

INDIGENOUS ENGAGEMENT AND PARTNERSHIP PLAN FOR THE MARTEN FALLS COMMUNITY ACCESS ROAD PROJECT IMPACT ASSESSMENT February 24, 2020

1. Introduction

On November 29, 2019, the Impact Assessment Agency of Canada (the Agency) determined that an impact assessment is required for the Marten Falls Community Access Road Project.

This Indigenous Engagement and Partnership Plan outlines opportunities and methods for meaningful Agency-led consultation with potentially affected Indigenous groups throughout the impact assessment process for the Project. The plan is intended to be flexible and does not preclude the Agency from making changes to the approaches described in this plan, in consultation with Indigenous groups, in order to accommodate changes that may occur during the assessment process.

Throughout this document, "Indigenous groups" refers to Indigenous peoples associated by Nation, Band, geographic location, community roles and other shared values and identities. Within the context of the impact assessment process, the Agency encourages the early engagement of Chief and Council and other community leadership as well as the active participation of all sub-populations, including women, Elders, and youth.

For more information regarding Indigenous participation throughout the impact assessment process, please see the Agency's interim guidance at the following link: https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/interim-guidance-indigenous-participation-ia.html

To complement this broader Indigenous Engagement and Partnership Plan, Indigenous group-specific consultation work plans may be developed to describe an Indigenous group's specific objectives for consultation, or any unique features of the impact assessment and consultation process pertaining to that community.

2. Description of the Marten Falls Community Access Road Project

Marten Falls First Nation (the proponent) is proposing the construction and operation, including maintenance, of an all-season multi-use community access road approximately 190 to 230 kilometres in length, connecting the northern end of Painter Lake forestry road to the community of Marten Falls. Marten Falls First Nation is located at the junction of the Albany and Ogoki rivers, approximately 170 kilometres northeast of Nakina, Ontario. As proposed, the Marten Falls Community Access Road could enable future access to potential mineral development activities in the Ring of Fire area.

3. Objectives of Indigenous Engagement and Partnership

Impact Assessment Agency of Canada's Objectives

The plan for Indigenous engagement and partnership on this Project addresses:

- Crown consultation on the potential effects and impacts of the Project on the exercise of Aboriginal and Treaty-rights of Indigenous peoples as defined in section 35 of the *Constitution Act, 1982*¹ (Aboriginal and Treaty rights);
- Consultation with Indigenous groups regarding Indigenous knowledge and how it may inform the consideration of
 potential effects of the Project and impacts on the exercise of Aboriginal and Treaty rights;
- Consultation with Indigenous groups to identify cultural considerations and customs that should be taken into account in project decision-making;
- Consultation with Indigenous groups throughout the impact assessment process with opportunities to provide comments on key documents and the broader consultation process; and

¹ Section 35 of the *Constitution Act, 1982 states*: (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed. (2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada. (3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired. (4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

Opportunities for collaboration with specific Indigenous groups on elements of the impact assessment.

Objectives Identified by Indigenous Groups during the Planning Phase

During the planning phase, some Indigenous groups identified values and objectives for Indigenous consultation for this Project. The Agency summarizes these as:

- Open and transparent communication;
- Consultation is early, meaningful and assesses, considers, and where appropriate, accommodates for adverse impacts on the exercise of Aboriginal and Treaty rights due to the Project;
- Potential adverse effects to the natural environment is clearly described;
- Evidence that project design is informed by input from Indigenous groups and that input from Indigenous groups informs Crown action and decisions:
- Decisions related to the Project informed through broad and ongoing consultation;
- · Decisions related to the Project informed by community concerns and traditional values; and,
- Decisions related to the Project informed by community input on the assessment of cumulative effects.

To view all comments received in relation to the Marten Falls Community Access Road Project, please access the Canadian Impact Assessment Registry at https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions.

