanet, 1920
 (Romanet's Report on Lac Seul Section, 1 March 1920, pp. 9-10: HBCA A92/19/11 [PHI Docid RSF-03431]).



Appendix B

Registered Trapline Districts: Patricia West (1962); Patricia Central (1962); Sioux Lookout (1955)
[AO RG1-427,

