



FINAL

Aboriginal and Treaty Rights and Interests Study Plan

May 2021





MARTEN FALLS FIRST NATION ALL SEASON COMMUNITY ACCESS ROAD

Aboriginal and Treaty Rights and Interests Study Plan

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Revision History

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Draft	May 2020	Submitted "Indigenous Peoples Valued Components Study Plan" to the Agency.
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Acronyms and Abbreviations

- Agency, the ... Impact Assessment Agency of Canada
- CAR Community Access Road
- EA Environmental Assessment
- IA Impact Assessment
- IAA *Impact Assessment Act*
- IK Indigenous Knowledge
- IS Impact Statement
- km kilometre
- LSA Local Study Area
- MECP Ontario Ministry of the Environment, Conservation and Parks
- MFFN Marten Falls First Nation
- PDA Project Development Area
- RSA Regional Study Area
- TISG Tailored Impact Statement Guidelines
- ToR Terms of Reference
- VC Valued Component





1. Introduction

The Proponent of the Community Access Road (CAR or the Project) is Marten Falls First Nation (MFFN), a remote First Nation community in northern Ontario located at the junction of the Albany and Ogoki rivers, approximately 430 kilometres (km) from Thunder Bay, Ontario. The MFFN community is proposing an all-season Community Access Road that will connect the MFFN community to Ontario's provincial highway network (Highway 643) to the south via the existing Painter Lake Road. MFFN, as the Proponent of the Project, has formed a MFFN CAR Project Team that includes MFFN CAR Community Member Advisors and MFFN CAR Project Consultants who act with input, guidance and direction from the MFFN Chief and Council.

This document outlines the Study Plan for Aboriginal and Treaty Rights and Interests to support a coordinated Impact Assessment (IA) required for Project review by the Impact Assessment Agency of Canada (the Agency) under the federal *Impact Assessment Act* (IAA) and Environmental Assessment (EA) required for Project review by the Ontario Ministry of the Environment, Conservation and Parks (MECP) under the Ontario *Environmental Assessment Act*.

1.1 Federal and Provincial Terminology

The study plans have been prepared using federal terminology, however, the respective provincial terminology has been provided in **Table 1-1** for reference. The terms can be used interchangeably.

Table 1-1: Equivalent Federal and Provincial Terms

Provincial Term	Federal Term
Criteria	Valued Component
Impact Management Measure	Mitigation Measure
Net Effects	Residual Effects
Record of Consultation	Record of Engagement





1.2 Project Study Plans

This Study Plan is one of a group of study plans created for the Project. **Table 1-2** includes the study plans for each environmental¹ discipline currently planned for the Project and the valued components (VCs) covered by the study plans where applicable.

Table 1-2: Project Study Plans and Valued Components

Environmental Discipline	Study Plan Name	Valued Component(s)
Aboriginal and Treaty Rights and Interests	■ Aboriginal and Treaty Rights and Interests Study Plan	<ul style="list-style-type: none"> ■ Indigenous Current Use of Lands and Resources for Traditional Purposes ■ Cultural Continuity (ability to practice and transmit cultural traditions)
Atmospheric Environment	■ Atmospheric Environment and Greenhouse Gases Study Plan	<ul style="list-style-type: none"> ■ Air Quality ■ Greenhouse Gas Emissions
Climate Change	■ Climate Adaptation and Resiliency Study Plan	<ul style="list-style-type: none"> ■ Climate Change
Acoustic and Vibration Environment	■ Acoustic and Vibration Environment Study Plan	<ul style="list-style-type: none"> ■ Noise ■ Vibration
Physiography, Geology, Terrain and Soils	■ Physiography, Terrain and Soils Study Plan	<ul style="list-style-type: none"> ■ Physiography, Terrain and Soils
Surface Water	■ Surface Water Study Plan	<ul style="list-style-type: none"> ■ Surface Water
Groundwater and Geochemistry	■ Groundwater and Geochemistry Study Plan	<ul style="list-style-type: none"> ■ Groundwater
Vegetation	■ Vegetation Study Plan	<ul style="list-style-type: none"> ■ Wetland and Riparian Ecosystems ■ Upland Ecosystems ■ Designated Areas (Areas of Natural and Scientific Interest, Environmentally Significant Areas, Significant Woodlands, Critical Landform / Vegetation Associations) ■ Traditional Use Plants and SAR Plant Populations (including species with special conservation status or rarity in the province)
	■ Peatlands Study Plan	<ul style="list-style-type: none"> ■ Peatland Ecosystems (bogs and fens)
Wildlife	■ Wildlife Study Plan	<ul style="list-style-type: none"> ■ Bats (including SAR-bats such as: Little Brown Myotis [<i>Myotis lucifugus</i>], Northern Myotis [<i>Myotis septentrionalis</i>] and Tricolored Bat [<i>Perimyotis subflavus</i>])

1. The use of the term environment in this document is inclusive of the components of the environment that are included in the Ontario Environmental Assessment Act definition, which includes a general description of the social, cultural, built and natural environments.





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Environmental Discipline	Study Plan Name	Valued Component(s)
		<ul style="list-style-type: none"> ■ Fur Bearers (proxy VC² American Marten [<i>Martes americana</i>], Beaver [<i>Castor canadensis</i>] and Wolverine [<i>Gulo gulo</i>]) ■ Amphibians and Reptiles ■ Pollinating Insects
	<ul style="list-style-type: none"> ■ Ungulates (Moose and Caribou) Study Plan 	<ul style="list-style-type: none"> ■ Moose (<i>Alces alces</i>) ■ Caribou, boreal population (<i>Rangifer tarandus</i>)
	<ul style="list-style-type: none"> ■ Bird Study Plan 	<ul style="list-style-type: none"> ■ Forest Birds (proxy VC of Red-eyed Vireo [<i>Vireo olivaceus</i>] for deciduous forest, Ovenbird [<i>Seiurus aurocapilla</i>] for mixedwood forest, Dark-eyed Junco [<i>Junco hyemalis</i>] for coniferous forest and disturbed forest ■ Raptors (proxy VC of Osprey [<i>Pandion haliaetus</i>] for diurnal raptors and Boreal Owl [<i>Aegolius funereus</i>] for nocturnal raptors ■ Shorebirds (proxy VC of Wilson's Snipe [<i>Gallinago delicata</i>]) ■ Waterfowl (proxy VC of Mallard [<i>Anas platyrhynchos</i>]) ■ Bog / Fen Birds and Other Wetland Birds (proxy VC of Palm Warbler [<i>Setophaga palmarum</i>] for bogs, Common Yellowthroat [<i>Geothlypis trichas</i>] for fens; and Northern Waterthrush [<i>Parkesia noveboracensis</i>] for swamps. ■ SAR birds: Canada Warbler (<i>Cardellina canadensis</i>), Chimney Swift (<i>Chaetura pelagica</i>), Common Nighthawk (<i>Chordeiles minor</i>), Eastern Whip-poor-will (<i>Antrostomus vociferous</i>), Eastern Wood-Pewee (<i>Contopus virens</i>), Evening Grosbeak (<i>Coccothraustes vespertinus</i>), Olive-sided Flycatcher (<i>Contopus cooperi</i>), Bald Eagle (<i>Haliaeetus leucocephalus</i>), Peregrine Falcon (<i>Falco peregrinus</i>), Short-eared Owl (<i>Asio flammeus</i>), Bank Swallow (<i>Riparia riparia</i>), Barn Swallow (<i>Hirundo rustica</i>), Black Tern (<i>Chidonias niger</i>), Rusty Blackbird (<i>Euphagus carolinus</i>), Yellow Rail (<i>Coturnicops noveboracensis</i>).
Fish and Fish Habitat	<ul style="list-style-type: none"> ■ Fish and Fish Habitat Study Plan 	<ul style="list-style-type: none"> ■ Lake Sturgeon (<i>Acipenser fulvescens</i>) ■ Walleye (<i>Sander vitreus</i>) ■ Brook Trout (<i>Salvelinus fontinalis</i>) ■ Northern Pike (<i>Esox Lucius</i>) ■ Lake Whitefish (<i>Coregonus clupeaformis</i>) ■ Chain Pickerel (<i>Esox niger</i>) ■ Yellow Perch (<i>Perca flavescens</i>) ■ Cisco (<i>Coregonus artedii</i>) ■ Burbot (<i>Lota lota</i>)

2. A proxy VC is used when looking at the effects of one species that represents many others.





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Environmental Discipline	Study Plan Name	Valued Component(s)
		<ul style="list-style-type: none"> ■ Longnose Sucker (<i>Catostomus catostomus</i>) ■ White Sucker (<i>Catostomus commersonii</i>) ■ Forage / Prey Species (including species such as Lake Chub [<i>Couesius plumbeus</i>]) ■ Lower Trophic Organisms (e.g., benthic invertebrates)
Social	■ Social Study Plan	<ul style="list-style-type: none"> ■ Housing and Accommodation ■ Community Service and Infrastructure ■ Transportation ■ Community Well-being ■ Populations and Demographics
Economy	■ Economic Study Plan	<ul style="list-style-type: none"> ■ Regional Economy ■ Labour Force and Employment ■ Government Finances
Land and Resource Use	■ Land and Resource Use Study Plan	<ul style="list-style-type: none"> ■ Land Use Compatibility ■ Parks and Protected Areas ■ Extractive Industry ■ Forestry Industry ■ Energy and Linear Infrastructure ■ Recreation and Tourism
Human Health and Community Safety	■ Human Health and Community Safety Study Plan	<ul style="list-style-type: none"> ■ Public Safety ■ Public Health ■ Diet ■ Environmental Factors Influencing Health
Visual Aesthetics	■ Visual Aesthetics Study Plan	<ul style="list-style-type: none"> ■ Visual Contrast / Character ■ Visibility ■ Visual Sensitivity
Archaeological and Cultural Heritage	■ Cultural Heritage Study Plan	<ul style="list-style-type: none"> ■ Archaeological Sites and Resources ■ Built Heritage Resources and Cultural Heritage Landscapes

It should be noted that while there is not a consultation study plan, the Project has developed the *Consultation and Engagement Plan to Support the Environmental Assessment / Impact Statement (AECOM 2020)* (referred to as the Impact Statement [IS] / EA Consultation Plan). The IS / EA Consultation Plan has been provided in **Appendix A** of this Study Plan.





2. Purpose and Objectives

The key objectives of conducting an IA / EA are to describe the existing environment, gather sufficient information to predict Project-related effects (positive and negative, direct and indirect) of the Project and alternatives on the environment, determine measures needed to avoid or minimize adverse Project effects, and enhance beneficial Project effects where feasible, and to undertake consultation and engagement throughout. The purpose of this Study Plan is to explain:

- A baseline³ study methodology that will result in a comprehensive description of Aboriginal and Treaty Rights and Interests potentially impacted by the Project – this is described in **Section 7**;
- How efficient and transparent data management and analysis will be undertaken – this is described in **Section 8**;
- Effects assessment scoping inputs specific to Aboriginal and Treaty Rights and Interests that will allow for potential effects of the Project on the existing environment to be appropriately assessed in the IS / EA Report – this is described in **Section 9**; and
- How the Study Plan aligns with federal and provincial requirements and guidance, including the Agency's Tailored Impact Statement Guidelines (TISG), dated February 24, 2020 (the Agency 2020d), for this Project and applicable provincial agency comments on the Draft Terms of Reference (ToR)⁴ – this is described throughout **Section 9** and in **Section 10**.

As required by the IAA and referenced in TISG Section 7.3, work plans will also be developed for disciplines as required. It is anticipated the work plans will include further details on how to action the study plans; for example, they would contain such information as scheduling and sequencing for key work tasks.

For the purposes of establishing appropriate context, the study plan begins with background and relevant information on:

- Study-plan related discussions with the Agency, the MECP, and applicable agencies to date (**Section 3**);
- The approach to Project consultation and engagement (**Section 4**);
- How Indigenous Knowledge (IK) will be collected and used in the IA / EA (**Section 5**); and
- The spatial and temporal boundaries that will be used for the IA / EA (**Section 6**).

3. *Baseline refers to the current conditions of the environment potentially impacted by the Project. Baseline conditions serve as a reference against which changes due the Project are measured.*

4. *If necessary, the Study Plan will be updated to reflect the approved ToR if approval is obtained.*





3. Study Plan Technical Discussions

To facilitate the development of satisfactory study plans and eventually a satisfactory IS / EA Report, MFFN previously submitted draft study plans in an effort to hold technical discussions with the Agency, the MECP and applicable agencies.

A technical meeting on the Aboriginal and Treaty Rights and Interests Study Plan, previously titled the Indigenous Peoples Study Plan, was held with the MFFN CAR Project Team, the Agency and the MECP on September 23, 2020 to:

- Review and discuss specific topics of the Study Plan submitted to the Agency on May 22, 2020 and associated preliminary comments provided by the Agency on July 2, 2020; and
- Discuss open questions / comments and agree on next steps to resolve any outstanding issues with the Study Plan.

Topics of discussion included:

- Proposed revisions to the assessment spatial boundaries included in the previously submitted Study Plan and associated rationale;
- The IK Program for the Project and associated guidance materials that are being developed to support concordance with the TISG;
- Indigenous group engagement considerations based on interest;
- Gender-Based Analysis Plus considerations;
- Potential schedule for the IK Program;
- Approach to the effects assessment; and
- Funding for Indigenous group participation.

Details of how specific preliminary comments by the Agency on the previously submitted Study Plan have been addressed in this revised Study Plan are provided in **Table 11-1** in **Section 11**.





4. IS / EA Report Consultation and Engagement Process

4.1 Interested Persons and Government Agencies

The Proponent will provide Project notices and advise of opportunities for consultation and engagement with interested persons⁵ which includes, at a minimum, members of the public outlined in the *Public Participation Plan for the Marten Falls Community Access Road Project Impact Assessment* (the Agency 2020) (referred to as the Public Participation Plan). This will include the opportunity to provide input on the existing environment, VCs, effects assessment methods, effects assessment results, and mitigation and follow-up program measures as applicable. A variety of activities will be offered so that members of the public are informed of the IS / EA Report as it progresses and are aware of the opportunities and means to provide their input. The study plans have recognized public and agency input received on the Project to date. Government agencies and interested persons will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process. The Project's approach to handling confidential and sensitive information is outlined in **Section 2.1**.

4.2 Indigenous Communities

The Proponent will provide Project notices and opportunities for consultation and engagement with Indigenous communities identified in **Table 4-1**, which is inclusive of all Indigenous communities identified in the *Indigenous Partnership and Engagement Plan for the Marten Falls Community Access Road Project Impact Assessment* (the Agency 2020a) (referred to as the Indigenous Engagement and Partnership Plan).

Indigenous communities will be provided the opportunity to be involved at critical decision-making points throughout the IS / EA Report so that the Proponent can consider and incorporate, where appropriate IK and Indigenous land and resource use information into the Project as it pertains to the existing environment, VCs, effects assessment methods, effects assessment results, and mitigation and follow-up program measures. A variety of activities will be offered so that Indigenous communities are informed of the IS / EA

5. Interested persons, as defined in the IS / EA Consultation Plan, are individuals and groups (e.g., associations, non-governmental organizations, industry and academia) who could have an interest in the Project, including but not limited to communities in the region, those with commercial interests (e.g., forestry, trappers, outfitters, other mineral tenure holders in the area) and recreational users or those with recreational interest (e.g., campers, hunters and environmental groups).





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Report as it progresses and are aware of the opportunities, means and timelines to provide their input. The study plans have recognized Indigenous community input received on the Project to date. Indigenous communities will have the opportunity to comment on components of the study plans throughout the IS / EA Report consultation and engagement process.

Table 4-1: Identified Neighbouring Indigenous Communities, including their Provincial Territorial Organizations and / or Tribal Council Affiliations

Tribal Council Affiliation	Indigenous Community or Organization
Matawa First Nations Management <i>(Nishnawbe Aski Nation)</i>	<ul style="list-style-type: none"> ■ Marten Falls First Nation (Proponent and potentially affected Indigenous community) ■ Aroland First Nation ■ Constance Lake First Nation ■ Eabametoong First Nation ■ Ginoogaming First Nation ■ Neskantaga First Nation ■ Nibinamik First Nation ■ Webequie First Nation
Matawa First Nations Management and the Union of Ontario Indians / Nishnawbe Aski Nation	<ul style="list-style-type: none"> ■ Long Lake #58 First Nation**
Mushkegowuk Council <i>(Nishnawbe Aski Nation)</i>	<ul style="list-style-type: none"> ■ Attawapiskat First Nation ■ Fort Albany First Nation ■ Kashechewan First Nation
Shibogama First Nations Council <i>(Nishnawbe Aski Nation)</i>	<ul style="list-style-type: none"> ■ Kasabonika Lake First Nation ■ Kingfisher Lake First Nation ■ Wapekeka First Nation ■ Wawakapewin First Nation ■ Wunnumin Lake First Nation
Independent First Nations Alliance <i>(Nishnawbe Aski Nation)</i>	<ul style="list-style-type: none"> ■ Kitchenuhmaykoosib Inninuwug First Nation
Independent First Nations <i>(Nishnawbe Aski Nation)</i>	<ul style="list-style-type: none"> ■ Mishkeegogamang First Nation ■ Weenusk First Nation
Nokiiwin Tribal Council	<ul style="list-style-type: none"> ■ Animbiigoo Zaagi'igan Anishinaabek First Nation*
Métis Nation of Ontario	<ul style="list-style-type: none"> ■ Métis Nation of Ontario; Region 2*
Independent Métis Nation	<ul style="list-style-type: none"> ■ Red Sky Independent Métis Nation*

Notes: This table is inclusive of all Indigenous communities identified in the Indigenous Partnership and Engagement Plan for the Marten Falls Community Access Road Project Impact Assessment (the Agency 2020a)

* Indigenous communities or organizations identified by the MECP who should be consulted on the basis that they may be interested in the Community Access Road.

** The MECP indicated in a letter to MFFN that Long Lake #58 First Nation was moved from interest-based to rights-based.





4.3 Consideration of Identity and Gender-Based Analysis Plus in Engagement

To fulfill requirements of the IAA, the Consultation and Engagement Program will consider a diverse range of perspectives from interested persons and interested Indigenous communities and their members identified in **Table 4-1** and the Public Participation Plan. This will include at a minimum providing ongoing opportunities for engagement to:

- **Neighbouring Indigenous communities, including relevant subpopulations:**
 - Women;
 - Youth; and
 - Elders.
- **Non-Indigenous communities including:**
 - Women;
 - Youth; and
 - Activity-based subgroups (e.g., recreationalists, snowmobilers, tourism establishment operators).

The Proponent will also consult and engage with other subpopulations identified by communities during consultation and engagement. The information from these activities and any additional identity groups identified by communities through consultation and engagement will be considered by applicable environmental disciplines for the purposes of data collection and considering disproportionate effects.

During consultation and engagement, these aforementioned groups will be consulted and engaged with on targeted input. Specialized knowledge will be gathered through disciplines such as Social, Economic, Land and Resource Use and Aboriginal and Treaty Rights and Interests. The Socio-economic Data Collection Program is expected to include targeted interviews, focus groups, questionnaires and other niche tools to gather information from diverse populations to resolve gaps in socio-economic secondary data. These diverse populations include the aforementioned identity groups, which are also referenced in the IS / EA Consultation Plan and those identified by communities during consultation and engagement. The importance of soliciting inputs and perspectives from diverse subgroups has also been factored into the IK Program and associated guidance materials (see **Section 5.1**).

Feedback received from interested persons and Indigenous communities – including issues, comments and questions – will be tracked, which is consistent with the process described in the IS / EA Consultation Plan. Specific to Gender-Based Analysis Plus objectives, this will include efforts to engage with diverse populations. It is expected this will include activities specific to subgroups and tabulation of consultation and engagement participation with respect to identity factors. This will provide summary statistics to demonstrate the diversity achieved in consultation and engagement.