4. Indigenous Groups

The following is a list of Indigenous groups identified by the Agency for Crown consultation related to the impact assessment of the Project, on the basis that the Project may adversely impact the exercise of Aboriginal and Treaty rights. While these consultations are not a rights determination process, for purposes of consultation, the Crown will consult with the Indigenous groups listed below to understand the concerns and potential impacts of the Project on their exercise of Aboriginal and Treaty rights and, where appropriate make accommodations. The list of Indigenous groups below may change as more is understood about the adverse effects of the project; additional information is received from Indigenous groups; or if the project or its components change during the impact assessment process.

- Animbiigoo Zaagi'igan Anishinaabek
- Aroland First Nation
- Attawapiskat First Nation
- Constance Lake First Nation
- Eabametoong First Nation
- Fort Albany First Nation
- · Ginoogaming First Nation
- Kashechewan First Nation
- Long Lake #58 First Nation
- Marten Falls First Nation
- Neskantaga First Nation
- Nibinamik First Nation
- Webequie First Nation

For the purposes of good governance, the Agency also plans to provide information and discuss potential effects and impacts from the Project during each phase identified in Table 6.1. The consultation methods for the following Indigenous group will be limited to direct mail and email distribution, Registry links to key documents, regular funding availability, and online comments on key documents throughout the impact assessment process.

- Kitchenuhmaykoosib Innunuwug First Nation
- Mishkeegogamang Ojibway Nation

The Government of Canada is committed to renewing the relationship with Indigenous peoples based on the recognition of rights, respect, cooperation and partnership. The Government of Canada is also committed to fully implement the *United Nations Declaration on the Rights of Indigenous Peoples* (the UN Declaration) in the Canadian context, as reaffirmed in the preamble of IAA. Through this plan the Agency supports the Government's commitment to advancing reconciliation with Indigenous groups.

In addition to this plan, the Agency plans to engage Indigenous organizations who have indicated an interest in the impact assessment process using the engagement tools and methods outlined in the Public Participation Plan (https://iaac-aeic.gc.ca/050/evaluations/proj/80184). Accordingly, the Agency will also engage with Anishinabek Nation who has indicated an interest in the impact assessment process.

5. Consultation Tools and Methods

The following is a list of tools and methods identified by Indigenous groups during the planning phase, summarized by the Agency, to ensure meaningful consultation in the impact assessment process. The Agency-led consultation activities will use a suite of tools and methods, which includes:

- Capacity funding under the Funding Program to support Indigenous groups in participating in the impact assessment process
- Clear information on available funding, impact assessment process timelines, and the workload expected of Indigenous groups to ensure participation and consultation;
- · Communication with Indigenous groups in an ongoing, open, and transparent manner;
- Consideration of cultural needs including seasonal issues (e.g., harvesting, hunting) and cultural protocols (e.g. offering tobacco and providing gifts);
- Following community consultation protocols in consultation activities, to the extent possible;
- Hold technical meetings with proponent, expert authorities and Indigenous groups to support Indigenous groups' technical review of key documents and participation throughout the impact assessment process while considering timelines and capacity of Indigenous groups;
- Outreach and consultation with Chief and Council and other community leadership, Elders, youth, and women;
- Reasonable time for in-community visits:
- Requirements for diverse participation (e.g., accessibility of meeting locations, timing of meetings, transportation, childcare);
- Training on the impact assessment process and how to effectively participate in the process, including offering the Agency's Level 1 and Indigenous-focused Level 2 training;²
- · Translators and/or interpreters to support meetings between Indigenous groups and the Crown; and
- User-friendly summaries of key documents, fact sheets, infographics, PowerPoint tools, booklets, audio-visual materials.

In addition, the Agency will explore opportunities for:

- Translation of key high-level summary documents into Ojibway, Oji-Cree, or Cree; and
- Flexible timelines to accommodate in-community communication and consultation processes.

The Agency will work bilaterally with individual Indigenous groups on items not listed above, in the development of consultation work plans that are specific to individual Indigenous groups.

6. Consultation Approach

The table below provides a description of the main phases in the impact assessment process and an explanation as to how the Agency, on behalf of the federal Crown, proposes to consult with Indigenous groups during each phase. This table describes objectives of each phase and consultation methods proposed throughout the impact assessment process.

