



Impact Assessment
Agency of Canada

Ontario Region
600-55 York Street
Toronto ON M5J 1R7

Agence d'évaluation
d'impact du Canada

Région de l'Ontario
600-55 rue York
Toronto ON M5J 1R7

June 19, 2020

Sent by email

Chief Leo Metatawabin
Fort Albany First Nation
P.O. Box 1
Fort Albany ON P0L 1H0
chief@fafnmail.com

Dear Chief Leo Metatawabin:

Subject: Potential Impacts of the Marten Falls Community Access Road Project on Fort Albany First Nation's Aboriginal and Treaty Rights and Development of a Community-Specific Annex to the Indigenous Engagement and Partnership Plan (IEPP)

Thank you for your letter to the Impact Assessment Agency of Canada (the Agency) dated March 24, 2020, regarding the Marten Falls Community Access Road Project.

Community-Specific Annex to the IEPP (IEPP Annex)

The Agency acknowledges Fort Albany First Nation's interest in developing an IEPP Annex for the Project. The intent of the IEPP Annex is to identify community-specific consultation methods, activities, and objectives that are not already reflected in the IEPP that was posted to the Canadian Impact Assessment Registry website for the Project on February 24, 2020. Fort Albany First Nation is invited to suggest specific consultation activities, methods, or objectives to the Agency for consideration. Should your community wish, the Agency would be pleased to schedule a call to discuss your interests further.

Coordination amongst potentially impacted Indigenous groups

The Agency acknowledges Fort Albany First Nation's request for opportunities to discuss the Project with other First Nations with shared traditional territories or interests in the Treaty No. 9 area. In the IEPP, the Agency has committed to organize a series of meetings with the Agency, the proponent expert authorities and Indigenous group to discuss technical matters. These meetings are intended to involve all Indigenous groups identified for consultation in the IEPP.¹

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¹ <https://iaac-aeic.gc.ca/050/documents/p80184/133936E.pdf>



Potential Adverse Impacts on Rights

Thank you for your comments on the “Attachment 4” document that was provided to Fort Albany First Nation in the Agency’s letter dated February 24, 2020.

The document is intended to summarize the information available to the Agency where there is an understood overlap between a project activity, component, or effect and potential impacts to the exercise of Fort Albany First Nation’s Aboriginal and Treaty rights.

As noted in your letter, Fort Albany First Nation’s Aboriginal and treaty rights are understood in relation to the reserve location and the community’s broader traditional territory. The Agency would be interested in further understanding the extent of Fort Albany First Nation’s traditional territory and exercise of rights in relation to the Project. This information will enable the Agency to continue to work with Fort Albany First Nation to refine its understanding of the potential direct and/or indirect impacts on your community’s rights. The Agency also acknowledges that Fort Albany First Nation may identify further impacts on rights as the impact assessment proceeds. The Agency further encourages Fort Albany First Nation to share similar details with the proponent to inform the development of its Impact Statement.

Comments Related to the Northern Road Link

The Agency is aware of the announcement made by the Province of Ontario, Marten Falls First Nation and Webequie First Nation regarding the Northern Road Link.

On May 19, 2020, the Agency notified Marten Falls First Nation and Webequie First Nation that the project appears to be designated under the *Impact Assessment Act* and requested an Initial Project Description. At this time, the Agency has not received an Initial Project Description for the Northern Road Link. Upon the proponent’s submission of an Initial Project Description that complies with the *Information and Management of Time Limits Regulations*, the Agency will notify Indigenous groups who may be impacted by the Project of a formal comment period and seek their views on the Initial Project Description and whether an impact assessment should be required for the project.

Comments on cumulative effects assessment

The Agency notes your comment that the cumulative effects assessment is too limited in scope to reflect the broader effects of the Project. The Agency requires the proponent to assess the cumulative effects of any reasonably foreseeable developments. The proponent’s cumulative effects assessment must specify other projects or activities that have been or that are likely to be carried out that could cause effects to each selected valued component within the boundaries defined, including potential induced effects, and whose effects would act in combination with the residual effects of the Project.

As part of this assessment, the construction and operation of the Northern Road Link would need to be examined, as indicated in Chapter 22 of the Tailored Impact Statement Guidelines.²

Consultation Fatigue

The Agency recognizes that it can be challenging to participate in consultation and engagement activities for multiple processes that are subject to similar timeframes. The Agency team working on the Ring of Fire Regional Assessment and the Agency team working on the impact assessments for the Webequie Supply Road and Marten Falls Community Access Road Projects continue to work together and share the input we receive from Indigenous groups, where possible. As you share information with the Agency regarding the Regional Assessment and/or the Road Projects, please outline how you wish the information and knowledge to be managed to ensure any confidential information is protected. When contacting the Agency, please also feel free to identify any information that can be considered across multiple assessment processes. The Agency will work internally to ensure you are provided with a response that is appropriate to the issues raised.

The Agency's Regional Assessment in the Ring of Fire Area

The Agency's regional assessment team will be contacting you about the general approach to consultation/engagement for the regional assessment at a later date. At this time, no decisions have been made regarding the appropriate activities, outcomes and boundaries for the regional assessment in the Ring of Fire area. The next step of the regional assessment will be to provide opportunities for interested groups to participate.

Please note that you may ask questions or share your views related to the regional assessment process by sending them to IAAC.RegionalROF-CDFRegionale.AEIC@canada.ca.

Concerns Related to the COVID-19 Pandemic

The Agency acknowledges Fort Albany First Nation's concern regarding the COVID-19 pandemic's effects on consultation processes and the ability of Fort Albany First Nation to meaningfully participate in the impact assessment process. The Agency provided a detailed response to Sarah Beamish on May 15, 2020, outlining how the Agency has adjusted its conduct for COVID-19 in response to Fort Albany First Nation's letter dated April 8, 2020. Kindly continue to inform the Agency about any changes to your community's ability to participate in consultation activities.

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² <https://iaac-aeic.gc.ca/050/documents/p80184/133937E.pdf>

The Agency is committed to substantive, meaningful, and respectful consultation throughout the impact assessment process and as we identify opportunities to support Indigenous groups to participate in the context of the ongoing pandemic.

Thank you for your continued participation in the impact assessment for the Project. Please feel free to contact me at 416-476 5476 or at IAAC.MartenFalls.AEIC@canada.ca if you have any questions regarding this letter. I welcome the opportunity to work collaboratively with your community.

Sincerely,

<Original signed by>

Caitlin Cafaro
Crown Consultation Coordinator

c.c.: Christopher Metatawabin, Economic Development Officer, Fort Albany First Nation
Sarah Beamish, Advisor, Beamish Law
Debra Myles, Panel Manager, Impact Assessment Agency of Canada