5. Consideration of Indigenous Knowledge in the IS / EA Report

The following provides a general description of how IK will be considered in the IA / EA process. The extent to which IK is considered by each specific VC will vary depending on the nature of the VC, the potential for Project effects on the VC and whether IK that relates to a VC is provided / obtained. As such, not all aspects of the general approach described below may apply to all VCs / study plans.

There are two concurrent and complementary avenues for Indigenous communities and groups to be engaged with and provide input on the Project: the IK Program and the Consultation and Engagement Program. Both programs serve to support the collection of Indigenous perspectives, values, and input on the Project, including Indigenous rights (i.e., Aboriginal and Treaty Rights) and Interests and how they may be impacted by the Project, to be integrated throughout the IA / EA process. However, the IK Program specifically aims to solicit and incorporate information that is considered sensitive and may have confidentiality requirements, including IK and information on Indigenous land and resource use and cultural values. Agreements for sharing IK (i.e., IK Sharing Agreements) will be established between the Proponent and Indigenous communities participating in the IK Program prior to the sharing and use of any sensitive information (see **Section 5.2**).

All Indigenous communities and groups identified by the MECP and the Agency (see **Table 4-1**) have the opportunity to participate in the IK Program. The IK Program provides interested Indigenous communities with an opportunity to: share existing IK and information on Indigenous land and resource use and cultural values that may be relevant to the Project, and / or complete Project-specific studies to collect and share IK and information on Indigenous land and resource use and cultural values. The IK Program includes opportunities for Indigenous communities and groups to meet with the Proponent to discuss the program, ask questions, and share concerns and interests.

The IS / EA Consultation Plan outlines the process for obtaining information and feedback about the Project from Indigenous communities (i.e., the Consultation and Engagement Program). All Indigenous communities identified by the MECP and the Agency have the opportunity to participate in the Consultation and Engagement Program through community-specific meetings, Public Information Centres, web conferences, and other formats. All Indigenous communities identified by the MECP and the Agency will be provided information related to the Project and invited to participate at various points throughout the IA / EA process.





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There are also opportunities for technical teams to engage with Indigenous communities to solicit perspectives and information relevant to the Project, including information related to collection of existing information and the development of the IS / EA Report. The Proponent also invites feedback and inputs throughout the Project via the Project website and ongoing communications with the Proponent.

The IK and Consultation and Engagement programs are designed to be complementary and provide multiple opportunities for communities to offer feedback and information, including perspectives on Aboriginal and Treaty rights and interests and how these may be impacted by the proposed Project. Relevant information collected through both the IK and Consultation and Engagement programs, including potential effect pathways on Aboriginal and Treaty rights and interests, will be shared with each of the relevant disciplines throughout the IA / EA to: guide and inform VCs; support characterization of the existing environment; identify the potential effects of the Project on VCs; help identify mitigation measures and potential monitoring programs; and ultimately guide Project planning. The nature of how IK becomes integrated into the IS / EA Report will be dictated by the specific information provided by each Indigenous community and the parameters set out in the IK Sharing Agreements. A description of how IK was considered in the IA / EA and in each of the technical discipline areas will be included in the IS / EA report.

It is also important to note that information collected through the various activities (e.g., field studies and programs, effects assessments) of each discipline area (e.g., wildlife, vegetation, cultural heritage) will be shared with the IK Program leads. This will support the establishment of the existing environment and the effects assessment for the Aboriginal and Treaty Rights and Interests environmental discipline, as well as the identification of potential mitigation measures and monitoring programs, given the interrelated nature of Indigenous peoples and other environmental disciplines.

The Proponent will strive to respectfully collaborate with Indigenous communities on how IK and information on Indigenous land and resource use and cultural values will become part of the IS / EA Report, and how potential effects to Indigenous rights and interests will be assessed. It is expected that measures to support this may include but are not limited to:

- Engaging Indigenous communities to solicit information on IK and Indigenous land and resource use and cultural values to inform baseline conditions;
- Providing Indigenous communities with draft sections of the IS / EA Report to illustrate how IK and information on Indigenous land and resource use and cultural values has been integrated and to confirm it has been presented appropriately; and
- Completing collaborative working sessions with Indigenous communities for the effects assessment on Aboriginal and Treaty Rights and Interests.

Further information is provided in **Sections 7.4** and **9.1**.





5.1 Indigenous Knowledge Program Guidance Document

To support communities in learning about and participating in the IK Program, MFFN has created an IK Program Guidance Document (Guidance Document) that provides:

- An overview of the IK Program and how IK and information on Indigenous land and resource use, and cultural values and practices can be collected and / or shared;
- Information on how IK and information on Indigenous land and resource use and cultural values and practices may be used in the assessment, planning and design processes; and
- A suite of guidance materials that were developed based on the information requirements of both the federal and provincial assessment processes, including: question guides to support the collection of information on historical and current community context; IK that may be relevant to the various technical disciplines; information on Indigenous land and resource use, cultural values and practices and associated spatial data; and perspective on potential Project-related effects and associated mitigation and / or enhancement measures.

The Guidance Document includes information on the importance of diversity when selecting community members to participate in the IK Program (e.g., sharing IK and information on Indigenous land and resource use and cultural values) in support of identity and Gender-Based Analysis Plus in engagement. The Guidance Document will also support participating Indigenous communities in providing Project-specific information in a manner that facilitates meaningful incorporation into the IS / EA Report.

The Guidance Document was shared with all Indigenous communities and groups identified in **Table 4-1** in early November, 2020. The Guidance Document is provided in **Appendix B**.

5.2 Approach to Handling Indigenous Knowledge & Confidential Information

Permission from the Indigenous community will be sought before including IK in the IS / EA Report, regardless of the source of the IK. Sensitive and / or confidential information will be specifically collected through the IK Program to inform the IS / EA Report, and its use and publication will be governed by Indigenous community-specific IK Sharing Agreements. The IK Sharing Agreements will be protected from public or third-party disclosure and will be established between the Proponent and Indigenous communities





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participating in the IK Program prior to the sharing and use of any sensitive information. Instances where IK sharing has taken place during consultation activities (e.g., meetings) will be recorded in the Record of Consultation and Engagement, including where IK was incorporated into Project decisions and into the IS / EA Report (i.e., specifics will not be included in the Record of Consultation and Engagement given the potential sensitivity and / or confidentiality of the information shared).

Further information on data management is provided in **Section 8**.





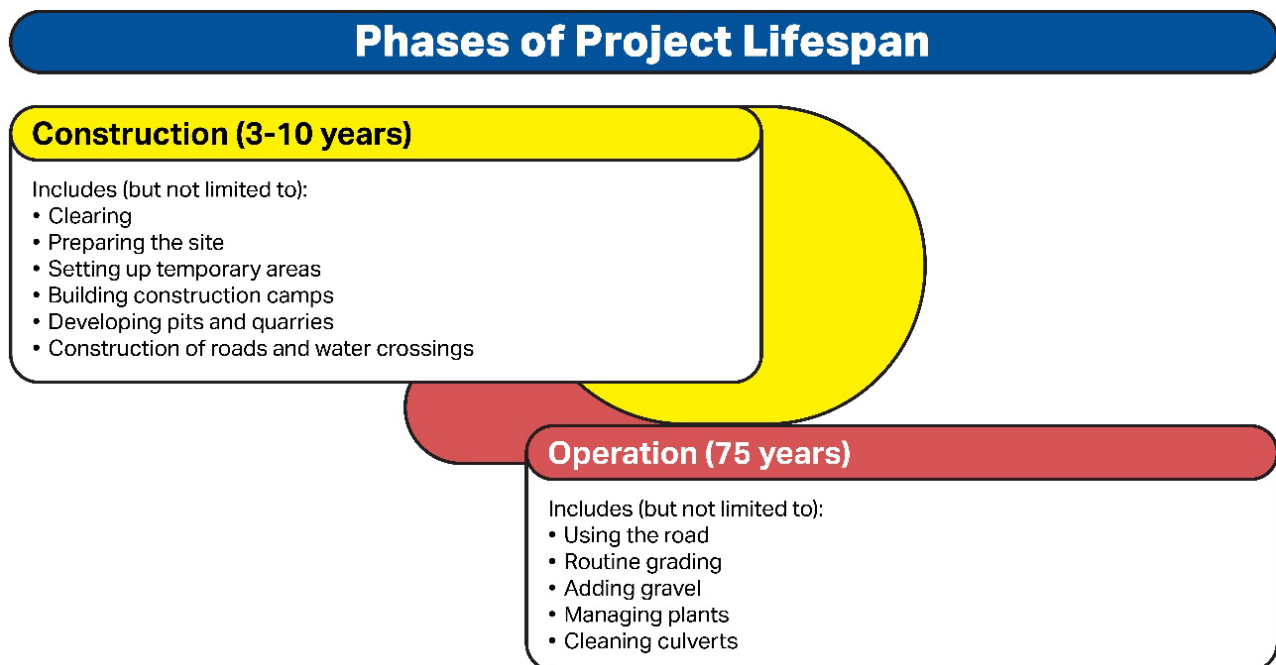
6. Assessment Boundaries

6.1 Temporal Boundaries: Project Phases

Project phases, which are temporal boundaries, are developed to establish the timeframes within which potential effects of the Project will be considered in the IS / EA Report. The Project is planned to occur in two phases, which are briefly described below and shown in **Figure 6-1**.

- **Construction Phase:** The time from start of construction, including site preparation activities, to the start of operations and maintenance of the CAR. Decommissioning of construction works is included in the construction phase. The construction phase is anticipated to take approximately 3 to 10 years to complete.
- **Operations and Maintenance Phase:** The operations and maintenance phase starts once construction activities are complete and lasts for the life of the Project. The operations and maintenance phase of the Project is considered to be 75 years based on the expected timeline for when major refurbishment of road components (e.g., bridges), is anticipated.

Figure 6-1: Project Schedule





There are currently no plans to decommission the CAR as there is no expected / known end date for its need. Therefore, future suspension, decommissioning and eventual abandonment of the CAR will not be considered in the IS / EA Report. It will be considered if and when a decommissioning or abandonment application is made for the road.

In determining the temporal boundaries, in particular the long operations and maintenance phase, consideration was given to the long-term effects on the well-being of present and future generations (Sustainability Principle #2⁶). The final temporal boundaries to be used in the IS / EA Report will be based on regulatory agency guidance, professional judgement and input received through the Project consultation process.

6.2 Spatial Boundaries: Study Areas

6.2.1 General Information

Study areas identify the geographic extents within which potential effects of the Project are likely to occur and will be considered in the IS / EA Report. The existing conditions and potential effects are documented for three study areas selected for the Project:

- **Project Development Area (PDA):** area of direct disturbance;
- **Local Study Area (LSA):** the area where most of the direct effects of the Project are likely to occur; and
- **Regional Study Area (RSA):** the area where indirect effects of the Project are likely to occur.

The PDA encompasses the 100 metre wide CAR right-of-way (ROW), temporary construction access roads, work areas, worker camps, and pits, quarries and associated access roads. The preliminary LSA currently being considered within the scope of the ongoing provincial regulatory review process generally includes the area within 2.5 km of the centreline of Alternative 1 and Alternative 4. The preliminary study area generally allows for the documentation of existing conditions and prediction of potential environmental effects for the Project. A 5 km wide study area also allows for route refinements during development of Project design (e.g., adjustment of the alignment to avoid sensitive features).

6. Sustainability Principles #2 is one of four sustainability principles included in Section 25 of the Project's TISG as further elaborated on Section 9.7.





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The specific location of Project components, including the roadway, quarries, pits and temporary infrastructure, are not yet known and will be included in the IS / EA Report. While most of the Project components are expected to be located within the preliminary 5 km wide study area, benefits (e.g., reduced environmental disturbance, avoidance of sensitive features, technical considerations, concerns received through consultation) for locating Project components on lands outside of the 5 km wide study area may become known during the IA / EA process. If the need to locate Project components outside the 5 km wide study area is determined to be required or of benefit to the Project, the study area would be adjusted.

The study area for each environmental discipline may vary from the above-described general study area based on the potential for the Project to directly or indirectly affect each environmental discipline; therefore, discipline-specific LSAs and RSAs have been defined for the Project. In defining the final LSAs and RSAs, each environmental discipline will consider:

- Location and other characteristics of the environmental discipline relative to the Project;
- The anticipated extent of the potential Project effects;
- Federal, provincial, regional, and local government administrative boundaries;
- Indigenous groups listed in **Table 4-1**;
- Community knowledge and IK;
- Current or traditional land and resource use by Indigenous communities;
- Exercise of Aboriginal and Treaty Rights of Indigenous peoples, including cultural and spiritual practices; and
- Physical, ecological, technical, social, health, economic and cultural considerations.

The study areas included in this document are preliminary, covering the extent to which readily available information suggests the Project may have noticeable effects on the environment. The size, nature and location of past, present and reasonably foreseeable projects will be taken into consideration in the development of the cumulative effects assessment study area(s). The appropriate study area(s) to assess cumulative effects are dependent on the VCs predicted to have direct residual adverse effects as a result of the Project, and therefore, cannot be defined until the IS / EA Report has sufficiently advanced.

As further detailed in **Section 4**, the Proponent will continue to provide opportunities for neighbouring Indigenous communities and interested persons to provide input and inform the effects assessment, including the LSAs and RSAs.





6.2.2 Aboriginal and Treaty Rights and Interests

The LSA and RSA boundaries for the Aboriginal and Treaty Rights and Interests VCs (i.e., Indigenous Current Use of Lands and Resources for Traditional Purposes and Cultural Continuity) are described with associated rationale in **Table 6-1**. These study areas were identified based on:

- The preliminary study areas identified for the other VCs that are relevant to Aboriginal and Treaty Rights and Interests, including surface water, fish and fish habitat, vegetation, wildlife, air quality, noise, physiography and groundwater, and cultural heritage;
- The anticipated extent of potential Project effects; and
- Community knowledge and Indigenous community inputs received to date.

Table 6-1: Aboriginal and Treaty Rights and Interests Valued Components Study Areas

Study Area	Geographic Extent	Rationale
Local Study Area	<ul style="list-style-type: none"> ■ 5 km buffer surrounding the PDA. 	<ul style="list-style-type: none"> ■ The Local Study Area allows the MFFN CAR Project Team to gather specific information that can be used to help Project design by avoiding or mitigating effects to sensitive features. It also corresponds to the outermost boundaries of the combined Local Study Areas for the fish and fish habitat, surface water, vegetation, general wildlife, moose, and air quality valued components. It has been defined based on the key components that may be relied on (surface water, fish, vegetation, general wildlife and moose) or considered to influence (air quality) Indigenous culture and / or land and resource use. Consistency with the Local Study Areas for surface water and fish is also considered appropriate given key concerns related to potential effects on water, which all other natural components are reliant on, as described during consultation with Indigenous communities to date.
Regional Study Area	<ul style="list-style-type: none"> ■ Combined area of the quaternary watersheds crossed by each of the road alignments. 	<ul style="list-style-type: none"> ■ The Regional Study Area allows the MFFN CAR Project Team to gather information at a larger scale to better understand potential indirect effects on the valued components specific to Indigenous people. It corresponds to the outermost boundaries of the combined Regional Study Areas for the fish and fish habitat, surface water, vegetation, and general wildlife valued components given that these components may be relied on by Indigenous peoples for cultural and land and resource purposes. Consistency with the Regional Study Areas for surface water and fish is also considered appropriate given key concerns related to potential effects on water, which all other natural components are reliant on, as described during consultation with Indigenous communities to date.

The LSA and RSA boundaries were presented in a Preliminary Aboriginal and Treaty Rights & Interests Study Areas Memo that was shared with all Indigenous communities and groups identified in **Table 4-1** in August 2020 for review and comment. The Preliminary Aboriginal and Treaty Rights & Interests Study





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Areas Memo that was sent to communities and groups in August 2020 is provided in **Appendix C**. Based on inputs received from Indigenous communities, the RSA was revised in October 2020 to include additional watersheds that the Project may interact with (e.g., at the southern terminus of the proposed Project and Painter Lake Road)⁷. These revisions were first communicated to the Indigenous communities that provided comments in October 2020. The LSA and revised RSA are shown in **Figure 6-2**. An update on the revised Aboriginal and Treaty Rights and Interests study areas that includes an overview of the revisions to the RSA and associated rationale (i.e., nature of Indigenous community input) was shared with all Indigenous communities and groups identified in **Table 4-1** in January 2021; this update is provided in **Appendix D**.

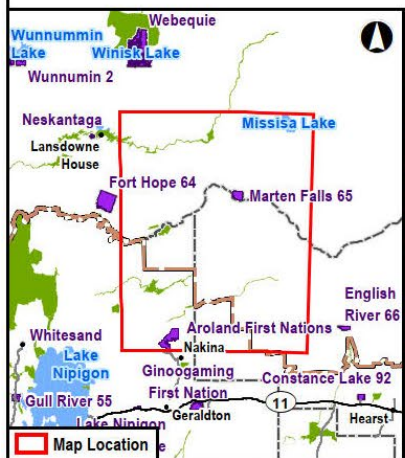
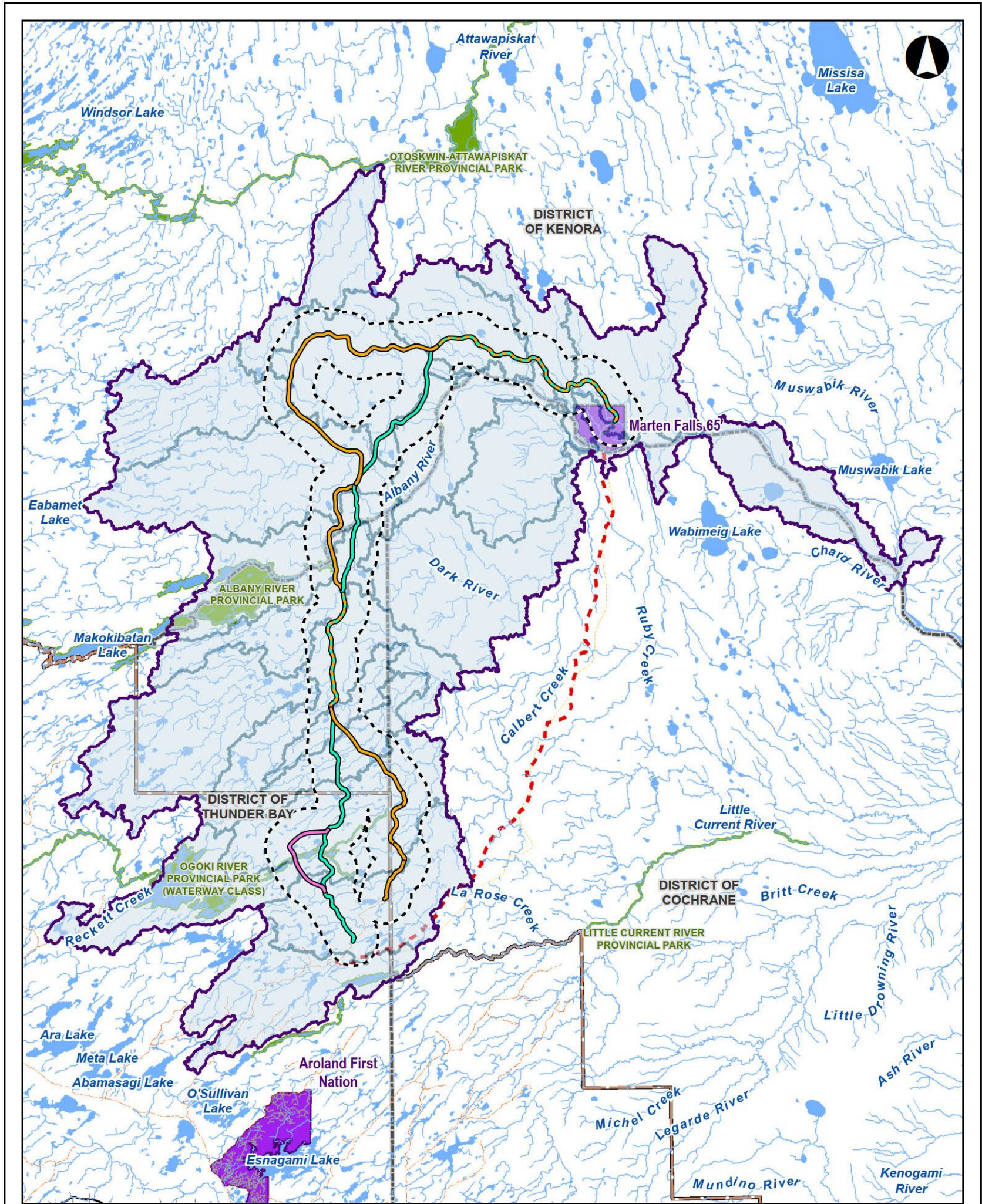
As noted in **Section 4**, MFFN will continue to provide opportunities for neighbouring Indigenous communities and interested persons to provide input and inform the effects assessment, including the LSAs and RSAs.