Prior to the determination that an impact assessment was required, the Agency consulted with Indigenous groups on the Initial

² Level 1 and Indigenous-focused Level 2 training focus on the impact assessment process and is offered through the Agency's website at https://www.iaac-aeic.gc.ca/014/index-eng.aspx

Project Description and prepared the Summary of Issues. Subsequently, the Agency provided the Summary of Issues to the proponent for response, including the key issues identified by Indigenous groups. The Agency sought input from Indigenous groups for the development of the draft Tailored Impact Statement Guidelines and the draft Indigenous Engagement and Partnership Plan (this document).

Specific Indigenous groups to whom the Crown owes a Duty to Consult and who wish to work with the Agency to identify consultation activities beyond those included within the Indigenous Engagement and Partnership Plan are welcome to express their interest in an Indigenous group-specific consultation work plan. The Agency will work with Indigenous groups to develop this plan, as needed.

Table 6.1 – Table of Indigenous Consultation Approaches and Activities

Process Phase	Objectives of the Phase	Expected Activities	Consultation Methods	Time Frame
Phase 2: Impact Statement Proponent develops Impact Statement	 Increase awareness of the impact assessment process and how to meaningfully participate Identify opportunities to influence the development of the proponent's Impact Statement Identify, encourage and implement opportunities for collaboration (e.g. Indigenous-led studies) Share project information in a timely manner, to the extent possible Consult on issues of importance to potentially affected Indigenous groups Identify potential project impacts on exercise of Aboriginal and Treaty rights Identify avoidance, mitigation or accommodation measures to address potential project impacts on the exercise of Aboriginal and Treaty rights 	 Agency has ongoing dialogue with Aboriginal and Treaty rights holders on conducting an assessment of the project impacts on the exercise of rights Agency shares information and/or trains Indigenous groups on the impact assessment process Agency sends direct email and/or letter with process updates; and plain language handouts and/or posters Agency works with Indigenous groups to implement the Indigenous Engagement and Partnership Plan Agency works with specific Indigenous groups to implement Indigenous group-specific consultation work plans as applicable Agency administers participant funding with eligible Indigenous groups to support participation in the impact assessment process Agency sends correspondence detailing how comments received at meetings have been or will be addressed. Agency instructs proponent to provide plain language information documents to support Indigenous groups participation, and upon request by an Indigenous group, provide plain language documents translated into an Indigenous language Agency instructs proponent to 	In community meetings with Chief and Council, full community, elders, youth, women Teleconference and/or WebEx Meetings In community meetings with Council, full community, elders, youth, women In community meetings with Council full community, elders, youth, women In community meetings with Council full community, elders, youth, women In community meetings with Council full community, elders, youth, women In community meetings with Council full community, elders, youth, women In community, elders, youth, yout	Capacity-building activities and discussions on technical matters, including in community meetings and teleconference and/or WebEx meetings, may occur within the first year of the impact statement phase and may continue throughout the Phase Implementing a collaborative approach to reviewing the proponent's Impact Statement may occur in the weeks before the document is submitted Instructions to the proponent as indicated in the "Expected Activities" Column will be provided throughout the impact statement phase Guidance to Indigenous groups

Process Phase	Objectives of the Phase	Expected Activities	Consultation Methods	Time Frame
		present project information, results of baseline studies, and brief Indigenous groups on technical matters Agency instructs the proponent to work with Indigenous groups to include Indigenous knowledge in the Impact Statement Agency works with Indigenous groups on implementing collaborative approaches as appropriate Agency organizes meeting(s) with proponent, expert authorities and Indigenous groups to discuss technical matters Agency provides Indigenous groups with guidance on how to protect confidential information Indigenous groups provide additional input on collaboration opportunities and how they would like to participate Indigenous groups identify and communicate views on potential impacts on them in relation to environmental, health, social and economic conditions, and their exercise of Aboriginal and Treaty rights Indigenous groups provide Indigenous knowledge as appropriate for consideration by the proponent when developing the Impact Statement Indigenous groups engage with the proponent to co-develop or collect any relevant information and identify potential effects, mitigation and follow-up program measures, to inform the Impact Statement Indigenous groups provide input to and/or comments to the proponent to inform the Impact Statement		on protecting confidential information will be provided throughout the impact statement phase
Phase 2:	Review of the	Agency-led consultation on the	Online	Comment
Impact	proponent's Impact	proponent's Impact Statement to	comments on	functionality on the

Process Phase	Objectives of the Phase	Expected Activities	Consultation	Time Frame
			Methods	
Statement	Statement to ensure it contains all of the information and studies outlined in the Tailored Impact Statement Guidelines Consult and seek input from Indigenous groups prior to Agency determining that the proponent's Impact Statement satisfactorily contains all of the information and studies outlined in the Tailored Impact Statement Guidelines Validate the proponent's Impact Statement on issues raised related to potential project impacts on Indigenous peoples in relation to environmental, health, social and economic conditions, and their exercise of Aboriginal and Treaty rights, how Indigenous knowledge was included, and proposed mitigation and/or accommodation measures and follow-up program measures Identify additional mitigation and/or accommodation measures	ensure it contains all of the information and studies outlined in the Tailored Impact Statement Guidelines • Agency has ongoing dialogue with Aboriginal and Treaty rights holders on conducting an assessment of the project impacts on the exercise of rights • Agency sends direct email and/or letter with process updates; and plain language handouts and/or posters and Registry links to key documents • Agency provides Indigenous groups with opportunity to provide comment, including implementing collaborative approaches as appropriate, on the proponent's Impact Statement to ensure it contains all of the information and studies outlined in the Tailored Impact Statement Guidelines • Agency sends correspondence detailing how comments received during a comment period as well as at meetings have been addressed. • Agency organizes meeting(s) with proponent, expert authorities and Indigenous groups to discuss technical matters • Agency issues requests to the proponent for information or studies required to satisfy the Guidelines • Agency instructs proponent to present the Impact Statement, including potential effects, effects assessment, mitigation and follow-up program measures and conclusions, and brief Indigenous groups on technical matters • Agency instructs proponent to provide documents in plain language to support Indigenous groups participation, and upon request by an Indigenous group, provide plain language	the proponent's Impact Statement focusing on whether it contains all of the information and studies outlined in the Guidelines In community meetings with Chief and Council, full community, elders, youth, women Teleconference and/or WebEx Meetings	Registry is available throughout the impact assessment process. Online comment period, including in community meetings and teleconference and/or WebEx meetings will occur within 30 to 45 days of posting the proponent's Impact Statement on the Registry Teleconference and/or WebEx meetings may occur within a month of receiving proponent's responses to Agency requests for required information or studies

Process Phase	Objectives of the Phase	Expected Activities	Consultation Methods	Time Frame
		documents translated into an Indigenous language Indigenous groups provide input to and/or comments on the proponent's Impact Statement Indigenous groups identify information gaps in the proponent's Impact Statement and make suggestions on how to address gaps Indigenous groups provide views on the accuracy of the proponent's Impact Statement about issues raised related to potential impacts on Indigenous peoples in relation to environmental, health, social and economic conditions, and their exercise of Aboriginal and Treaty rights, how Indigenous knowledge was included, and proposed mitigation and/or accommodation measures and follow-up program measures Agency posts proponent's Impact Statement as submitted (proponent's Impact Statement Summary in English and French, Impact Statement and appendices in English), and additional information or a revised Impact Statement if it is deemed necessary to enable the Agency to determine whether the Impact Statement satisfactorily contains all of the information and studies outlined in the Tailored Impact Statement Guidelines		
Phase 3: Impact Assessment	Develop Agency's preliminary analysis and conclusions related to potential project impacts on Indigenous peoples in relation to environmental, health, social and economic conditions, and their exercise of Aboriginal and Treaty rights, and	Agency works with Indigenous groups to implement the Indigenous Engagement and Partnership Plan Agency works with specific Indigenous groups to implement Indigenous group-specific consultation work plans as applicable Agency administers participant	Online comments on Agency's draft Impact Assessment Report, including consultation summary as well as	 Teleconference and/or WebEx meetings on the Agency's preliminary analysis and conclusions Online comment period, including in community meetings and teleconference