7. *Inputs received from Indigenous communities on the preliminary study areas and associated responses have been documented in the Record of Consultation.*





Figure 6-2: Aboriginal and Treaty Rights and Interests Local and Regional Study Areas



Legend - - - Local Study Area - - - Regional Study Area Route Label - - - Alternative 1 - - - Alternative 4 - - - Alternative 4 West - - - Alternative 1 and Alternative 4 General Features - - - Local Road - - - Winter Road - - - Resource / Recreation Road - - - Existing Winter Access Road + Railway - Watercourse - First Nation Reserve - Far North Boundary - District Municipal Boundary - Waterbody - Quaternary Watershed - Provincial Park	
Data Sources: Basemap - Provided by MNR 2019; Route Infrastructure - Provided by AECOM/Dillon 2019 Contains information licensed under the Open Government Licence Ontario. <small>Contains information provided by Ontario Ministry of the Environment, Conservation and Parks or by Ontario Ministry of Natural Resources and Forestry (Copyright: Queen's Printer of Ontario 2020), through a Service Data License Agreement. This drawing has been prepared for use by AECOM/Dillon's client and may not be reproduced or used in any form without the express written consent of AECOM/Dillon and its client. The use of Service Data in this drawing does not constitute an endorsement by the Ministry for the drawing or by AECOM/Dillon of the Service Data.</small>	

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Aboriginal and Treaty Rights and Interests Local and Regional Study Areas

0 5 10 20 30 40
 Kilometres
 Datum: NAD 1983 UTM Zone 16N

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Figure 6-2





7. Baseline Study Design

A desktop review of existing information sources is being completed to collect preliminary information relevant about Indigenous communities and groups identified in **Table 4-1** that will be validated and built on through further study and inputs from Indigenous communities and groups. As noted in **Section 5**, there are two concurrent and complementary avenues for Indigenous communities and groups to be engaged with and provide input on the Project and baseline conditions with respect to Aboriginal and Treaty Rights and Interests, including Indigenous land and resource use and cultural values and considerations: 1) the IK Program and 2) the Consultation and Engagement Program.

The desktop review, IK Program and Consultation and Engagement Program will enable the establishment of baseline conditions with respect to:

- The physical and cultural heritage of each Indigenous group: burial sites; cultural values; experiences of being on the land; Indigenous governance systems or laws tied to the landscape; and sacred, ceremonial, or culturally important places, plants, animals, objects, beings, or things⁸;
- Indigenous current use of lands and resources for traditional purposes: traditional activities presently or historically practiced; location, frequency, duration and / or timing of these activities; types of resources used and their habitats; the quantity and quality of resources; culturally important resources and places they are harvested; access to resources or places used; the experience of the practice; and other current uses identified by Indigenous communities or groups; and
- Conditions related to the rights of Indigenous peoples: section 35⁹ rights exercised in the area of the Project, including historical, regional and community context; the quality and quantity of resources required to support the exercise of rights; access to resources required; experience associated with the exercise of rights; landscape considerations for the exercise of rights; specific areas of cultural importance; cultural traditions, laws and governance systems related to the exercise of rights; identified thresholds related to the exercise of rights; and pre-existing or cumulative impacts that are already interfering with the exercise of rights or the transmission of culture and cultural practices.

8. *The physical and cultural heritage of Indigenous peoples and the associated potential impacts of the Project are partially captured under this study plan, with the primary information and data collection efforts with respect to sites, structures or things of archaeological significance, built heritage, and cultural heritage landscapes are captured under the Cultural Heritage Study Plan.*

9. *Treaty rights and Aboriginal rights (commonly referred to as Indigenous rights) are recognized and affirmed in Section 35 of the Constitution Act, 1982*





It is important to note that the IK Program also serves to collect IK relevant to the various technical disciplines and support the meaningful integration of IK throughout the IS / EA Report and Project planning.

7.1 Temporal Boundaries for Baseline Information Collection

There are generally at least two temporal boundaries or time periods used to collect baseline information on Indigenous current use¹⁰ of lands and resources for traditional purposes and associated cultural values: past (within living memory up to a recent point in time when conditions may have changed) and present. The following temporal boundaries have been proposed by MFFN for the purposes of baseline information collection:

- **Past Use:** Land and resource use after 1947 (when the registered trapline system in Ontario was implemented) up to 2008 (when the landscape and local economy really started to change as a result of mineral discoveries); and
- **Present Use:** Land and resource use from 2008 up to present day and into the reasonably foreseeable future.

These temporal boundaries were included in the Guidance Document that was shared with all Indigenous communities and groups identified in **Table 4-1** in early November, 2020 (see **Section 5.1** and **Appendix B**). However, MFFN recognizes that Indigenous communities may prefer to select their own temporal boundaries based on their histories and land and resource use patterns when sharing existing information and / or completing Project-specific studies to collect and share IK and information on Indigenous land and resource use and cultural values¹¹. The final temporal boundaries to be used in the IS / EA Report will be based on input received early on through the IK and Consultation and Engagement programs, regulatory agency guidance, and professional judgement. The temporal boundaries may be adjusted based on inputs through the IK and Consultation and Engagement programs.

10. Current use includes uses by Indigenous peoples that are actively being carried out at the time of the assessment. It also includes uses that have ceased due to external factors if they could be expected to resume once conditions change, and uses that are likely to occur in a reasonably foreseeable future provided that they have continuity with traditional practices, traditions or customs (CEAA 2015).

11. As per the Agency's Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples (the Agency 2020c).





7.2 Desktop Assessment

A desktop review of existing and available IK, information on Indigenous land and resource use and cultural values, and information on asserted rights and interests of the Indigenous communities and groups identified in **Table 4-1** is being completed. This will help to identify available and potentially relevant information that can be built on through the IK and Consultation and Engagement Programs.

Background information and reference materials related to IK, Indigenous land and resource use, cultural values, rights and interests is often considered sensitive / confidential and is not publicly available. Further, it is important to understand the specific context in which relevant background resources were developed. To increase trust and build relationships, MFFN will seek direction from Indigenous communities and groups with respect to available reference materials they are willing to share and that should be included in the document review. This is expected to be an ongoing and iterative process. Where secondary sources of information are available and required to collect relevant IK, permission from Indigenous groups will be sought prior to use and inclusion.

A preliminary list of publicly available information sources that reflect federal and provincial guidance received to date (including Section 7.2 of the TISG) and that may be included in the desktop review is provided in **Appendix E**. This Study Plan focuses on the additional studies that are anticipated to be required to gather information beyond what is currently available through existing information sources.

7.3 IK Program

The IK Program consists of two concurrent key information collection and / or sharing activities:

1. Collecting existing IK and relevant information previously collected by communities for other purposes that they choose to share with MFFN; and
2. Completing Project-specific studies to collect and report on IK and information on Indigenous land and resource use, cultural values and Indigenous rights (Project-specific studies).

The Guidance Document (see **Section 5.1** and **Appendix B**) was developed to support the collection and / or sharing of baseline information as well as IK relevant to various technical aspects of the IS / EA Report. It includes information on the types of information that should be collected and / or shared, including:

- Information about the existing environment in the vicinity of the Project, both in the past and present;
- IK that is tied to specific places or areas (e.g., locations of important moose calving areas);





- Specific sites used for Indigenous land and resource use (e.g., hunting, trapping, fishing) or other cultural purposes (e.g., sacred sites, teaching sites); and
- IK that is not tied to specific places (e.g., how resources are prepared and used, important relationships between animals and their environments).

The associated guidance materials are intended to serve as a ‘toolbox’ for communities to support IK data collection and sharing. These materials include:

- Best practices and important considerations for the collection and / or sharing of IK and information on Indigenous land and resource use and cultural values, including: confidentiality and informed consent; base map preparation; temporal boundaries; organization, digitization and validation of information and data; and reporting;
- A participant informed consent template;
- A question guide for collecting information on community culture and lifestyle – past and present;
- An IK and Indigenous land and resource use question guide that could be used to inform the review of existing information or during any workshops or interviews;
- An impacts and mitigation / enhancement question guide that could be used during any workshops or interviews; and
- A study report template.

These materials were directly informed by the TISG requirements, best practices, Indigenous perspectives provided by MFFN members, and professional experience. The Guidance Document is provided in **Appendix B** and the linkages between the guidance materials and the TISG requirements are presented in **Table 11-1** in **Section 11**.

As noted in **Section 5.1**, the Guidance Document was shared with all Indigenous communities and groups identified in **Table 4-1** in early November, 2020. Recognizing that the Guidance Document contains a significant amount of information, an IK Program Fact Sheet was also developed, translated into Ojibway, Cree, and Oji-Cree, and distributed to all Indigenous communities and groups identified in **Table 4-1** in January 2021¹².

MFFN has, and will continue to, host meetings with Indigenous communities and groups who express interest in participating in the IK Program to discuss IK Sharing Agreements, funding, timelines, and relevant information and / or data communities and groups may already have and are willing to share, and

12. The IK Program Fact Sheet can be found on the Project website at <http://www.martenfallsaccessroad.ca/indigenous-knowledge-program/>.





to answer questions about the program¹³. MFFN will also continue to solicit interest in the IK Program from other Indigenous communities who have not yet expressed an interest.

7.3.1 Sharing of Existing Information

Some Indigenous communities and groups may already have relevant IK and information on Indigenous land and resource use and cultural values from previously completed or ongoing community-based land use planning processes or other activities. Existing IK and other relevant information and / or data will be (or has already been) requested from Indigenous communities and groups through the following channels:

- In-person Project information sessions;
- Community Based Land Use Plan meetings;
- Community-specific Project meetings related to the IK Program;
- Distribution of letters informing Indigenous communities and groups of the Project IK Program;
- Distribution of the Guidance Document; and
- Project Website.

As noted in **Section 7.3**, MFFN has already hosted meetings with several Indigenous communities that have expressed interest in the IK Program. It is understood that some communities have existing IK and information that may be relevant to the Project and they may be willing to share. MFFN will continue to meet and work with Indigenous communities and groups, as needed, to facilitate the sharing of existing and relevant IK and information on Indigenous land and resource use, cultural practices and values, and rights and interests.

7.3.2 Project-specific Studies

Project-specific studies are intended to enable primary information and data collection to support the establishment of baseline conditions and the assessment for the Aboriginal and Treaty Rights and Interests VCs; these studies are also intended to support the collection of IK and perspectives relevant to the technical aspects of the IA / EA including environment, health, social and economic conditions, where possible. As described in **Section 7.3**, the Guidance Document and associated materials are intended to facilitate this.

13. Information on the communities that MFFN has met with regarding the IK Program and associated outcomes is contained within the Record of Consultation and Engagement.





Based on communications to date, it is expected that Indigenous communities or groups interested in participating in the IK Program and specifically in completing a Project-specific study will undertake these studies on their own or with the support of consultants. Thus, it is expected that each participating community or group will implement community-specific / cultural protocols throughout the study in terms of participant selection and the type(s) of engagement and information collection activities employed. It is also understood that there have already been significant efforts to collect IK and information on Indigenous land and resource use and cultural values in some of the communities. Given this, it is expected that communities undertaking a Project-specific study will employ a methodology that will suit their needs and community protocols. However, the following general study approach has been included in the Guidance Document (refer to **Section 6.1 of Appendix B**):

- **Review existing information that may be available:** this could be used to identify any gaps to inform a Project-specific study if one will be undertaken;
- **Select study participants:** this should be done with consideration for the importance of selecting a diversity of participants (women, Elders, youth) to support Gender-Based Analysis Plus;
- **Prepare for information collection:** this includes an overview of considerations (e.g., whether a translator will be required) with reference to best practices and the toolbox of materials included in the guide;
- **Collect the information:** this could be done through workshops, focus groups, interviews, or a combination of these depending on what will work best for each community or group;
- **Digitize data:** this will enable mapping for reporting purposes and to inform the Project assessment and planning processes;
- **Validate the information:** this is important to help to ensure that information and spatial data was documented accurately and appropriately (refer to **Section 6.10 of Appendix B**); and
- **Report on the information:** this should include an overview of how information was collected and present the information both in text and through mapping.

7.4 Consultation & Engagement Program

As described in the IS / EA Consultation Plan, all Indigenous communities and groups identified in **Table 4-1** will be provided with opportunities to be meaningfully engaged on the Project, including reviewing and providing inputs on baseline conditions. The level of consultation and engagement will consider interest and potential effects related to the Project and MFFN recognizes that the level of consultation and engagement





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desired by each community and group will vary and could evolve as the assessment process proceeds. A suite of potential consultation and engagement activities specific to Indigenous communities and groups that may be employed to solicit inputs to inform the IS / EA Report (including the Aboriginal and Treaty Rights and Interests VCs, indicators, and associated baselines and assessments) have been identified and include:

- Meetings with Chief and Council;
- Community meetings;
- Community member discussions;
- Topic-specific community member discussions;
- In-community events coordinated by Community Consultation Coordinators;
- Social media communications;
- Web conferencing; and / or
- Announcements on local radio stations.

Once discussions are held with each interested Indigenous community and group, more focused consultation and engagement efforts will be developed and uniquely applied as needed; these efforts will align with the consultation and engagement protocols of each community and group. The IK Program and Consultation and Engagement Program will work together to maximize opportunities for Indigenous community and group inputs on the Project, including Aboriginal and Treaty Rights and Interests.

In addition to the above-noted potential activities, all Indigenous communities and groups will receive information and are able to participate and provide input on the Project through:

- Project statutory notices;
- The CAR Project website;
- The Project hotline and email;
- Newsletters and email updates;
- Public Information Centres;
- Comments forms / questionnaires at Public Information Centres; and
- The provision of the Draft and Final IS / EA Report.

Further information and details on consultation and engagement milestones, schedule, activities and targeted input can be found in the IS / EA Consultation Plan, which is provided in **Appendix A**.

It is also assumed that inputs and perspectives related and / or relevant to Aboriginal and Treaty Rights and Interests shared by Indigenous communities and groups during any consultation and engagement undertaken directly by the Crown will be shared with MFFN for inclusion in the IS / EA Report.





8. Data Management and Analysis

Data management including quality assurance / quality control (QA / QC) will be employed to minimize potential for data entry and analysis errors, prepare data sets for analysis and limit sensitive data distribution in accordance to established agreements.

It is anticipated that sensitive or confidential information and data collected through the IK Program will be governed by IK Sharing Agreements that indicate how confidential information will be used to inform the baseline conditions and effects assessment but will be protected from public or third-party disclosure. All sensitive or confidential information and data will be kept confidential, as per the IK Sharing Agreements, and any mapping or reporting that displays sensitive or confidential information may only be distributed to those on an approved Access List for purposes of the Project. No information, data or maps will be produced for public use that contains specific sensitive or confidential information without the consent of the respective Indigenous Community(s). See **Section 5.2** for further information on the handling and management of IK and sensitive or confidential information.

The Guidance Document (**Appendix B**) has been designed to enable the collection and reporting of information and data to support analysis. It includes: information on the type of information that would be valuable to the Project assessment and planning; guidance on how to collect and record data using a standardized process based on best practices; and a template that could be used to organize and report on the information and data collected. The Guidance Document also serves an important role in supporting the collection of IK to inform other technical aspects of the IS / EA Report, where possible. In support of effective knowledge sharing to support meaningful integration throughout the IS / EA Report, summary reports will be prepared with IK information and any other information solicited from Indigenous communities and groups that may be relevant to each technical discipline and how it can or should be integrated in the IS / EA Report.





9. Effects Assessment

The following sections provide discipline-specific input and considerations as they pertain to the methodology for effects assessment. The Project is in the early stages of the IS / EA Report preparation. It is expected that the effects assessment methodology will be refined iteratively based on inputs from Indigenous communities and groups identified in **Table 4-1**, in support of a collaborative approach, as well as regulatory agency guidance and professional judgement.

9.1 General Methodology

The Project has an effects assessment approach that will apply to all environmental disciplines and will allow for the completion of a comparative analysis of the potential residual effects of the alternatives. However, the Project effects assessment approach allows for discipline-specific considerations, which is particularly relevant for the Aboriginal and Treaty Rights and Interests discipline.

As per the Agency’s *Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples* (the Agency 2020c) and consistent with the Project effects assessment approach, the general assessment process for Aboriginal and Treaty Rights and Interests is an iterative one; it requires ongoing information sharing and consideration of the specific context of each potentially affected Indigenous community and group. As such, the process is a complex one with considerable potential for variation. An overview of the general methodology for the assessment of Aboriginal and Treaty Rights and Interests and associated Project-specific activities for each step is provided in **Table 9-1**. The specific activities may also be tailored for specific communities, if and as appropriate. The assessment methodology steps outlined in **Table 9-1** follow the Agency’s *Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples* (the Agency 2020c). Information has also been provided in Table 9-1 to identify how the general assessment methodology for Aboriginal and Treaty Rights Interests aligns with the general Project effects assessment approach.

Table 9-1: General Assessment Methodology for Aboriginal and Treaty Rights and Interests

Steps	General Description	Project-specific Activities
1. Identify and understand the rights of Indigenous communities	<ul style="list-style-type: none"> Identify and work together to understand the nature and content of the rights of Indigenous communities. 	<ul style="list-style-type: none"> Background review of treaties, agreements, previous IS / EA Reports, other potentially relevant studies, and statements by Indigenous communities and groups (see Section 7.2).





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Steps	General Description	Project-specific Activities
		<ul style="list-style-type: none"> ■ Utilize relevant inputs gathered and received from Indigenous communities and groups through the IK and Consultation and Engagement programs (see Sections 4, 5, 7.3, and 7.4). ■ Ongoing relationship building with Indigenous communities and groups identified in Table 4-1 to solicit inputs on rights and interests.
<p>2. Understand the context in which impacts on rights would occur</p>	<ul style="list-style-type: none"> ■ Identify the environmental and socio-economic conditions that support the community's meaningful exercise of their rights. ■ Understand how historic, existing and reasonably foreseeable future activities have cumulatively affected or could affect the conditions that support or limit the Indigenous community's meaningful exercise of their rights. ■ Identify the importance of specific areas or locations that are important to the community and may be impacted by the Project. 	<ul style="list-style-type: none"> ■ Utilize relevant inputs gathered and received from Indigenous communities and groups through the IK and Consultation and Engagement programs (see Sections 4, 5, 7.3, and 7.4). ■ Develop and share the Guidance Document with all Indigenous communities and groups identified in Table 4-1 (see Sections 5.1 and 7.3). ■ Share existing information and / or collect and share information through Project-specific studies (see Section 7.3), including information on: <ul style="list-style-type: none"> – Environmental and socio-economic conditions that support the community's meaningful exercise of their rights; – How historic, existing and reasonably foreseeable future activities have cumulatively affected or could affect the conditions that support or limit the Indigenous community's meaningful exercise of their rights; and – The importance of specific areas or locations that are important to the community and may be impacted by the Project. ■ Ongoing relationship building with Indigenous communities and groups identified in Table 4-1 to solicit inputs on rights and interests and how they may be impacted.
<p>3. Identify guiding values and topics (what to assess)</p>	<ul style="list-style-type: none"> ■ Often referred to as "valued components" with respect to biophysical assessments, Indigenous communities may identify a set of priority values and topics associated with community well-being, cultural expression, and the preferred means of exercising their rights. 	<ul style="list-style-type: none"> ■ Indigenous communities and groups review and provide input on the Draft and Proposed ToR and associated preliminary proposed VCs and indicators to inform whether additional VCs should be included in the IS / EA Report and/or if modifications to the existing VCs are required. ■ Share existing information and / or collect and share information through Project-specific studies (see Section 7.3), including information on priority values and topics that can inform indicators (e.g., culturally important species, specific practices). ■ Ongoing relationship building with Indigenous communities and groups identified in Table 4-1 to solicit inputs on priority values and topics.





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Steps	General Description	Project-specific Activities
<p>4. Identify pathways¹⁴ of impact from the Project</p>	<ul style="list-style-type: none"> ■ Identify pathways from Project-related activities to the biophysical environment that could interfere with the exercise of rights. ■ Identify other relationships between the Project and the conditions needed to exercise rights, such as access, quality, and quantity of resources, or the quality of experience of exercising the rights. Impacts to the exercise of a right in preferred locations, at preferred times, and by preferred means should be assessed. 	<ul style="list-style-type: none"> ■ Provide Indigenous communities and groups identified in Table 4-1 with the opportunity to review and provide input on baseline conditions with respect to VCs as they relate to rights and interests as part of the Consultation and Engagement Program (see Section 7.4). ■ Preliminary and potential pathways have been identified through background review (see Section 7.2), inputs from Indigenous communities and groups to date as part of the IK and Consultation and Engagement programs (see Sections 4, 5, 7.3, and 7.4), and the development of this Study Plan. The potential pathways included in this Study Plan will be explored further and built on with Indigenous communities and groups, as needed, through ongoing discussions and activities as part of the IK and Consultation and Engagement programs. ■ Project-specific studies undertaken by Indigenous communities and groups may include information on pathways of impacts and conditions important to the exercise of rights. Relevant information provided by Indigenous communities and groups will be used to inform pathways of impact.
<p>5. Assess level of the impact</p>	<ul style="list-style-type: none"> ■ Establish clear criteria¹⁵ with input from the rights-holding Indigenous community on what constitutes a low, moderate, or high level of impact. 	<ul style="list-style-type: none"> ■ Preliminary criteria that may be used to evaluate the severity of adverse impacts on the rights of Indigenous peoples are provided in Section 9.6. These will be refined or built on based on inputs from Indigenous communities and groups (including through in-person or virtual meetings or workshops, where possible and appropriate), and provided to Indigenous communities and groups identified in Table 4-1 for review and input to confirm the approach to be used for the assessment. ■ Provide various opportunities through the IK and Consultation and Engagement programs for Indigenous communities and groups to provide inputs into the draft effects assessment and associated findings. This may include in-person or virtual meetings or workshops, as appropriate and possible (see Sections 4, 5, 7.3, and 7.4). ■ Incorporate any impact assessments completed by Indigenous communities and groups, with the support of the Agency, into the IS/ EA Report, as appropriate.

14. This aligns with the step in the general Project effects assessment approach of “Review construction and operations activities to identify interaction(s) that could result in environmental effects.” The term pathways as it is used here aligns with the use of the term “interactions” in the general Project effects assessment approach.

15. Criteria as explained here aligns with the residual effects characteristics in the general Project effects assessment approach.





Steps	General Description	Project-specific Activities
6. Dialogue on measures to address impacts	<ul style="list-style-type: none"> For impacts that are likely to occur, engage in an iterative two-way dialogue on measures proposed to address the impact. 	<ul style="list-style-type: none"> Provide various opportunities for Indigenous communities and groups to inform and directly contribute to the identification of mitigation measures to eliminate, reduce, control, or offset adverse effects will be provided through the ongoing IK and Consultation and Engagement programs. This may include in-person or virtual meetings or workshops, as appropriate and possible (see Sections 4, 5, 7.3, and 7.4) in support of iterative, two-way dialogue and the development of mutually agreeable mitigation measures. A preliminary list of potential mitigation measures are identified in Section 9.5.
7. Validate and follow-up on assessment outcomes	<ul style="list-style-type: none"> As the impact assessment process unfolds, these steps can be revisited and analysis can be revised based on new information and continued dialogue between all parties. 	<ul style="list-style-type: none"> Revisit the effects assessment iteratively utilizing technical information, IK, and inputs from the Consultation and Engagement Program related to the assessment outcomes on impacts to rights and interests, including appropriate mitigation measures to eliminate, reduce, control, or offset adverse effects. The goal is to find mutually agreeable solutions to outstanding issues and impacts through this iterative process.

9.2 Project-Environment Interactions

The Project activities that may result in changes to the environment are described within the identified temporal and spatial boundaries. This includes identification of both direct and indirect changes by comparing the existing setting to the conditions anticipated to occur as a result of the Project. For each environmental discipline, the likely Project-environment interactions will be identified based on professional judgment, activities listed in TISG Section 3.2 as well as projects of similar magnitude and / or location.

A preliminary analysis of Project-environment interactions for the Aboriginal and Treaty Rights and Interests VCs is provided in **Table 9-2** and will be confirmed during the IA / EA process to identify the Project-environment interactions that are likely to have a potential effect, and to identify measures to avoid or minimize potential negative effects and enhance benefits.

Table 9-2: Project – Environment Interactions

Project Phases	Project Activities	Aboriginal & Treaty Rights & Interests
Construction Phase	<i>Mobilization of Equipment and Supplies</i>	X
	<i>Temporary Construction Staging Areas¹</i>	X
	<i>Temporary Access Roads and Trails¹</i>	X
	<i>Temporary Construction Camps¹</i>	X
	<i>ROW Clearing and Grubbing</i>	X





Project Phases	Project Activities	Aboriginal & Treaty Rights & Interests
	<i>Brush and Timber Disposal</i>	X
	<i>Pits and Quarries¹</i>	X
	<i>Drilling / Blasting / Aggregate Production</i>	X
	<i>Road Construction (stripping, subgrade excavation, embankment fill placement, grading, ditching)</i>	X
	<i>Bridge and Culvert Installation (approach embankments, foundations, substructures, superstructures, traffic protection, erosion controls)</i>	X
	<i>Construction Site Restoration</i>	X
Construction Phase:	<i>Pits and Quarries</i>	X
Decommissioning	<i>Temporary Camps, Roads / Trails and Staging Areas</i>	X
Operations Phase	<i>Road Usage</i>	X
	<i>Maintenance²</i>	X

Notes: 1. Includes construction and use of.

2. Includes General Maintenance (e.g., grading, erosion control, quarrying, borrow pits), Seasonal Maintenance (e.g., snow clearing, bridge and culvert maintenance), and Special Maintenance (e.g., slope failures, road settlement / break-up).

9.3 Proposed Valued Components and Indicators

VCs are the environmental, health, social, economic or additional elements or conditions of the natural and human environment that may be impacted by a proposed project and are of concern or value to the public, Indigenous peoples, federal authorities and interested parties (the Agency 2020b). Indicators represent the resource, feature, or issue related to the VC that, if changed, may demonstrate an effect on the environment. The proposed indicators for the assessment on Aboriginal and Treaty Rights and Interests and associated rationale for selection, are provided in **Table 9-3**. The table includes both quantitative and qualitative indicators.

The VCs for the Aboriginal and Treaty Rights and Interests discipline and associated indicators have been determined through consideration of the following factors listed in the TISG¹⁶:

- VC presence in the study area;
- The extent to which the VC is linked to the interests or exercise of Aboriginal and Treaty Rights of Indigenous peoples, and whether an Indigenous group has requested the VC;

16. The TISG also states that information from ongoing and completed regional assessments in the proposed area of the Project should be used to inform VCs for the Project. In February 2020 a regional assessment of the Ring of Fire region commenced; however, it is not sufficiently advanced at this time to inform the Project VCs. The VCs will be consulted and engaged on early in the IA/ EA process and finalized taking into consideration the input received. Therefore, only information relevant to the Project that arises from the regional assessment of the Ring of Fire within an appropriate timeline will inform the VCs for the Project.





- The extent to which the effects (real or perceived) of the Project and related activities have the potential to interact with the VC;
- The extent to which the VC may be under cumulative stress from other past, existing or future undertakings in combination with other human activities and natural processes;
- The extent to which the VC is linked to federal, provincial, territorial or municipal government priorities (e.g., legislation, programs, policies);
- The possibility that adverse or positive effects on the VC would be of particular concern to Indigenous groups, the public, or federal, provincial, territorial, municipal or Indigenous governments; and
- Whether the potential effects of the Project on the VC can be measured and / or monitored or would be better ascertained through the analysis of a proxy VC.

The desktop assessment (refer to **Section 7.2**) has also informed the selection of VCs and associated indicators. Cultural continuity / well-being is a VC that has been identified in some of the secondary literature that has been reviewed to date. This literature includes sources that are relevant to Indigenous communities that are being engaged for the Project, as well as sources related to emerging practices for cultural impact assessment – refer to **Appendix E** for a list of preliminary data sources. Thus, cultural continuity / well-being has been included as a VC for the Project; the associated indicators are also based on findings of the secondary literature review and requirements of the TISG.

Inputs received to date from Indigenous communities, agencies and interested persons through the Consultation and Engagement Program, including inputs received on the Draft ToR, have also been used to inform the selection of the VCs and indicators for the Aboriginal and Treaty Rights and Interests discipline. The final list of indicators to be used in the IS / EA Report will be based on input received through the IK Program and Consultation and Engagement Program, regulatory agency guidance, and professional judgement.

Table 9-3: Proposed Aboriginal and Treaty Rights and Interests Indicators

Valued Component	Indicator	Rationale for Selection
Indigenous Current Use of Lands and Resources for Traditional Purposes	<ul style="list-style-type: none"> ■ Alteration / change in or loss of sites and areas used for traditional activities (e.g., hunting, trapping, fishing, gathering). 	<ul style="list-style-type: none"> ■ Project-related disturbance to or loss of sites and areas used for traditional purposes can interfere with Indigenous land and resource use. ■ Indicator of importance to Indigenous communities based on the desktop assessment (refer to Section 7.2 and Appendix E), inputs from communities to date through the IK and Consultation and Engagement programs (including through comments on the draft and proposed ToR), and the TISG.





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Valued Component	Indicator	Rationale for Selection
	<ul style="list-style-type: none"> Changes in the availability or quantity of resources (e.g., wildlife, fish, vegetation) for traditional activities (e.g., harvesting and gathering). 	<ul style="list-style-type: none"> Indigenous land and resource use is reliant on the availability of natural resources used for traditional activities. Indicator of importance to Indigenous communities based on the desktop assessment (refer to Section 7.2 and Appendix E), inputs from communities to date through the IK and Consultation and Engagement programs (including through comments on the draft and proposed ToR), and the TISG.
	<ul style="list-style-type: none"> Changes in the quality or perceived quality of resources for traditional activities. 	<ul style="list-style-type: none"> Indigenous land and resource use is reliant on confidence in the quality of natural resources used for traditional activities. Indicator of importance to Indigenous communities based on the desktop assessment (refer to Section 7.2 and Appendix E), inputs from communities to date through the IK and Consultation and Engagement programs (including through comments on the draft and proposed ToR), and the TISG.
	<ul style="list-style-type: none"> Changes in access to sites and areas used for traditional activities. 	<ul style="list-style-type: none"> Indigenous land and resource use is reliant on access to sites and areas used for traditional activities. Indicator of importance to Indigenous communities based on the desktop assessment (refer to Section 7.2 and Appendix E), inputs from communities to date through the IK and Consultation and Engagement programs (including through comments on the draft and proposed ToR), and the TISG.
Cultural Continuity and Wellbeing (ability to practice and transmit cultural traditions)	<ul style="list-style-type: none"> Alteration / change in or loss of culturally important sites and areas (e.g., ceremonial sites, place names, teaching sites, archaeological sites). 	<ul style="list-style-type: none"> Project-related disturbance to or loss of culturally important sites and areas can interfere with cultural continuity and wellbeing. Indicator of importance to Indigenous communities based on the desktop assessment (refer to Section 7.2 and Appendix E), inputs from communities to date through the IK and Consultation and Engagement programs (including through comments on the draft and proposed ToR), and the TISG.
	<ul style="list-style-type: none"> Changes in the sufficiency or perceived sufficiency of culturally significant sites, areas and / or resources.¹⁷ 	<ul style="list-style-type: none"> Cultural continuity and wellbeing is reliant on sufficient availability of and access to culturally significant sites and areas (e.g., ceremonial sites, place names, teaching sites, important harvesting sites and areas) and resources (e.g., culturally significant species). Indicator of importance to Indigenous communities based on the desktop assessment (refer to Section 7.2 and Appendix E), inputs from communities to date through the IK and Consultation and Engagement programs (including through comments on the draft and proposed ToR), and the TISG.
	<ul style="list-style-type: none"> Changes in the experience of being on the land. 	<ul style="list-style-type: none"> Cultural continuity and wellbeing is reliant on continued sense of remoteness and experience of being on the land free from disturbance.

17. This may include any thresholds identified by an Indigenous community that, if exceeded, may impair the ability to meaningfully exercise rights





Valued Component	Indicator	Rationale for Selection
		<ul style="list-style-type: none"> Indicator of importance to Indigenous communities based on the desktop assessment (refer to Section 7.2 and Appendix E), inputs from communities to date through the IK and Consultation and Engagement programs (including through comments on the draft and proposed ToR), and the TISG.
	<ul style="list-style-type: none"> Changes in cultural traditions and way of life.¹⁸ 	<ul style="list-style-type: none"> Cultural continuity and wellbeing is reliant on continued practice of cultural traditions and way of life. Indicator of importance to Indigenous communities based on the desktop assessment (refer to Section 7.2 and Appendix E), inputs from communities to date through the IK and Consultation and Engagement programs (including through comments on the draft and proposed ToR), and the TISG.

9.4 Potential Effects

A direct effect occurs through the direct interaction of an activity with an environmental discipline. The Project-environment interactions currently anticipated, based upon preliminary analysis, to result in direct effects to the Aboriginal and Treaty Rights and Interests discipline have been identified in **Table 9-2**. The potential direct effects resulting from the Project-environment interactions will be confirmed during the IA / EA process and will be based on input received through the IK Program and Consultation and Engagement Program, regulatory agency guidance, and professional judgement.

The primary potential direct effects to Aboriginal and Treaty Rights and Interests include disturbance or alteration to sites and areas (including access) that are important for traditional activities or other cultural purposes related to construction and operation. However, the majority of potential effects to Aboriginal and Treaty Rights and Interests are indirect.

An indirect effect occurs when a change to one environmental discipline resulting from a Project activity causes a change to another environmental discipline (e.g., changes in vegetation could indirectly affect wildlife). A preliminary overview of how changes to the exercise of Aboriginal and Treaty Rights and Interests (including Indigenous current use of lands and resources for traditional purposes and practicing and transmitting cultural traditions) may result in indirect effects to other environmental disciplines is provided in **Table 9-4**. Potential indirect effects on other environmental disciplines include but are not necessarily limited to:

- Changes in the diet of Indigenous people and associated potential impacts on human health related to a decrease in country food consumption / increase in market food consumption;

18. This may include: pursuing traditional activities at preferred locations and / or timing, and / or using preferred means; and / or traditional stewardship, laws and / or governance





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- Changes in the traditional economy related to changes in the pursuit of traditional activities that are monetized (e.g., trapping);
- Increased economic burden on Indigenous peoples related to changes in the pursuit and consumption of country foods and associated increased reliance on market foods; and
- Changes in community well-being (e.g., social issues, family relationships, community cohesion) related to changes in cultural transmission and connection.

An overview of how the Aboriginal and Treaty Rights and Interests VCs may be indirectly affected by a change to other environmental disciplines is also provided in **Table 9-4**. Potential indirect effects on Aboriginal and Treaty Rights and Interests may include but are not necessarily limited to:

- Changes in the atmospheric environment (air quality) and / or sensory disturbance (noise, vibration) related to construction and operation could affect the availability and / or quality (or perceived quality) of resources that are traditionally harvested or gathered;
- Changes in the atmospheric environment (air quality) and / or sensory disturbance (noise, vibration) related to construction and operation could affect the Indigenous experience of being on the land;
- Changes in surface and / or groundwater quality and / or quantity could affect the availability and / or quality (or perceived quality) of resources that are traditionally harvested or gathered and / or affect culturally significant species;
- Vegetation clearing associated with construction could result in a loss of habitat for species that are traditionally harvested or gathered and / or culturally significant species;
- Changes in community well-being could affect the pursuit and teaching of traditional activities and cultural practices;
- An increase in hunting or fishing pressure by non-Indigenous people accessing the area could affect the availability of wildlife and fish that are traditionally harvested;
- Changes in human health could affect the pursuit and teaching of traditional activities and cultural practices;
- Changes in the visual environment related to construction and operation could affect the Indigenous experience of being on the land;





Table 9-4: Potential Discipline Interactions

Discipline and Associated Valued Components	Aboriginal and Treaty Rights and Interests	Atmospheric Environment	Climate Change	Acoustic and Vibration Environment	Physiography, Geology, Terrain and Soils	Surface Water	Groundwater and Geochemistry	Vegetation	Wildlife	Fish and Fish Habitat	Social	Economy	Land and Resource Use	Human Health and Community Safety	Visual Aesthetics	Archaeological and Cultural Heritage
Aboriginal and Treaty Rights and Interests <ul style="list-style-type: none"> ■ Indigenous Current Use of Lands and Resources for Traditional Purposes ■ Cultural Continuity (ability to practice and transmit cultural traditions) 		-	-	-	-	-	--	-	-	-	X	X	X	X	-	-

Notes: X = Potential pathway for indirect effect as a result of the Project.
 - = No pathway for indirect effect is anticipated as a result of the Project.





- Changes or impacts to archaeological sites and resources, built heritage resources, and / or cultural heritage landscapes could affect the Indigenous experience of being on the land and / or the pursuit and teaching of traditional activities and cultural practices; and
- Changes in climate could affect the availability of resources that are traditionally harvested or gathered and the pursuit and teaching of traditional activities and cultural practices.

Given the interrelated nature of Indigenous peoples VCs and the many other VCs and the influence of indirect effects on Aboriginal and Treaty Rights and Interests, the effects assessments completed for other VCs will serve to inform the effects assessment on Aboriginal and Treaty Rights and Interests.

9.5 Mitigation and Enhancement Measures

Once the potential effects of the Project on Aboriginal and Treaty Rights and Interests have been established with inputs from Indigenous communities and groups, the effects assessment will explore technically and economically feasible mitigation measures to avoid or minimize the identified negative effects and enhancement measures to increase positive effects beyond those that are already inherent to the design. These measures will consist of industry-standard practices, federal and provincial standard specifications, regulator-mandated measures, best management practices, Indigenous and community recommendations, and recommendations from industry and environmental professionals based on expertise, scientific publications, experience and judgement.

It is important that mitigation and enhancement measures are achievable, measurable and verifiable, and they are monitored for compliance and effectiveness during all temporal phases as part of the Project follow-up monitoring plan. Required environmental monitoring will verify the potential environmental effects predicted in the IS / EA Report, evaluate the effectiveness of mitigation and enhancement measures, and identify the process the Proponent will follow if mitigation and enhancement measures are not effective.