proposed mitigation and/or accommodation measures, and follow-up program measures Consult Indigenous groups on the Agency's preliminary analysis and conclusions and on issues of importance to potentially infected Indigenous groups Development and consultation on the Agency's draft Impact Assessment Report, including consultation summary as well as assessment of potential impacts on Indigenous groups of Aboriginal and Treaty rights, and potential conditions Validate information related to potential impacts on Indigenous peoples in relation to environmental, health, social and economic conditions Validate information related to potential impacts on Indigenous groups with opportunity to provide social and economic conditions Assessment Report, including consultation summary as well as an assessment of potential impacts on Indigenous groups with opportunity to comment on and confirm Agency's preliminary analysis on potential project impacts on Indigenous groups with opportunity to provides Indigenous groups with opportunity to provide comment on the Agency's draft Impact Assessment Report, including consultation summary as well as assessment of potential impacts on Indigenous groups with opportunity to provide comment on the Agency's draft Impact Massessment of potential impacts on fights, and potential impacts on fights, and potential conditions, including the assessment of potential impacts on fights, and potential conditions, including the assessment of potential impacts on floring from the draft Impact on the exercise of Aboriginal and Treaty rights.
Treaty rights • Agency-led consultation on the Agency's draft Impact Assessment Report, including consultation summary as well as an assessment of the impacts on the exercise of rights, and potential conditions • Agency has ongoing dialogue

Process Phase	Objectives of the Phase	Expected Activities	Consultation Methods	Time Frame
Dhasa 4:	a Inform potantially	Indigenous groups provide comments on the Agency's draft Impact Assessment Report and potential conditions Agency posts key documents on the Registry website: Agency's draft Impact Assessment Report and potential conditions in French and English	• Teleconference	• Teleconference
Phase 4: Decision- Making	Inform potentially affected Indigenous groups about the Minister or the GIC decision on whether the adverse effects in federal jurisdiction are in the public interest Increase potentially affected Indigenous groups awareness of the Minister or the GIC decision	 Agency has ongoing dialogue with Indigenous groups Agency sends direct email and/or letter with process updates; and plain language handouts and/or posters and Registry links to key documents Agency sends correspondence detailing how comments received during a comment period as well as at meetings have been addressed. Agency responds to any outstanding concerns prior to the Minister's or GIC's decision on whether the adverse effects in federal jurisdiction are in the public interest Agency posts the Minister's Decision Statement and reasons for decisions on the Registry Agency provides a briefing to Indigenous groups on the Minister's Decision Statement and to explain how comments were addressed Agency provides opportunities to Indigenous groups to learn about next steps post-impact assessment decision Agency facilitates transfer of Crown Consultation record to federal authorities for regulatory approvals post-decision Agency posts key documents on the Registry website: Minister's Decision Statement, including conditions, and Agency's final Impact Assessment Report 	Teleconference Meetings	Teleconference and/or WebEx meetings to provide a briefing on the Minister's Decision Statement and to explain how comments were addressed will occur within 30 days following the posting of the decision on whether the adverse effects in federal jurisdiction are in the public interest

Process Phase	Objectives of the Phase	Expected Activities	Consultation Methods	Time Frame
Phase 5: Post IA Decision	May establish Monitoring Committee to support ongoing follow- up and monitoring program Results of follow-up program are made available	 Indigenous groups may participate in Monitoring Committee Agency will conduct compliance and enforcement activities Agency will consult on potential amendments to Decision Statements, should the proponent submit a project change 	Online comments on potential amendments to Decision Statements, should the proponent submit a project change	Should a Monitoring Committee be established, meetings occur within timeframe identified through discussions with committee members Results of follow-up are posted according to the schedule identified in the Decision Statement Online comment period will occur within 30 days following the posting of the potential amendments to the Decision Statements, should the proponent submit a project change

Provincial Consultation Approaches

The Agency will coordinate Indigenous consultation activities with the Province of Ontario, to the extent possible. For information on how the Agency will work with the Province of Ontario please see the Cooperation Plan (https://iaac-aeic.gc.ca/050/evaluations/proj/80184).