An overview of potential avoidance, mitigation and enhancement measures that may be employed in the IA / EA based on the current understanding of potential effects is provided in **Table 9-5**. These measures have been informed by the requirements of Section 20 of the TISG, which have been included in the concordance tables in **Section 11** of this Study Plan. Please note these measures are considered very preliminary and should be viewed as examples of potential mitigation measures that may be identified through the IA / EA process. It is expected that ongoing consultation and engagement through the IK and Consultation and Engagement programs will directly inform and influence the development of mitigation measures to be employed. Specific suggestions raised by each Indigenous community and group for





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avoiding, mitigating, or otherwise accommodating the potential Project direct and indirect effects on Aboriginal and Treaty Rights and Interests will be documented, and a description of how measures were incorporated into the Project design will be included in the IS / EA Report.

Table 9-5: Potential Avoidance, Mitigation and Enhancement Measures

Potential Effect	Potential Mitigation or Enhancement Measure
Impacts to Sites and Areas Used for Traditional Activities and / or Culturally Important Sites and Areas	<ul style="list-style-type: none"> ■ Avoid important sites and areas in the route alignment, where possible. ■ Limit construction activities to surveyed and marked areas only where possible. ■ Minimize disturbance to identified sites and areas during construction and operation, where possible. ■ Prohibit recreational off-road vehicle use by Project construction personnel. ■ Under the direction of local Indigenous communities and groups, hold a cultural or spiritual ceremony prior to the commencement of construction activities. ■ Where there is interest, provide opportunities for Indigenous communities and groups to harvest plants for traditional purposes prior to the commencement of construction activities.
Changes in the Availability or Quantity of Resources for Traditional Activities	<ul style="list-style-type: none"> ■ Prohibit the harassment or feeding of wildlife by Project construction personnel. ■ Time construction activities to avoid key harvesting or gathering periods, where possible. ■ Reduce indirect effects through implementation of appropriate avoidance and mitigation measures for biophysical components including Wildlife, Ungulates, Fish and Fish Habitat, Vegetation and Peatlands, and Land and Resource Use. Potential avoidance and mitigation measures for these components will be managed under each noted discipline.
Changes in the Quality (or perceived quality) of Resources for Traditional Activities	<ul style="list-style-type: none"> ■ Avoid the use of chemical herbicides, where possible. ■ Implement dust control measures to limit deposition on vegetation. ■ Reduce indirect effects through implementation of appropriate avoidance and mitigation measures for biophysical components including the Atmospheric Environment, Groundwater, Surface Water, and Physiography, Geology, Terrain and Soils. Potential avoidance and mitigation measures for these components will be managed under each noted discipline.
Changes in Access to Sites and Areas for Traditional Activities	<ul style="list-style-type: none"> ■ Design construction routes to avoid important access roads, trails, and entrances to land or water access points. ■ Develop and implement an Access Management Plan that includes consideration for if and how access to important sites and areas will be maintained during construction, where warranted. ■ Repair and rehabilitate any trails that may be impacted by Project construction.
Changes in the Sufficiency of Lands and Resources for Cultural Practices	<ul style="list-style-type: none"> ■ Work with Indigenous communities and groups to understand thresholds they have identified that if exceeded may impair their ability to practice their culture and exercise their Aboriginal and Treaty rights. ■ Work with Indigenous communities and groups to identify the potential for interference with any relevant land claims.





Potential Effect	Potential Mitigation or Enhancement Measure
Changes in the Experience of Being on the Land	<ul style="list-style-type: none"> ■ Notify Indigenous communities and groups about Project construction activities and schedules in advance. ■ Time construction activities to avoid key harvesting or gathering periods, where possible. ■ Prohibit recreational off-road vehicle use by Project construction personnel. ■ Reduce indirect effects through implementation of appropriate avoidance and mitigation measures for the Atmospheric Environment, Noise Environment, and Visual Aesthetics. Potential avoidance and mitigation measures for these components will be managed under each noted discipline.
Changes in Cultural Traditions and Way of Life	<ul style="list-style-type: none"> ■ Avoid preferred harvesting / gathering sites and areas and important sites and areas that are used for teaching of cultural practices and / or that have specific oral histories associated with them in the route alignment, where possible. ■ Time construction activities to avoid key harvesting or gathering periods, where possible. ■ Include Indigenous language(s) on signage, where possible. ■ Involve interested Indigenous communities in the development of construction and / or follow-up monitoring programs.

9.6 Residual Effects

Residual effects are the effects remaining after the application of mitigation measures. The IS / EA Report will describe in detail the potential adverse and positive residual effects in relation to each temporal phase of the Project (e.g., construction, operation). In general, residual effects for the various VCs will be described using criteria to quantify or qualify adverse and positive effects, taking into account any important contextual factors. The residual effects will therefore be described in terms of the direction, magnitude, geographic extent, duration, frequency, likelihood, and whether effects are reversible or irreversible¹⁹. Ecological and socio-economic context may also be relevant when describing a residual effect. Context relates to the existing setting, its level of disturbance and resilience to adverse effects. Context can also relate to timing as it applies to assessing the worst-case scenario (e.g., effect during migratory or calving season for wildlife). Where appropriate, information regarding residual effects will be disaggregated by sex, gender, age and other community relevant identifying factors to identify disproportionate residual effects for diverse subgroups.

19. TISG Section 13.1 identifies additional effects characteristics for certain disciplines (e.g., wetlands, birds, terrestrial wildlife, species at risk). These additional effects characteristics are described in the respective discipline-specific study plans.





9.6.1 Magnitude Definitions

For magnitude, environmental discipline-specific definitions are required. The preliminary general definitions proposed for magnitude for the Aboriginal and Treaty Rights and Interests VCs are described below in **Table 9-6**. It is important to note that these definitions should be considered a starting point and it is expected that these definitions will be refined and may be further developed at the VC or indicator level based on inputs from Indigenous communities and groups through the IK and Consultation and Engagement programs (refer to **Section 9.1**).

Table 9-6: Aboriginal and Treaty Rights and Interests Magnitude Definition

Magnitude Level	Definition	Rationale
Negligible	<ul style="list-style-type: none"> No or very little discernable change from baseline conditions and effect will not interfere with the ability to exercise or practice Aboriginal treaty rights and interests. 	<ul style="list-style-type: none"> Negligible effects are small and may not be noticeable. These effects do not represent a change in the day-to-day exercise or practice of Aboriginal treaty rights and interests.
Low	<ul style="list-style-type: none"> A small, discernable change from baseline conditions but effect not expected to materially impede the ability to exercise or practice Aboriginal treaty rights and interests. 	<ul style="list-style-type: none"> Low effects may be noticeable to some Indigenous community members. These effects do not represent a change in day-to-day exercise or practice of Aboriginal treaty rights and interests.
Moderate	<ul style="list-style-type: none"> A discernable change from baseline conditions that is expected to impede the ability to exercise or practice of Aboriginal treaty rights and interests. 	<ul style="list-style-type: none"> Moderate effects are noticeable to some Indigenous community members. These effects may or may not represent a change in the exercise or practice of Aboriginal treaty rights and interests.
High	<ul style="list-style-type: none"> A discernable change from baseline conditions that is expected to severely or totally impede the ability to exercise or practice of Aboriginal treaty rights and interests. 	<ul style="list-style-type: none"> High effects are noticeable to Indigenous community members. These effects represent a notable change in the exercise or practice of Aboriginal treaty rights and interests.

9.6.2 Severity of Adverse Effects

The Agency's *Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples* (the Agency 2020c) identifies criteria that may be used to evaluate the severity of potential adverse effects on Aboriginal and Treaty Rights and Interests. This 'suite' of criteria serves as an inventory from which specific criteria can be used and customized for the assessment on the rights of a particular Indigenous community or group based on community- or group-specific discussions through the IK and Consultation and Engagement





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programs. The preliminary Project effects assessment approach has considered all of the criteria identified in the Agency's Guidance, as follows:

- The Project's residual effects criteria, as described as the beginning of **Section 9.6**, include the following criteria from the Agency Guidance: geographic extent, duration, frequency, likelihood, and reversibility.
- The cultural well-being criterion is equivalent to the Cultural Continuity and Wellbeing VC for the Aboriginal and Treaty Rights and Interests Discipline and, as such, the residual effects criteria outlined in the first bullet above will be taken into consideration when evaluating the severity of potential adverse effects of the Project on cultural continuity and wellbeing. The information provided in the Agency Guidance as it relates to magnitude level definitions for cultural well-being will be incorporated into any VC- or indicator-specific magnitude definitions and severity definitions that may be developed as the IA / EA proceeds.
- The health criterion is already a VC for the Human Health and Community Safety discipline and, as such, the residual effects criteria outlined at the beginning of **Section 9.6** will be used to assess the potential effects of the Project on health. The results of the health assessment will be reviewed determine the potential indirect effects on Aboriginal and Treaty Rights and Interests, taking into consideration the following points:
 - Is there an impact on physical, mental, emotional, and / or spiritual aspects of health on an individual and / or broader community basis?
 - Are the environmental effects from the Project tied to food or cultural species important to traditional diets, and socio-economic effects related to food security?
 - Are there impacts to holistic and / or traditional models of health?
 - Does the quantifiable or perceived effects of the Project to health interfere with, alter, and / or stop the exercise of rights?
- The cumulative impacts criterion will be taken into consideration in the cumulative effects assessment. As noted in **Section 6.2**, the size, nature and location of past, present and reasonably foreseeable projects will be taken into consideration in the development of the cumulative effects assessment study area(s). The appropriate study area(s) to assess cumulative effects are dependent on the VCs predicted to have direct residual adverse effects as a result of the Project, and therefore, cannot be defined until the IS / EA Report has sufficiently advanced.





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- The governance criterion is incorporated into the Cultural Continuity and Wellbeing VC for the Aboriginal and Treaty Rights and Interests discipline, specifically through the “changes in cultural practices and traditions” indicator, which includes consideration for Indigenous laws and governance. As such the residual effects criteria outlined in the first bullet above will be taken into consideration when evaluating the severity of potential adverse effects of the Project on changes in cultural practices and traditions. The information provided in the Agency Guidance as it relates to magnitude level definitions for governance will be incorporated into any VC- or indicator-specific magnitude definitions and severity definitions that may be developed as the IA / EA proceeds.
- The impact inequity criterion will be captured through the socio-economic context portion of the residual effects assessment. When describing the socio-economic context, the following points related to impact inequity will be taken into consideration:
 - Are there any sub-groups of the population that will experience a higher impact on their ability to exercise their rights?
 - Are there any sub-groups that may accrue benefits from the Project?
 - Will intergenerational transfer of knowledge would be interrupted for an extended period of time and may not be reversed either in whole or in part.

The degree of severity of impacts on Aboriginal and Treaty Rights and Interests will be described by defining characteristics related to the appropriate criteria for Indigenous communities and groups. An overview of some considerations that could inform the assessment of the severity of impacts (based on the suite of criteria that may be used) is provided in **Table 9-7**.

Table 9-7: Degree of Severity for Adverse Impacts on Aboriginal and Treaty Rights and Interests

Generic Severity Levels	Potential Considerations
<p>Low Severity</p>	<ul style="list-style-type: none"> ■ Impacts are likely to be low in magnitude, short duration, infrequent, small in spatial extent, reversible or readily avoided or reduced ■ Cultural well-being is minimally disrupted ■ No or few effects to health and / or country foods ■ Few (or no) existing or proposed developments or historic impacts in group’s territory ■ Project and activities in alignment with group’s development, land or water use plans ■ Sub-groups of the population are resilient enough to sustain impacts and maintain exercise of rights ■ Mitigation should allow for the practice of the right to continue in the same of similar manner as before the impact





Generic Severity Levels	Potential Considerations
<p>Moderate Severity</p>	<ul style="list-style-type: none"> ■ Impacts are likely to be moderate in magnitude, moderate duration, occasionally frequent, possibly/partially reversible, spatial extent affects preferred use areas or disrupts interconnectedness and / or knowledge transfer ■ Cultural well-being is impeded or altered ■ Impacts to individual and / or community holistic health, including perceptions of impacts ■ Project interacts with a few preferred areas where rights can be practiced, and some historic, existing or proposed development and / or disturbance ■ Project may not be compatible with aspects of land use plans or application of traditional laws and governance ■ Vulnerable sub-groups are likely to experience higher impact on ability to exercise rights ■ Mitigation may not fully ameliorate impact but should enable the Indigenous group to continue exercising its rights as before, or in a modified way
<p>High Severity</p>	<ul style="list-style-type: none"> ■ Impacts are likely to be high in magnitude, permanent/long-term, frequent, possibly irreversible and over a large spatial extent or within an area of exclusive/preferred use ■ Cultural well-being is disrupted, impeded or removed ■ Project interacts with only area where a right may be exercised and many historic, existing or proposed developments and / or disturbance ■ Decision-making associated with governance and title adversely affected ■ Sub-groups will be disproportionately impacted by the Project and experience no to little benefit ■ Mitigation is unable to fully address impacts such that the practice of the right is substantively diminished or lost

As per the Agency’s *Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples* (the Agency 2020c), MFFN will strive to complete the assessment in a collaborative and iterative manner with Indigenous communities and groups, where there is interest and where possible. The information provided in this Study Plan will serve as a starting point for dialogue with Indigenous communities and groups as the IA / EA proceeds, and may be iteratively refined or built on through ongoing consultation and engagement. Guiding questions included in the Agency’s *Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples* (the Agency 2020c) will be used during consultation and engagement activities (see **Section 7.4** and **Appendix A**) to solicit the nature of information that is important to complete the assessment with sound conclusions.

9.7 Consideration of Sustainability Principles

The following provides a generic description of how sustainability principles will be considered in the effects assessment. The extent to which sustainability principles apply to a specific VC will vary depending on the nature of the VC and the potential for Project effects on the VC.





The effects assessment approach for the Project has included the consideration of the sustainability principles outlined in the Project TISG and the Agency's guidance on sustainability. The sustainability principles that have been considered include:

1. Consider the interconnectedness and interdependence of human-ecological systems;
2. Consider the well-being of present and future generations;
3. Consider positive effects and reduce adverse effects of the Project; and
4. Apply the precautionary principle by considering uncertainty and risk of irreversible harm.

The interconnectedness and interdependence of human-ecological systems will be considered through the assessment of potential indirect effects of each alternative. An indirect effect occurs when a change to one environmental discipline resulting from a Project activity causes a change to another environmental discipline (e.g., changes in vegetation could indirectly affect wildlife). A preliminary assessment of indirect effects has been included in **Section 9.3**.

The well-being of present and future generations will be considered in the effects assessment through the application of the long-term operations phase temporal boundary of 75 years (**Section 6.1**) and through the effects characteristics description of duration and reversibility for each residual effect predicted.

The consideration of positive effects and reducing adverse effects of the Project is fundamental to the effects assessment methodology through the identification of mitigation measures to reduce potential adverse effects and the identification of the preferred alternative through the evaluation of advantages (e.g., positive effects) and disadvantages (e.g., adverse effects).

The effects assessment will apply the precautionary principle by clearly describing and documenting all uncertainties and assumptions underpinning the analysis and identifying information sources. The effects assessment will consider risk of irreversible harm through the effects characteristics description of reversibility for each residual effect predicted and will describe any uncertainty associated with the assessment of residual effects.

The scope of the sustainability assessment will be defined by issues of importance identified by Indigenous communities and interested persons through consultation and engagement activities, while also ensuring to be inclusive of the diversity of views expressed. The selection of VCs that will be the focus of the sustainability assessment will be aligned with the issues of importance identified by Indigenous communities and interested persons, as well as residual effects identified through the effects assessment process. The





sustainability assessment will describe how the planning and design of the Project, in all phases including follow-up monitoring, considered the sustainability principles.

With respect to Aboriginal and Treaty Rights and Interests, as per Section 25 of the TISG, and as part of ongoing consultation and engagement activities with Indigenous communities and groups, measures and commitments to support the sustainability of Indigenous livelihoods, traditional use, culture and well-being will be identified and incorporated into the IS / EA Report, where possible.

9.8 Consideration of Identity and Gender-Based Analysis Plus in Effects Assessment

The Proponent recognizes that communities and sub-populations within those communities may be impacted differently by the Project with respect to VCs and indicators. As such, the Project aims to collect baseline information for the purpose of assessing differential effects and establishing relevant mitigation measures, as further elaborated on in **Section 4.3**. Gender-Based Analysis Plus will not be limited to community feedback; when offered or discussed in secondary texts, additional sub-population information as is applicable to the relevant assessment will be incorporated.

As noted previously in this Study Plan, the IK and Consultation and Engagement programs will consider a diverse range of perspectives from interested persons and interested Indigenous communities and their members identified in **Table 4-1** and the Agency's Public Participation Plan (refer to **Sections 4.3, 5.1, 7.1** and **7.3.2**). Where appropriate, information related to residual effects will be disaggregated by sex, gender, age and other community relevant identify factors to identify disproportionate residual effects for diverse subgroups. In addition, the IS / EA Report will describe how methodologies for follow-up and monitoring programs were informed by specifically impacted subgroups, where applicable. Further information on follow-up and monitoring programs is provided in **Section 9.9**.

9.9 Follow-up Programs

A follow-up program verifies the accuracy of the effects assessment and evaluates the effectiveness of mitigation measures. Potential follow-up programs for the Project are not described in this Study Plan as the information needed to determine environmental monitoring requirements is dependent on the outcome of the effects assessment and consultation with Indigenous communities, agencies and interested persons. Therefore, the Proponent will include information on follow-up programs, that address the requirements





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outlined in Section 26 of the TISG, in the IS / EA Report and will identify the compliance and effects monitoring activities to be undertaken during all phases of the Project, as required.

Key considerations for follow-up programs and associated monitoring with respect to Indigenous peoples will include, but may not be limited to the following considerations identified in TISG Section 26:

- The nature of concerns raised by Indigenous communities and groups about the Project;
- Suggestions from Indigenous communities and groups regarding the design of, and involvement in, follow-up and monitoring programs;
- Incorporation of community and Indigenous knowledge;
- Intervention mechanism(s) used in the event that an unexpected deterioration of the environment or impacts on the exercise of rights of Indigenous peoples and cultures is observed or experienced;
- Identification of opportunities for participation of representatives from Indigenous communities and groups identified in Table 4-1;
- How the methodologies were informed by community and Indigenous knowledge or specifically impacted subgroups; and
- Plans, including funding options, to involve Indigenous groups and local communities in monitoring, where appropriate.





10. Assumptions

Any assumption used in the effects assessment, for example the assumed average daily traffic on the CAR, will be clearly identified and a rationale provided in the IS / EA Report.

Preliminary assumptions with respect to IK and Aboriginal and Treaty Rights and Interests include:

- The sharing, protection, access, use and publication of confidential and / or sensitive information, including IK, will be governed by Sharing Agreements between MFFN and the respective Indigenous communities and groups.
- Indigenous communities and groups interested in meaningfully participating in the IA / EA but not necessarily interested or able to participate in the IK Program will be provided with opportunities to participate through the Consultation and Engagement Program for the Project.
- All efforts made to consult and engage Indigenous communities and groups will be documented in the Record of Consultation and Engagement. If an Indigenous community or group chooses not to participate in the IA / EA, the Proponent will strive to understand / capture the rationale behind the lack of interest to participate, where possible, so that if new information comes up that may impact the lack of interest, the community or group can be re-engaged.
- Where an Indigenous community or group has chosen not to participate, MFFN will continue to share information and analyses of potential effects of the Project with the community or group.
- The effects assessment will be based on information that is available, including secondary and primary information. Where secondary information is available and required to support the IA / EA, MFFN will strive to work with the subject Indigenous community or group to review and validate or confirm acceptance of this information being used in the IA / EA.
- The IS / EA Report will indicate where input from Indigenous communities and groups, including IK, has been incorporated.
- The effects assessment approach described in this Study Plan is preliminary in nature given that the Project is in the early stages of the IA / EA. It is expected that the effects assessment approach used for each Indigenous community and group will developed based on interest to collaborate and / or participate, iterative dialogue, and contextual considerations including community / group perspectives and input.