Proponent Engagement Approaches

For information on the proponent's future engagement plans with Indigenous groups during the impact assessment process, please see the draft Terms of Reference for the provincial Individual environmental assessment on the proponent's website: http://www.martenfallsaccessroad.ca/. During the planning phase, Indigenous groups identified the expectation that the proponent should maintain regular contact with Indigenous groups as the Project progresses and share project details and plans.

The Agency expects the proponent to engage with Indigenous groups to gather information, identify potential effects and appropriate mitigation or accommodation measures and address concerns throughout the impact assessment process.

The Agency also expects the proponent to include Indigenous knowledge and cultural considerations in the preparation of the Impact Statement that has been validated by the Indigenous groups who provide it, prior to formally submitting it to the Agency for review.

The Agency will organize a series of meetings in coordination with the proponent to discuss technical matters as it progresses through its baseline data collection, effects assessment, and mitigation and follow-up program development. After each stage of this process, the proponent will participate in meetings with the Agency, federal authorities and Indigenous group to discuss technical matters. For more detail on Agency expectations of the proponent, please see the Tailored Impact Statement Guidelines (https://iaac-aeic.gc.ca/050/evaluations/proj/80184).

7. Participant Funding

During the planning phase grant funding was made available to Indigenous groups to support comment on the Initial Project Description, the draft Tailored Impact Statement Guidelines, and the draft Indigenous Engagement and Partnership Plan.

Funding is also available to support Indigenous groups to participate throughout the impact assessment process. The opportunity to submit applications for funding will be made available to the Indigenous groups during the impact statement phase. These participant-funding opportunities will support the Indigenous groups to comment on the proponent's Impact Statement and the Agency's draft Impact Assessment Report, including consultation summary and potential conditions.

For information about the activities that are eligible for funding or to apply for funding, see the National Program Guidelines and application on the following page https://www.canada.ca/en/impact-assessment-agency/services/public-participant-funding-application-environmental-assessment.html

8. Federal Agencies' Roles and Responsibilities

The Regulatory Permitting Plan also issued at the end of the planning phase describes the permits and authorizations that may be required for the Project to proceed (https://iaac-aeic.gc.ca/050/evaluations/proj/80184).

Federal authorities identified in the Permitting Plan as well as those with additional expert advice (Crown-Indigenous Relations and Northern Affairs Canada; Economic and Social Development Canada; Health Canada; Indigenous Services Canada; Infrastructure Canada; Innovation, Science and Economic Development Canada including Federal Economic Development Initiative for Northern Ontario (FedNor); and Women and Gender Equality) will engage with the Agency, proponent, Indigenous groups and other parties to clarify information requirements related to its specialist or expert information and knowledge. Throughout the impact assessment process, federal authorities may also review and analyze the proponent's Impact Statement and the Agency's draft Impact Assessment report; support and participate in the Agency's Crown consultation activities; and support the Agency and Indigenous groups in understanding, assessing and addressing impacts on the exercise of Aboriginal and Treaty rights.

9. How to submit comments and contact information

Comments can be submitted at any time during project assessment via the "submit a comment" feature available on the Project's Canadian Impact Assessment Registry page (Reference No. 80184 at https://iaac-aeic.gc.ca/050/evaluations/proj/80184). Attachments can also be uploaded using this feature. If you have any difficulties submitting this way, please contact the Agency using the information provided below for assistance.

Comments and other documents received by the Agency will form part of the Project File and will be posted on the Canadian Impact Assessment Registry Internet site. The Agency's Submission Policy³ determines which submitted information can be shared publicly, and what should remain private. For further information on how we protect your privacy, please refer to the Privacy Notice⁴. If you do not want your comment posted on the Registry, please contact Agency prior to submitting the comment.

A summary of comments received throughout the impact assessment process will also be included in the Impact Assessment Report.

³ The Agency's Submission Policy can be accessed at https://iaac-aeic.gc.ca/050/evaluations/participation/conditions

⁴ The Agency's Privacy Notice can be accessed at https://www.iaac-aeic.gc.ca/050/evaluations/protection

The Agency office designated for administering the impact assessment of the Project is:

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