11. Concordance with Federal and Provincial Guidance

This section provides the best information currently available on how federal and provincial requirements identified for the Project to date will be addressed, including preliminary comments provided by the Agency on the draft Study Plan in July, 2020. This is presented in **Table 11-1**. **Table 11-2** outlines proposed deviations from the TISG requirements.

The final concordance with federal and provincial requirements will be included in the IS / EA Report, and will be based on regulatory agency guidance, professional judgement and input received through the Project consultation and engagement process.





Table 11-1: Study Plan Federal and Provincial Concordance – Conformance with Requirements

ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response	Study Plan Reference
1	TISG Section 6 – Description of engagement with Indigenous groups	<ul style="list-style-type: none"> The proponent must provide Indigenous groups with an opportunity to: <ul style="list-style-type: none"> – provide Indigenous knowledge during baseline data collection; – comment on the list of valued components and indicators; – inform the effects assessment and review its conclusions; and – inform the development of mitigation measures and follow-up programs... The Agency requires the proponent to engage with, at a minimum, the communities listed in the <i>Indigenous Engagement and Partnership Plan</i>. 	<ul style="list-style-type: none"> All Indigenous communities and groups identified in Table 4-1 will be consulted and have the opportunity to be engaged and participate in the IK Program. Through both the IK and Consultation and Engagement programs for the Project, all Indigenous communities and groups identified in Table 4-1 will be provided with an opportunity to provide IK during baseline data collection, comment on the list of valued components and indicators, inform the effects assessment and review its conclusions, and inform the development of mitigation measures and follow-up programs. 	<ul style="list-style-type: none"> Section 4.2 Section 5 Section 7.2 Section 7.3 Section 9.1 Section 9.3 Section 9.5 Section 9.9 Appendix A
2	TISG Section 6.2 – Analysis and response to questions, comments, and issues raised	<ul style="list-style-type: none"> The analysis in the Impact Statement must also include consideration of Indigenous knowledge provided by Indigenous groups. Indigenous knowledge where written consent has not been provided by the Indigenous group(s) should not be included. Permission from the Indigenous group should be sought before including Indigenous knowledge in the Impact Statement, regardless of the source of the Indigenous knowledge. 	<ul style="list-style-type: none"> The IK Program was developed to enable the collection and / or sharing and consideration of IK in the IA / EA. The sharing and use of IK will be governed by IK Sharing Agreements established between MFFN and Indigenous communities. Where secondary sources of information are required to collect relevant IK, permission from Indigenous groups will be sought prior to use and inclusion. 	<ul style="list-style-type: none"> Section 5 Section 5.2 Section 7.2 Section 10
3	TISG Section 6.2 – Analysis and response to questions, comments, and issues raised	<ul style="list-style-type: none"> Indigenous knowledge is holistic and in IA, it can provide insights related to knowledge of the environment, social, cultural, economic, health, Indigenous governance and resource use. It is important that Indigenous knowledge be included for all of these aspects of the technical assessments, not only to look at potential impacts of the Project on Indigenous peoples. 	<ul style="list-style-type: none"> The Study Plan has been updated to reflect that the IK Program and associated Guidance Document will strive to collect IK and inputs that are relevant to other technical aspects of the assessment. The Guidance Document includes information on how IK and other information shared through the IK Program can be used to inform the various technical aspects of the impacts assessment including baseline conditions (refer to Section 4 of the Guidance Document). It also includes questions that could be used to solicit information to inform technical aspects of the assessment, including the natural and socio-economic environments (e.g., questions about important fish and wildlife use areas, questions about country food consumption – refer to Appendices D and E in the Guidance Document. It is also important to note that soliciting IK to inform baseline conditions for other technical aspects of the assessment does not necessary come just from direct questions but can be gleaned from information on Indigenous land and resources use (e.g., where certain species are harvested and why). 	<ul style="list-style-type: none"> Section 5 Section 7 Section 7.3 Appendix B
4	TISG Section 6.2 – Analysis and response to questions, comments, and issues raised	<ul style="list-style-type: none"> The Impact Statement must also document how the proponent responded to questions, comments and issues raised by Indigenous groups, and how unresolved matters have been addressed. 	<ul style="list-style-type: none"> Information on how questions, comments and issues raised by Indigenous groups will be documented and responded to is provided in the Consultation and Engagement Plan to Support the Environmental Assessment / Impact Statement (IS / EA Consultation Plan) 	<ul style="list-style-type: none"> Appendix A
5	TISG Section 6.2 – Analysis and response to questions, comments, and issues raised	<ul style="list-style-type: none"> The proponent should discuss and, if requested, establish confidentiality agreements with any Indigenous group that share confidential information to inform the impact assessment. 	<ul style="list-style-type: none"> The use and publication of sensitive and / or confidential information will be governed by Indigenous community-specific IK Sharing Agreements. The IK Sharing Agreements will be protected from public or third-party disclosure and will be established between the Proponent and Indigenous communities participating in the IK Program prior to the sharing and use of any sensitive information. 	<ul style="list-style-type: none"> Section 5.2
6	TISG Section 6.3 – Record of engagement	<ul style="list-style-type: none"> The Impact Statement must provide a record of engagement that describes all efforts, successful and unsuccessful, taken to seek the views of each potentially affected Indigenous group with respect to the Project. 	<ul style="list-style-type: none"> Information on the Record of Consultation and Engagement that will describe all efforts, successful and unsuccessful, taken to seek the views of each potentially affected Indigenous group with respect to the Project is provided in the IS / EA Consultation Plan. This Record of Consultation and Engagement will include all engagement activities undertaken prior to the submission of the Impact Statement during the planning phase and in the preparation of the Impact Statement. 	<ul style="list-style-type: none"> Appendix A





ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response	Study Plan Reference
7	TISG Section 7.1 – Baseline conditions methodology	<ul style="list-style-type: none"> The application of GBA+ to baseline conditions for diverse subgroups is necessary to support the GBA+ of effects. GBA+ uses standard social science quantitative and qualitative data collection and analysis methods to describe baseline conditions across diverse subgroups. 	<ul style="list-style-type: none"> The Study Plan has been updated to demonstrate how the MFFN CAR Project Team will strive to apply GBA+ to baseline conditions for diverse subgroups to support the GBA+ of effects, where possible. The IK Program is a community-led process, which means that the communities will ultimately identify participants directly. However, information on the importance of diversity and GBA+ considerations when selecting participants for the IK Program, including Project-specific studies, has been included in the Guidance Document in support of GBA+ (refer to Section 6.1 of the Guidance Document). The Guidance Document has been shared with all Indigenous communities and groups identified in Table 4-1. 	<ul style="list-style-type: none"> Section 4.3 Section 5.1 Section 7.1 Section 7.3.2 Section 9.8 Appendix B
8	TISG Section 7.1 – Baseline conditions methodology	<ul style="list-style-type: none"> The Impact Statement must establish appropriate study area boundaries to describe the baseline conditions. The study area boundaries need to encompass the spatial boundaries of the Project, including any associated project components or activities, and the anticipated boundaries of the Project's effects, including all potentially impacted local communities, municipalities and Indigenous groups. 	<ul style="list-style-type: none"> The proposed LSA and RSA for the assessment on the Aboriginal and Treaty Rights and Interests VCs have been delineated based on the proposed study areas for relevant natural environment VCs given the interdependent nature of these VCs. The proposed spatial boundaries have also been informed by inputs from Indigenous communities received to date. The proposed spatial boundaries include the anticipated boundaries of the Project's effects. 	<ul style="list-style-type: none"> Section 6.2.2 Appendix C
9	TISG Section 7.3 – Consideration and methodology in selecting valued components	<ul style="list-style-type: none"> The list of valued components must be informed, validated and finalized through engagement with the public, Indigenous groups, ... 	<ul style="list-style-type: none"> A suite of potential consultation and engagement activities specific to Indigenous groups that may be employed to solicit inputs to inform the IA / EA (including VCs, indicators, and associated baselines and assessments) have been identified. In addition, the IK Program includes opportunities for Indigenous communities and groups to meet with MFFN to discuss the program, ask questions, and share concerns and interests related to the Aboriginal and Treaty Rights and Interests VCs. See Section 6.10 of Appendix B (the IK Program Guidance Document) for a more fulsome description of how IK will validate the VCs. 	<ul style="list-style-type: none"> Section 5 Section 7.4 Section 9.1 Appendix B Section 6.10
10	TISG Section 7.3 – Consideration and methodology in selecting valued components	<ul style="list-style-type: none"> The Impact Statement must describe valued components, processes, and interactions that are identified to be of concern or that the Agency considers likely to be impacted by the Project and are included in the Guidelines. 	<ul style="list-style-type: none"> The Study Plan has been updated to include potential Project-environment interactions and an overview of potential direct and indirect effects on Aboriginal and Treaty Rights and Interests. The potential effect pathways included in this Study Plan will be explored further and built on with Indigenous communities and groups, as needed, through ongoing discussions and activities as part of the IK and Consultation and Engagement programs. 	<ul style="list-style-type: none"> Section 9.2 Table 9-2
11	TISG Section 7.4.1 – Spatial boundaries	<ul style="list-style-type: none"> The Impact Statement must describe the spatial boundaries, including project, local and regional study areas, for each valued component included in assessing the potential adverse and positive environmental, health, social and economic effects of the Project and provide a rationale for each boundary. Spatial boundaries are defined taking into account the appropriate scale and spatial extent of potential effects and impacts of the Project; community knowledge and Indigenous knowledge; current or traditional land and resource use by Indigenous groups; exercise of Aboriginal and Treaty rights of Indigenous peoples, including cultural and spiritual practices; and physical, ecological, technical, social, health, economic and cultural considerations. 	<ul style="list-style-type: none"> See response for ID# 8. The Study Plan includes the rationale for each of the proposed spatial boundaries. All Indigenous groups identified in Table 4-1 were provided with an opportunity to provide input on the proposed study areas in August-September, 2020. Comments since received led to refinements in October, 2020 – specifically the expansion of the RSA to include additional quaternary watersheds. The revised RSA was provided to all Indigenous groups identified in Table 4-1 when the Guidance Document was distributed in November 2020 (refer to Section 5 and Figure 1 of Appendix B of the Guidance Document). 	<ul style="list-style-type: none"> Section 6.2.2 Appendix A Appendix C
12	TISG Section 7.4.2 – Temporal boundaries	<ul style="list-style-type: none"> The temporal boundaries of the impact assessment span all phases of the Project determined to be within the impact assessment...consider how elements of environmental, health, social and economic well-being that local communities, including municipalities, and Indigenous groups, identify as being valuable could change over time. 	<ul style="list-style-type: none"> The Study Plan has been updated to provide a clear description of the proposed temporal boundaries for baseline information collection and the assessment, with associated rationale. MFFN has proposed temporal boundaries for baseline information on Indigenous land and resource use and practices that consider past, present and foreseeable future Indigenous land and resource use and cultural practices. These are included in the Guidance Document that was shared with all Indigenous groups identified in Table 4-1 in November 2020 (refer to Section 6.5 of the Guidance Document). Temporal boundaries for the assessment span all phases of the Project. 	<ul style="list-style-type: none"> Section 6.1 Section 7.1 Appendix B





ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response	Study Plan Reference
13	TISG Section 8.1 – Atmospheric, acoustic, and visual environment	<ul style="list-style-type: none"> ■ The Impact Statement must: <ul style="list-style-type: none"> – provide current ambient noise levels at key receptor points to traditional land users and sensitive human receptors, including the results of a baseline ambient noise survey and permissible sound levels for each receptor – at a minimum, provide a map showing approximate locations of permanent residences, temporary land uses (e.g., cabins and traditional sites) and known locations of sensitive human receptors (e.g., schools, hospitals, community centres, retirement complexes or assisted care homes) 	<ul style="list-style-type: none"> ■ Relevant primary and secondary information collected through the IK Program will be shared with each relevant technical discipline team, as appropriate. Areas and sites documented through the IK Program will be shared to inform receptor sites used in the acoustic and atmospheric baselines and assessments, where possible. There are also opportunities for technical teams to engage with Indigenous communities to solicit perspectives and information relevant to the Project and the acoustic and atmospheric baselines and assessments. Also see response for ID #3. 	<ul style="list-style-type: none"> ■ Section 5 ■ Section 5.1 ■ Section 7 ■ Section 8 ■ Appendix B
14	TISG Section 8.6 – Groundwater and surface water	<ul style="list-style-type: none"> ■ The Impact Statement must: <ul style="list-style-type: none"> – identify all springs and any other potable surface water resources within the local and regional project areas and describe their current use, potential for future use, and whether their consumption has Indigenous cultural importance – identify all domestic, communal, or municipal water wells within the local and regional project areas, including their screened hydrostratigraphic unit and piezometric level; describe their current use, potential for future use, and whether their consumption has any Indigenous cultural importance 	<ul style="list-style-type: none"> ■ Relevant primary and secondary information collected through the IK Program will be shared with each relevant technical discipline team, as appropriate. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in Table 4-1 in November 2020 includes questions related to water sources that are culturally important (refer to Appendix E of the Guidance Document). There are also opportunities for technical teams to engage with Indigenous communities to solicit perspectives and information relevant to the Project and the surface and groundwater baselines and assessments. Also see response for ID #3. 	<ul style="list-style-type: none"> ■ Section 5 ■ Section 5.1 ■ Section 7 ■ Section 7.3 ■ Section 8 ■ Appendix B
15	TISG Section 8.7 – Vegetation	<ul style="list-style-type: none"> ■ The Impact Statement must: <ul style="list-style-type: none"> – describe the use of local vegetation for medicinal or cultural purposes or as a source of country foods (traditional foods) – describe any other plant species of concern for consumption or where use has any Indigenous cultural importance 	<ul style="list-style-type: none"> ■ Relevant primary and secondary information collected through the IK Program will be shared with each relevant technical discipline team, as appropriate. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in Table 4-1 in November 2020 includes questions related to vegetation used for subsistence, medicinal or cultural purposes and locations of important or sensitive vegetation (refer to Sections 6.6 and 6.7 and Appendix E of the Guidance Document). There are also opportunities for technical teams to engage with Indigenous communities to solicit perspectives and information relevant to the Project and the vegetation baseline and assessment. Also see response for ID #3. 	<ul style="list-style-type: none"> ■ Section 5 ■ Section 5.1 ■ Section 7 ■ Section 7.3 ■ Section 8 ■ Appendix B
16	TISG Section 8.8 – Fish and fish habitat	<ul style="list-style-type: none"> ■ The Impact Statement must: <ul style="list-style-type: none"> – describe the use of fish and/or aquatic species...for consumption or where use has Indigenous cultural importance 	<ul style="list-style-type: none"> ■ Relevant primary and secondary information collected through the IK Program will be shared with each relevant technical discipline team, as appropriate. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in Table 4-1 in November 2020 includes questions related to fish used for subsistence or cultural purposes and IK related to fish and fish habitat (e.g., spawning areas – refer to Sections 6.6 and 6.7 and Appendix E of the Guidance Document). There are also opportunities for technical teams to engage with Indigenous communities to solicit perspectives and information relevant to the Project and the fish and fish habitat baseline and assessment. Also see response for ID #3. 	<ul style="list-style-type: none"> ■ Section 5 ■ Section 5.1 ■ Section 7 ■ Section 7.3 ■ Section 8 ■ Appendix B
17	TISG Section 8.9 – Birds, migratory birds and their habitat	<ul style="list-style-type: none"> ■ The Impact Statement must: <ul style="list-style-type: none"> – describe the use of (magnitude, timing) migratory and non-migratory birds as a source of country foods (traditional foods) or where use has Indigenous cultural importance 	<ul style="list-style-type: none"> ■ Relevant primary and secondary information collected through the IK Program will be shared with each relevant technical discipline team, as appropriate. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in Table 4-1 November 2020 includes questions related to birds used for subsistence or cultural purposes and IK related to bird and bird habitat (e.g., nesting areas – refer to Sections 6.6 and 6.7 and Appendix E of the Guidance Document). There are also opportunities for technical teams to engage with Indigenous communities to solicit perspectives and information relevant to the Project and the bird and bird habitat baseline and assessment. Also see response for ID #3. 	<ul style="list-style-type: none"> ■ Section 5 ■ Section 5.1 ■ Section 7 ■ Section 7.3 ■ Section 8 ■ Appendix B





ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response	Study Plan Reference
18	TISG Section 8.10 – Terrestrial wildlife and their habitat	<ul style="list-style-type: none"> The Impact Statement must: <ul style="list-style-type: none"> – identify wildlife species...of ecological, economic or human importance (particularly to Indigenous peoples), within the study area (including moose, rabbit, beavers, otters, muskrat, and frogs), that are likely to be directly or indirectly effected and describe each species: biodiversity, distribution and location; abundance and population status; life cycle; seasonal ranges, migration and movements; habitat requirements; and sensitive periods (e.g., seasonal, diurnal and nocturnal) – describe the historic and current use of terrestrial wildlife as a source of country foods (traditional foods) or where use has Indigenous cultural importance – describe the use and harvesting of fur-bearing species and whether its harvesting has Indigenous cultural importance 	<ul style="list-style-type: none"> Relevant primary and secondary information collected through the IK Program will be shared with each relevant technical discipline team, as appropriate. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in Table 4-1 in November 2020 includes questions related to wildlife (including furbearers) used for subsistence, commercial or cultural purposes and IK related to wildlife and wildlife habitat (e.g., important wildlife use areas – refer to Sections 6.6 and 6.7 and Appendix E of the Guidance Document). There are also opportunities for technical teams to engage with Indigenous communities to solicit perspectives and information relevant to the Project and the wildlife and wildlife habitat baselines and assessments (including ungulates). Also see response for ID #3. 	<ul style="list-style-type: none"> Section 5 Section 5.1 Section 7 Section 7.3 Section 8 Appendix B
19	TISG Section 9 – Baseline conditions - Human health	<ul style="list-style-type: none"> To understand the community and Indigenous context and baseline health profile, the proponent must: <ul style="list-style-type: none"> – describe any context-specific definitions of health and well-being, including from the perspective of the relevant Indigenous cultures, including community and spiritual wellbeing – describe the consumption of country foods (traditional foods) outside of the commercial food chain, including food that is trapped, fished, hunted, harvested or grown for consumption, medicinal purposes or has cultural value. Specify which species are used, quantities, frequency, harvesting locations, and how the data were collected (e.g., site-specific consumption surveys) 	<ul style="list-style-type: none"> Relevant primary and secondary information collected through the IK Program will be shared with each relevant technical discipline team, as appropriate. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in Table 4-1 in November 2020 includes questions related to Indigenous resource use and the consumption of country foods (refer to Sections 6.6 and 6.7 and Appendices D and E of the Guidance Document). Information on the consumption of country foods and the species used, frequency, and harvesting locations collected through the IK Program will be shared for the Human Health and Community Safety Assessment, as appropriate. There are also opportunities for technical teams to engage with Indigenous communities to solicit perspectives and information relevant to the Project and the Human Health and Community Safety baselines and assessments. Also see response for ID #3. 	<ul style="list-style-type: none"> Section 5 Section 5.1 Section 7 Section 7.3 Section 8 Appendix B
20	TISG Section 10 – Baseline conditions - Social	<ul style="list-style-type: none"> To understand the community and Indigenous context, the proponent must describe: <ul style="list-style-type: none"> – the use of water-ways with Indigenous cultural importance (e.g., Albany River, Ogoki River and Attawapiskat Rivers) 	<ul style="list-style-type: none"> Relevant primary and secondary information collected through the IK Program will be shared with each relevant technical discipline team, as appropriate. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in Table 4-1 in November 2020 includes questions related to the use of waterways and waterways of cultural importance (refer to Section 6.6 and 6.7 and Appendix E of the Guidance Document). There are also opportunities for technical teams to engage with Indigenous communities to solicit perspectives and information relevant to the Project and the Social baselines and assessments. Also see response for ID #3. 	<ul style="list-style-type: none"> Section 5 Section 5.1 Section 7 Section 7.3 Section 8 Appendix B
21	TISG Section 12 – Baseline conditions - Indigenous peoples	<ul style="list-style-type: none"> Where possible, the Impact Statement should include contextual information, both historic and current, regarding an Indigenous group’s history and cultural practices, land use, as well as the manner in which rights of Indigenous peoples are, or may be, exercised and impacted by the Project, as identified by the Indigenous groups. 	<ul style="list-style-type: none"> The IK and Consultation Programs for the Project both serve to support the collection of Indigenous perspectives, values, and input on the Project, including in terms of historic and current contextual information. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in Table 4-1 in November 2020 includes questions related to historic and current contextual information regarding a group’s history and cultural practices and the manner in which Indigenous rights are or may be exercised and impacted by the Project (refer to Sections 6.3 and 6.8 and Appendices D, E and F in the Guidance Document). 	<ul style="list-style-type: none"> Section 5 Section 7 Appendix B
22	TISG Section 12.1 – Physical and cultural heritage	<ul style="list-style-type: none"> The Impact Statement should include a description of the historical baseline conditions associated with Indigenous cultures. This description should give consideration to understanding historical baseline conditions associated with ability to transmit culture (e.g., through language, ceremonies, harvesting, teaching of sacred laws, traditional laws, stewardship laws, traditional knowledge). Information with respect to Indigenous groups can include: <ul style="list-style-type: none"> – burial sites; – cultural landscapes; – oral histories; – cultural values and experiences of being on the land, including harvesting specific 	<ul style="list-style-type: none"> The IK and Consultation Programs for the Project both serve to support the collection of Indigenous perspectives, values, and input on the Project, including in terms of physical and cultural heritage. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in Table 4-1 in November 2020 includes questions related to historical baseline conditions associated with Indigenous cultures (refer to Sections 6.3 and Appendix D in the Guidance Document). The Guidance Document also includes considerations for burial sites, oral histories, cultural values and experiences of being on the land, Indigenous laws and governance systems, and culturally important sites and resources (refer to Sections 6.6 and 	<ul style="list-style-type: none"> Section 5 Section 7 Section 9.3 Appendix B Cultural Heritage Study Plan





ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response	Study Plan Reference
		<ul style="list-style-type: none"> – resources; – Indigenous governance systems and Indigenous laws tied to the landscape; – sacred, ceremonial or culturally important places, plants, animals, objects, beings, or things; and – archaeological potential and/or artefact places. 	<p>6.7 and Appendices D and E in the Guidance Document). These considerations have also been factored into the identification of preliminary indicators for the assessment.</p> <ul style="list-style-type: none"> ■ In addition, information related to historical baseline conditions associated with Indigenous cultures will also be collected for the Cultural Heritage Assessment. Baseline information on cultural landscapes and archaeological potential and / or artifact places will primarily be collected through the cultural heritage studies – refer to the Cultural Heritage Study Plan. 	
23	TISG Section 12.2 – Current Use of Lands and Resources for Traditional Purposes	<ul style="list-style-type: none"> ■ In general, the Impact Statement should consider: <ul style="list-style-type: none"> – traditional activities presently or historically practiced (e.g., hunting, fishing, trapping, gathering of plants or medicines, ceremonial or spiritual practices, passing on of Indigenous knowledge and/or language); – location of traditional uses, including hunting, trapping, and fishing camps, cabins, and gathering or teaching grounds; – types of traditional resources such as fish, wildlife, birds, plants, or other natural resources and their habitats of importance for supporting traditional use; – places where culturally important fish, wildlife, birds, plants, or other natural resources are harvested; – access and travel routes for conducting traditional practices; – frequency, duration, and/or timing of traditional practices; – where known, efforts of the groups to bring back traditional practices; – description of country foods (traditional foods); – the quality and quantity of resources (e.g., preferred species, perception of quality); – access to resources (e.g., physical access to harvest specific species, culturally important harvesting locations, timing, seasonality, distance from community); – the experience of the practice (e.g., connection to the landscape without artificial noise and sensory disturbances, air quality, visual landscape, perceived or real contamination, etc.); and – other current uses identified by Indigenous groups. 	<ul style="list-style-type: none"> ■ The IK and Consultation Programs for the Project both serve to support the collection of Indigenous perspectives, values, and input on the Project, including in terms of current use of lands and resources for traditional purposes. ■ The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in Table 4-1 in November 2020 includes information and questions related to the considerations listed in Section 12.2 of the TISG (refer to Sections 6.6 and 6.7 and Appendix D in the Guidance Document). These considerations have also been factored into the identification of preliminary indicators for the assessment. 	<ul style="list-style-type: none"> ■ Section 5 ■ Section 7 ■ Section 9.3 ■ Appendix B
24	TISG Section 12.2 – Current Use of Lands and Resources for Traditional Purposes	<ul style="list-style-type: none"> ■ Should this type of information be found through public sources, the proponent should advise the Indigenous group and offer a reasonable opportunity to review and comment before including it in the Impact Statement. 	<ul style="list-style-type: none"> ■ Where secondary sources of information are available and required to collect relevant IK, permission from Indigenous groups will be sought prior to use and inclusion. 	<ul style="list-style-type: none"> ■ Section 7.2 ■ Appendix E
25	TISG Section 12.4 – Conditions related to the rights of Indigenous peoples	<ul style="list-style-type: none"> ■ This information related to rights may include, but is not limited to: <ul style="list-style-type: none"> – a general description of the section 35 rights exercised in the area of the Project, including the historic, regional and community context; – the quality and quantity of resources required to support exercise of rights (e.g., preferred species, level of health of preferred species, volume of preferred species); – access to the resources required to exercise rights (e.g., physical access to culturally important places, timing, seasonality, distance from community); – the experience associated with the exercise of rights (e.g., noise and sensory disturbances, air quality, visual landscape); – specific areas of cultural importance where rights are exercised; – landscape conditions that support the Indigenous group’s exercise of rights (e.g., large, intact and diverse landscapes, areas of solitude; connection to landscape); – where possible, information about members within an Indigenous group, and their role in the exercise of rights (e.g., women, men, Elders, youth, people with disabilities); 	<ul style="list-style-type: none"> ■ The IK and Consultation Programs for the Project both serve to support the collection of Indigenous perspectives, values, and input on the Project, including Indigenous rights (i.e., Aboriginal and Treaty Rights) and Interests. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in Table 4-1 in November 2020 includes information and questions related to the considerations listed in Section 12.4 of the TISG (refer to Sections 6.6 and 6.7 and Appendices D and E in the Guidance Document). These considerations have also been factored into the identification of preliminary indicators for the assessment. 	<ul style="list-style-type: none"> ■ Section 5 ■ Section 7 ■ Section 9.3 ■ Appendix B





ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response	Study Plan Reference
		<ul style="list-style-type: none"> – how the Indigenous group’s cultural traditions, laws and governance systems inform the manner in which they exercise the rights (the who, what, when, how, where and why); – where they exist, identification of thresholds identified by the community that, if exceeded, may impair the ability to meaningfully exercise rights; – maps and data sets (e.g., overlaying the project footprint, places of cultural and spiritual significance, traditional territories, fish catch numbers); and – pre-existing (real or perceived) impacts and cumulative effects that are already interfering with the ability to exercise rights or to pass along Indigenous cultures and cultural practices (e.g., language, ceremonies, Indigenous knowledge). 		
26	TISG Section 13.1 – Effects Assessment - Methodology	<ul style="list-style-type: none"> ■ Effects may impact communities, Indigenous groups and stakeholders in different ways, and therefore they may respond differently to them. Determining and characterizing effects should be based largely on the level of concern expressed through engagement with the impacted Indigenous groups and community members. ■ The proponent is required to gather and consider Indigenous knowledge from potentially impacted Indigenous communities to inform the Project’s effects assessment and to describe how Indigenous knowledge was considered in their Impact Statement. 	<ul style="list-style-type: none"> ■ Perspectives on potential effects and associated levels of concern expressed through engagement with Indigenous groups as part of the IK and Consultation and Engagement programs will be used to inform the characterization of the potential effects. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in Table 4-1 in November 2020 includes questions related to the potential effects of the Project (refer to Sections 6.8 and Appendix F in the Guidance Document). Relevant primary and secondary information collected through the IK Program will be shared with each relevant technical discipline team, as appropriate. ■ Relevant IK from potentially impacted Indigenous communities will be collected through the IK Program and shared with each relevant technical discipline team, as appropriate. Also see response for ID #3. ■ A description of how IK was considered in the IA / EA and in each of the technical discipline areas will be included in the IS / EA Report. 	<ul style="list-style-type: none"> ■ Section 5 ■ Section 7.3 ■ Appendix B
27	TISG Section 13.2 – Interactions between effects and valued components	<ul style="list-style-type: none"> ■ The Impact Statement must consider and describe the interactions between the environmental, health, social and economic effects as well as the interaction and interconnectedness of selected valued components taking into account values of local communities, including municipalities and Indigenous groups. 	<ul style="list-style-type: none"> ■ The guiding questions included in the Guidance Document are intended to provide community members with an opportunity to share their perspectives on the interconnectedness of the various valued components and how they or their community may be impacted by the Project (refer to Appendices E and F of the Guidance Document). Any information collected that is relevant to the various disciplines will be shared accordingly. However, it is important to note that while the IK and Consultation and Engagement programs will serve to support information collection for other technical aspects of the assessment, primary data collection for other disciplines (including human health and community safety, social and economic conditions) will be led by those technical disciplines. 	<ul style="list-style-type: none"> ■ Section 7.3 ■ Appendix B
28	TISG Section 15.1 – Fish and fish habitat	<ul style="list-style-type: none"> ■ The Impact Statement must: <ul style="list-style-type: none"> – describe the effects of changes to the aquatic environment on fish and fish habitat, including: the anticipated changes in the composition and characteristics of the populations of various fish species, especially those of cultural significance to Indigenous communities with traditional land use practices in the area and provincially or federally listed aquatic species at risk 	<ul style="list-style-type: none"> ■ Information on fish species that are of cultural significance to Indigenous communities with traditional land use practices in the area will be collected through the IK Program and shared for inclusion in the effects assessment on fish and fish habitat. Also see response for ID #3 and #26. 	<ul style="list-style-type: none"> ■ Section 5 ■ Section 7 ■ Section 7.3 ■ Section 8
29	TISG Section 15.3 – Terrestrial wildlife and their habitat	<ul style="list-style-type: none"> ■ The Impact Statement must: <ul style="list-style-type: none"> – describe the potential adverse effects of the Project on species noted as important to Indigenous groups and local communities and their habitat that are not currently listed under the Species at Risk Act or provincial statutes – describe changes to vegetation species important to Indigenous peoples 	<ul style="list-style-type: none"> ■ Information on wildlife species and vegetation that are important / of cultural significance to Indigenous communities will be collected through the IK Program and shared for the effects assessment on terrestrial wildlife and their habitat. Also see responses for ID #3 and #26. 	<ul style="list-style-type: none"> ■ Section 5 ■ Section 7 ■ Section 7.3 ■ Section 8





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30	TISG Section 17.6 – Culture	<ul style="list-style-type: none"> The Impact Statement must assess changes to: <ul style="list-style-type: none"> – structures, sites or things of historical, archaeological, paleontological or architectural significance and associated effects on other social and economic conditions, specifically burial sites; – describe any anticipated effects to language, such as the relative balance of speakers of local languages, English, and French, and the availability of public services in these languages; – traditional cultural activities (such as religious ceremonies, traditional hunting, etc.) that might be caused by the project; and – culturally significant plants or wildlife. 	<ul style="list-style-type: none"> Information on burial sites, the use of Indigenous languages, traditional cultural activities, and culturally significant plants and wildlife collected through the IK and Consultation and Engagement programs will be used in the assessments on Aboriginal and Treaty Rights and Interests, and Cultural Heritage. Also see responses for ID #22. The assessment of potential changes to language will be led by the socio-community assessment – refer to the Social Study Plan for more information. However, the IK and Consultation and Engagement programs will strive to support information collection to support the assessment on changes to language. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in Table 4-1 in November 2020 includes questions related to language (refer to Section 6.8 Appendices D, E and F in the Guidance Document). 	<ul style="list-style-type: none"> Section 5 Section 7 Section 7.3 Appendix B
31	TISG Section 19 – Effects to Indigenous peoples and impacts on the exercise of Aboriginal and Treaty rights	<ul style="list-style-type: none"> The proponent must engage with all Indigenous groups identified in the Indigenous Engagement and Partnership Plan in order to identify and understand the potential impacts of their Projects on Indigenous peoples, and to include Indigenous knowledge into the impact assessment. 	<ul style="list-style-type: none"> See responses for ID #1 and #26. 	
32	TISG Section 19 – Effects to Indigenous peoples and impacts on the exercise of Aboriginal and Treaty rights	<ul style="list-style-type: none"> Engagement with Indigenous groups is required to inform the impact assessment and identify measures to avoid or minimize potential impacts on the exercise of rights of Indigenous peoples from the Project. This engagement may also identify potential positive outcomes, including measures that could improve the underlying baseline conditions that support the exercise of rights. Engagement should involve ongoing information sharing and collaboration between the proponent and other Indigenous groups potentially affected by the Project. This collaboration will help validate the assessment findings. The results of any engagement should be presented in the Impact Statement and, as best as possible, should reflect the perspective of the Indigenous peoples involved. 	<ul style="list-style-type: none"> Ongoing engagement with Indigenous groups to inform the impact assessment and identify measures to avoid or minimize potential impacts on the exercise of Indigenous rights will be undertaken as part of the IK and Consultation and Engagement programs. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in Table 4-1 in November 2020 includes questions related to the potential effects of the Project and how they could be mitigated or enhanced (refer to Sections 6.8 and Appendix F in the Guidance Document). The Study Plan has been updated to include information on the Project-specific engagement activities through the IK and Consultation and Engagement programs. 	<ul style="list-style-type: none"> Section 4.2 Section 5 Section 7 Section 9.1 Section 9.2 Section 9.4 Section 9.5 Appendix A Appendix B
33	TISG Section 19 – Effects to Indigenous peoples and impacts on the exercise of Aboriginal and Treaty rights	<ul style="list-style-type: none"> The proponent must provide an opportunity for Indigenous groups potentially impacted by the Project to review the information prior to submission of the Impact Statement. The Impact Statement must indicate where input from Indigenous groups has been incorporated, including Indigenous knowledge. Information should be specific to the individual Indigenous group(s) involved in the assessment, and describe contextual information about the members within an Indigenous group (e.g., women, men, Elders and youth). The proponent must analyze the community and Indigenous community knowledge across diverse subgroups where possible to identify differential effects highlighted by these groups. 	<ul style="list-style-type: none"> See responses for ID #1, #7 and #26. 	
34	TISG Section 19 – Effects to Indigenous peoples and impacts on the exercise of Aboriginal and Treaty rights	<ul style="list-style-type: none"> Ethical guidelines and relevant cultural protocols governing research, data collection and confidentiality must be adhered to. 	<ul style="list-style-type: none"> Ethical guidelines and relevant cultural protocols governing research, data collection and confidentiality will be adhered to. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in Table 4-1 in November 2020 includes information on confidentiality considerations, guiding principles related to cultural protocols, and the importance of participant informed consent (refer to Sections 3.3, 3.4 and 6.2 and Appendix C in the Guidance Document). Also see responses for ID #2 and #5. 	<ul style="list-style-type: none"> Appendix B
35	TISG Section 19 – Effects to Indigenous peoples and impacts on the exercise of Aboriginal and Treaty rights	<ul style="list-style-type: none"> Where Indigenous groups do not wish to participate, the proponent is encouraged to continue sharing information and analysis with the Indigenous groups of the potential effects of the Project, and to use available public sources of information to support the assessment. The proponent must show evidence that effort to engage with all Indigenous groups potentially impacted was made. 	<ul style="list-style-type: none"> Where Indigenous groups do not wish to participate, MFFN will continue information sharing so if new information comes up that may impact lack of interest, they can be re-engaged. MFFN will strive to collect information on an Indigenous group's lack of interest. All related communications will be documented in the Records of Consultation. Where required due to a lack of interest, publicly available secondary sources of information for Indigenous groups will be used in the IA / EA. Also see responses for ID #6. 	<ul style="list-style-type: none"> Section 4.2 Section 5 Appendix A





ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response	Study Plan Reference
36	TISG 9.1 – Effects to Indigenous Peoples	<ul style="list-style-type: none"> ■ The potential effects to consider assessing include both adverse and positive effects...including interferences of the Project with the following: <ul style="list-style-type: none"> – quantity and quality of resources available for harvesting (e.g., species of cultural importance, including traditional and medicinal plants); – access to culturally important harvesting areas or resources of importance; – experiences of being on the land, including ability to pass on Indigenous knowledge and language (e.g., impacted from: changes in air quality, noise exposure, effects of vibrations from blasting and other activities); – current and future availability and quality of country foods (traditional foods); – increased reliance on country foods as a result of the Project due to increased food prices, including any change to the required hunting quotas of impacted communities; – the use of travel ways, navigable waterways and water bodies; – commercial and non-commercial fishing, hunting, trapping and gathering and cultural or ceremonial activities and practices; – commercial, non-commercial and trade economies; and, – cultural heritage, and structures, sites or things of historical, archaeological, paleontological or architectural significance to groups, including, but not limited to: <ul style="list-style-type: none"> • the loss or destruction of physical and cultural heritage; • changes to access to physical and cultural heritage; • changes to the cultural value, spirituality, or importance associated with physical and cultural heritage; • sacred, ceremonial or culturally important places, objects, or things, including languages, stories and traditions; and • visual aesthetics over the life of the Project and post-Project abandonment or decommissioning. 	<ul style="list-style-type: none"> ■ The IK and Consultation Programs for the Project both serve to support the collection of Indigenous perspectives, values, and input on the Project, including effects to Indigenous peoples. The Guidance Document developed for the Project and provided to all Indigenous communities and groups identified in Table 4-1 in November 2020 includes guiding question to support baseline information collection and perspectives on the potential effects of the Project on Indigenous peoples (refer to Sections 6.3, 6.6, 6.7, and 6.8 and Appendices D, E and F in the Guidance Document). ■ The considerations in terms of Project interferences listed in Section 19.1 of the TISG have also been factored into the identification of preliminary indicators for the assessment on Aboriginal and Treaty Rights and Interests. ■ Some aspects of the effects assessment on cultural heritage will be undertaken in the cultural heritage studies – refer to the Cultural Heritage Study Plan. ■ Given the interrelated nature of Indigenous peoples VCs and the many other VCs and the influence of indirect effects on Aboriginal and Treaty Rights and Interests, the effects assessments completed for other VCs will serve to inform the effects assessment on Aboriginal and Treaty Rights and Interests. 	<ul style="list-style-type: none"> ■ Section 5 ■ Section 7, ■ Section 9.2 ■ Section 9.3 ■ Section 9.4 ■ Appendix B
37	TISG Section 19.2 – Impacts on the Exercise of Aboriginal and Treaty rights	<ul style="list-style-type: none"> ■ The Impact Statement should describe the level of engagement with Indigenous groups regarding potential impacts of the project on the exercise of rights, and where possible, the Project's potential interference with the exercise of rights... Proponents are encouraged to discuss with Indigenous groups their views on how best to reflect the assessment of impacts on the exercise of rights in their Impact Statement. This may include supporting Indigenous-led studies that are to be provided publicly and to the Government of Canada....The proponent and Indigenous groups may consider: <ul style="list-style-type: none"> – how the Project may contribute cumulatively to any existing impacts on the exercise of rights of Indigenous peoples, as identified by the Indigenous groups; – the interference of the Project on the quality and quantity of resources available for the exercise of rights; – the interference of the Project on the access to areas important to the exercise of rights (including through effects to navigable waterways); – the interference of the Project on the experience associated with the exercise of rights; – the interference of the Project on Indigenous traditions, laws and governance; and, – the severity of the impacts on the exercise of rights of Indigenous peoples, as identified by the Indigenous groups. 	<ul style="list-style-type: none"> ■ The updated Study Plan describes the level of engagement with Indigenous groups and the approach to the effects assessment on Aboriginal and Treaty Rights and Interests VCs. The specific considerations for the effects assessment for each of the Indigenous groups will be customized based on Indigenous group-specific discussions through consultation and engagement activities. 	<ul style="list-style-type: none"> ■ Section 9.1 ■ Section 9.2 ■ Section 9.3 ■ Section 9.4 ■ Section 9.5 ■ Section 9.6





ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response	Study Plan Reference
38	TISG Section 19.2 – Impacts on the Exercise of Aboriginal and Treaty rights	<ul style="list-style-type: none"> ■ The Impact Statement should detail: <ul style="list-style-type: none"> – any measures identified in an attempt to avoid, minimize, offset or otherwise address potential adverse impacts of the Project on the exercise of rights ; – where measures are proposed by Indigenous groups, the proponent should respond with its intent to implement them, as appropriate; and, – with respect to mitigation measures proposed by the proponent, the Impact Statement should include perspectives of the potentially impacted Indigenous groups, on the effectiveness of particular mitigation measures on such impacts. ■ Where no mitigation measures are proposed or mitigation is not possible, the Impact Statement should identify potential level of severity of the adverse impacts on the exercise of Aboriginal and Treaty rights, as identified by the Indigenous group(s). 	<ul style="list-style-type: none"> ■ An overview of potential avoidance, mitigation and enhancement measures that may be employed in the IA / EA based on the current understanding of potential effects is included in the updated Study Plan. These measures are considered very preliminary and should be viewed as examples of potential mitigation measures that may be identified through the IA / EA. It is expected that ongoing consultation and engagement through the IK and Consultation and Engagement programs will directly inform and influence the development of mitigation measures to be employed. Specific suggestions raised by each Indigenous community and group for avoiding, mitigating, or otherwise accommodating the potential Project direct and indirect effects on Indigenous peoples will be documented, and a description of how measures were incorporated into the Project design will be included in the IS / EA Report. ■ Where mitigation is not possible, the potential severity of the adverse impacts on Aboriginal and Treaty Rights and Interests will be characterized. The approach to the effects assessment on Aboriginal and Treaty Rights and Interests VCs is included in the updated Study Plan. 	<ul style="list-style-type: none"> ■ Section 9.5 ■ Section 9.6
39	TISG Section 20 – Mitigation and enhancement measures	<ul style="list-style-type: none"> ■ The Impact Statement must: <ul style="list-style-type: none"> – describe mitigation measures that are specific to identified effects to Indigenous peoples – describe mitigation measures proposed by Indigenous peoples and the consideration of those in the Project – document specific suggestions raised by each Indigenous group for avoiding, mitigating or otherwise accommodating the Project’s environmental, health, social and economic effects, including potential effects and impacts on the exercise of rights of Indigenous peoples and: <ul style="list-style-type: none"> • for those mitigation measures intended to address effects of changes to the environmental, health, social and economic conditions of Indigenous peoples or impacts on the exercise of rights of Indigenous peoples, provide a description of the consultation with Indigenous groups regarding the residual effects; and • describe whether and how these measures will be incorporated in the Project design. 	<ul style="list-style-type: none"> ■ See response for ID # 38. 	
40	TISG Section 21 – Residual Effects	<ul style="list-style-type: none"> ■ Impacts may affect the communities and stakeholders in different ways, and therefore they may respond differently to them. Characterizing effects should be based largely on the level of concern expressed through engaging with the affected Indigenous groups and community members. 	<ul style="list-style-type: none"> ■ See responses for ID #26 and #37. 	
41	TISG Section 22 – Cumulative Effects	<p>The cumulative effects assessment must include consideration of cumulative effects to rights of Indigenous peoples and cultures, for all potentially impacted groups including those located in the areas which will be impacted by increased access to the region by exploration and mineral development projects. Both the content and means of presenting this information is to be developed in consultation with each potentially impacted Indigenous group. Proponents must engage with and clearly document and incorporate the views of Indigenous groups in the cumulative effects assessment. Where Indigenous groups do not wish to participate in the cumulative effects assessment with the proponent, the proponent is to share a preliminary draft of the cumulative effects assessment on an Indigenous group’s exercise of rights and culture with them in order to receive feedback prior to submitting the Impact Statement to the Agency. The Impact Statement must... also assess the cumulative effects to rights of Indigenous peoples and their cultures.</p>	<ul style="list-style-type: none"> ■ Although likely residual effects are currently unknown, in accordance with the TISG, the cumulative effects assessment will include the consideration of cumulative effects to the rights of Indigenous peoples and cultures. The Proponent will strive to respectively collaborate with Indigenous communities on how Aboriginal and Treaty Rights and Interests may be impacted cumulatively. MFFN will engage with Indigenous communities through the IK Program and the Consultation and Engagement Program. Where Indigenous communities do not wish to participate in the cumulative effects assessment, a preliminary draft of the assessment will be provided for review and feedback prior to submitting the IS / EA Report to the Agency and the MECP. 	
42	TISG Section 25 – Description of the Project’s contributions to sustainability	<ul style="list-style-type: none"> ■ The Impact Statement must characterize the Project’s contribution to sustainability. The Impact Statement should also characterize the Project’s contribution to “sustainability”, as defined by Indigenous groups, such as “Seven Generations Teachings” and “Seven Generation Stewardship”. In addition, the Impact Statement must... describe engagement with potentially affected Indigenous groups and describe measures and commitments to ensuring the sustainability of Indigenous livelihood, traditional use, culture and well-being. 	<ul style="list-style-type: none"> ■ As part of ongoing consultation and engagement activities with Indigenous groups, measures and commitments to <i>support</i> the sustainability of Indigenous livelihoods, traditional use, culture and well-being will be identified and incorporated into the IA / EA, where possible. Also see response for ID #2 in Table 11-2. 	<ul style="list-style-type: none"> ■ Section 9.7





ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response	Study Plan Reference
43	TISG Section 26 – Follow-up programs	<ul style="list-style-type: none"> Considerations for developing a follow-up program for environmental, health, social or economic effects, as applicable, include: <ul style="list-style-type: none"> the nature of concerns raised by the public and Indigenous groups about the Project suggestions from Indigenous groups and local communities regarding the design of, and involvement in, follow-up and monitoring programs incorporation of community and Indigenous knowledge 	<ul style="list-style-type: none"> The follow-up program will be developed with consideration for the requirement of this section of the TISG. 	Section 9.9
44	TISG Section 26.1 – Follow-up program framework	<ul style="list-style-type: none"> The Impact Statement must present a follow-up program that includes: <ul style="list-style-type: none"> intervention mechanism used in the event that an unexpected deterioration of the environment or impacts on the exercise of rights of Indigenous peoples and cultures is observed or experienced; opportunity for the proponent to include the participation of Indigenous groups and stakeholders on the affected territory during the development and implementation of the program involvement of local and regional Indigenous organizations in the follow-up program design and implementation, evaluation of the follow-up results, as well as any updates, including a communication mechanism between these organizations and the proponent 	<ul style="list-style-type: none"> The follow-up program will be developed to include the requirements of this section of the TISG. 	Section 9.9
45	TISG Section 26.2 – Follow-up program monitoring	<ul style="list-style-type: none"> The Impact Statement must present an outline of the preliminary environmental, health, social and economic monitoring program, including, but not limited to the: <ul style="list-style-type: none"> identification of opportunities for participation of representatives from Indigenous groups identified in the Indigenous Engagement and Partnership Plan in monitoring programs description of the methodology for tracking environmental, health, social and economic issues, including how these methodologies were informed by community and Indigenous knowledge or specifically impacted subgroups plans, including funding options, to involve Indigenous groups and local communities in monitoring, where appropriate 	<ul style="list-style-type: none"> The follow-up program will be developed with consideration for the requirement of this section of the TISG. 	Section 9.9
46	Draft Study Plan – General Comment	<ul style="list-style-type: none"> In addition to the required actions detailed below, other required actions to be addressed in the update to this study plan are detailed in a separate table titled “2020-07-02–IAAC to Marten Falls First Nation -General Comments on MFCAR Draft Study Plans”. The Agency has provided these other required actions to highlight common sections of the Tailored Impact Statement Guidelines (the Guidelines) where requirements were not met in the draft study plans submitted to the Agency. These additional actions must be addressed in the updated study plans. 	<ul style="list-style-type: none"> We have reviewed the relevant comments and incorporated where appropriate. Please refer to the General Comments Table Response submitted separately to the Agency for specific responses. 	Various Sections
47	Draft Study Plan – Agency Required Action #1	<ul style="list-style-type: none"> Update the study plan to include the list of all Indigenous groups that will be engaged, at a minimum the Indigenous groups listed in the IEPP, as part of the baseline data collection and effects assessment analysis. The list should be consistent throughout the study plan. 	<ul style="list-style-type: none"> See response to ID #1. 	
48	Draft Study Plan – Agency Required Action #2	<ul style="list-style-type: none"> Update the study plan to demonstrate how GBA+ has been integrated into all aspects of data collection methodology and the assessment of effects and impacts. 	<ul style="list-style-type: none"> See response to ID #7. 	
49	Draft Study Plan – Agency Required Action #3	<ul style="list-style-type: none"> Update the study plan to demonstrate that the preliminary LSA and RSA are appropriate for the Project and how the requirements of Section 7.1 of the Guidelines will be met. 	<ul style="list-style-type: none"> See response to ID #8. 	
50	Draft Study Plan – Agency Required Action #4	<ul style="list-style-type: none"> In consideration of the ongoing COVID-19 pandemic and that some Indigenous groups are presently in a state of emergency, provide a rationale for the short timeframe extended to Indigenous groups for the review of the LSA / RSA. 	<ul style="list-style-type: none"> See response to ID #11. Communities that requested additional time beyond the 30-day period to comment on the preliminary study areas were provided with an extension. As noted in the updated Study Plan, MFFN will continue to provide opportunities for Indigenous communities to provide input and inform the effects assessment, including the study areas. 	Section 6.2.2





ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response	Study Plan Reference
51	Draft Study Plan – Agency Required Action #5	<ul style="list-style-type: none"> ■ Taking into consideration that the Project-specific studies are to be carried out over the fall and winter seasons when many community members are out on the land or unavailable, provide a rationale for the short timeframe extended to Indigenous communities to complete the Project-specific studies. 	<ul style="list-style-type: none"> ■ The Project IA / EA schedule is currently being revised to reflect the reality of constraints posed by various factors, including the ongoing pandemic and the timelines for provincial funding agreements with Indigenous communities and groups. It is expected that as part of these revisions, the schedule for completing Project-specific studies will also be revised and as a result, are expected to no longer coincide with the fall and winter seasons. 	
52	Draft Study Plan – Agency Required Action #6	<ul style="list-style-type: none"> ■ Update the study plan to provide a clear description of the proposed methods for the establishment of temporal boundaries for the baseline and effects assessment of Indigenous cultural sites, features and practices, Indigenous use of land and resources for traditional purposes, and exercise of section 35 rights. 	<ul style="list-style-type: none"> ■ See response to ID #12. 	
53	Draft Study Plan – Agency Required Action #7	<ul style="list-style-type: none"> ■ Update the study plan to provide information on which Indigenous groups from those identified in the IEPP have been invited to participate in the IK/ILRU program and the rationale for including them while excluding others. 	<ul style="list-style-type: none"> ■ See response to ID #1. 	
54	Draft Study Plan – Agency Required Action #8	<ul style="list-style-type: none"> ■ Update the study plan to describe the specific information to be solicited from participating Indigenous groups. If sample questionnaires, interview questions, or other data collection tools exist, identify them in an appendix to the study plan, and describe how they relate to physical and cultural heritage, current use of lands and resources, and exercise of section 35 rights criteria identified in Sections 12.1, 12.2, 12.4, 17.6, 19.1, and 19.2 of the Guidelines. 	<ul style="list-style-type: none"> ■ A Guidance Document has been developed to support collecting and reporting on Indigenous Knowledge and information relevant to the Aboriginal and Treaty Rights and Interest VCs (e.g., physical and cultural heritage, current use of lands and resources for traditional purposes, section 35 rights). A set of guidance questions were developed based on the TISG requirements and included in the Guidance Document. The guidance questions will also support the collection of Indigenous Knowledge and information relevant to other Project VCs (e.g., wildlife, surface water, cultural heritage). The guidance document was also designed to be flexible, wherever possible, to adapt to the needs and interests of each specific Indigenous community or group. The Guidance Document was shared with all Indigenous communities and groups identified in Table 4-1 in November 2020. ■ Also see responses to ID # 22, #23, #25, #30, #36, #37 and #38. 	<ul style="list-style-type: none"> ■ Section 5.1 ■ Section 7 ■ Section 7.3 ■ Appendix B
55	Draft Study Plan – Agency Required Action #9	<ul style="list-style-type: none"> ■ Update the study plan to describe how the IK/ILRU program will identify the ways in which project components, activities, and effects could interact with the exercise of section 35 rights by Indigenous peoples, as required by section 19.2 of the Guidelines. 	<ul style="list-style-type: none"> ■ See response to ID #37. 	
56	Draft Study Plan – Agency Required Action #10	<ul style="list-style-type: none"> ■ Update the study plan to ensure that the approach to IK studies solicits knowledge on technical aspects of the impact assessment including the environment and health, social and economic conditions, in addition to soliciting information related to rights and current use of lands and resources. 	<ul style="list-style-type: none"> ■ See response to ID #3 and #27. 	
567	Draft Study Plan – Agency Required Action #11	<ul style="list-style-type: none"> ■ Regarding primary information collection the study plan requires additional detail on how the collection methodology would meet the expectations of the Guidelines, including: <ul style="list-style-type: none"> – Specify types of engagement activities (surveys, questionnaires, community sessions, chief and council sessions, workshops, etc.). – Describe how GBA+ has been applied to the consideration of engagement activities. Identify any specific methods targeted to specific subgroups. – Specify participants in engagement activities (reflecting the Indigenous groups listed in the IEPP) including rationale for how the selection of participants meets the objectives of the study and demonstrates accessibility considerations (e.g., language requirements) and GBA+. – Describe the approach the proponent intends to take to encourage or attract participation, including how opportunities to participate will be planned and advertised. – Describe how Indigenous knowledge will be used to inform types of engagement activities and participant selection. – If sample questionnaires, interview questions, or other data collection tools exist, identify them in an appendix to the study plan, and provide clear links to how they relate to physical and cultural heritage. – Identify past public or Indigenous engagement activities that have taken place and are being used to inform this study plan. 	<ul style="list-style-type: none"> ■ See responses to ID # 1, #7 and #22. ■ A general Project-specific study approach is included in the Guidance Document, which includes considerations for selecting study participants and the various approaches to collecting information (e.g., interviews, workshops). ■ The sharing of the Guidance Document and other IK Program-related materials with all Indigenous communities and groups identified in Table 4-1 is intended to encourage participation in the IK Program. Ongoing Indigenous community and group engagement as part of the IK and Consultation and Engagement programs will serve to continue to encourage participation in the IK Program and the IA / EA Process. 	<ul style="list-style-type: none"> ■ Section 7.3 ■ Section 7.3.2 ■ Section 7.4 ■ Appendix A ■ Appendix B ■ Appendix C





ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response	Study Plan Reference
58	Draft Study Plan – Agency Required Action #12	<ul style="list-style-type: none"> For secondary information collection provide specific information sources to be used, and for which indicators they apply. Provide detail on how the proponent has considered GBA+ requirements in the identification of secondary information sources. 	<ul style="list-style-type: none"> Information on how secondary information relevant to Indigenous communities that are being engaged for the Project, as well as sources related to emerging practices for cultural impact assessment, have informed the identification of valued components and indicators and is included in the updated Study Plan. Note that the sources of secondary information are generally relevant to all of the VCs and indicators. Secondary sources of information included in the Desktop Assessment and that may be used to inform the IA / EA Report will be reviewed through the lens of ability to disaggregate relevant information to support the GBA+ analysis. 	<ul style="list-style-type: none"> Section 7.2 Section 9.3 Appendix E
59	Draft Study Plan – Agency Required Action #13	<ul style="list-style-type: none"> Update the study plan to describe the methodology or approach that will be used to identify detailed and measurable indicators related to non-material aspects cultural heritage and culturally significant plants and wildlife, as outlined in Sections 12.1, 17.6 and 19.1 of the Guidelines. 	<ul style="list-style-type: none"> The Study Plan has been updated to include indicators related to non-material aspects of cultural heritage and culturally significant plants and wildlife. 	<ul style="list-style-type: none"> Section 9.3
60	Draft Study Plan – Agency Required Action #14	<ul style="list-style-type: none"> Update the study plan to identify how and when Indigenous groups will be provided opportunities to validate the list of valued components and indicators related to Indigenous cultural sites, features, and practices as required by Section 6 of the Guidelines. 	<ul style="list-style-type: none"> The Study Plan has been updated to identify how and when Indigenous groups will be provided opportunities to validate the list of valued components and indicators related to Indigenous cultural sites, features, and practices. Also see response to ID #1. 	<ul style="list-style-type: none"> Section 4 Section 7.4 Section 9.3 Appendix A
61	Draft Study Plan – Agency Required Action #15	<ul style="list-style-type: none"> Update the study plan to describe the methodology or approach that will be used to identify detailed and measurable indicators related to the location and timing of traditional practices and the quality of resources, as outlined in Sections 12.2 and 19.1 of the Guidelines. 	<ul style="list-style-type: none"> The Study Plan has been updated to include indicators related to the location and timing of traditional practices and the quality of resources. 	<ul style="list-style-type: none"> Section 9.3
62	Draft Study Plan – Agency Required Action #16	<ul style="list-style-type: none"> Update the study plan to identify how and when Indigenous groups will be provided opportunities to validate the list of valued components and indicators related to Indigenous cultural sites, features, and practices as required by Section 6 of the Guidelines. 	<ul style="list-style-type: none"> See response to ID # 60. 	
63	Draft Study Plan – Agency Required Action #17	<ul style="list-style-type: none"> Update the study plan to describe the methodology or approach that will be used to identify detailed and measurable indicators related to section 35 rights, as outlined in Sections 12.4 and 19.2 of the Guidelines. 	<ul style="list-style-type: none"> The Study Plan has been updated to include indicators related to section 35 rights. Also see response to ID # 25 and #36. 	<ul style="list-style-type: none"> Section 9.3
64	Draft Study Plan – Agency Required Action #18	<ul style="list-style-type: none"> Update the study plan to identify how and when Indigenous groups will be provided opportunities to validate the list of valued components and indicators related to Indigenous cultural sites, features, and practices as required by Section 6 of the Guidelines. 	<ul style="list-style-type: none"> See responses to ID #60. 	
65	Draft Study Plan – Agency Required Action #19	<ul style="list-style-type: none"> Update the study plan to include details on how the effects assessment methodology for the assessment of impacts on physical and cultural heritage, current use of land and resources for traditional purposes, and the exercise of section 35 rights would meet the expectations of Section 13.1 of the Guidelines. Ensure that the effects assessment considers the effects of each of the project components and physical activities, in all phases, and that it is based on a comparison to the proposed baseline work. 	<ul style="list-style-type: none"> The Study Plan has been updated to include details on the effects assessment methodology to meet expectations of Section 13.1 of the TISG. The IS will describe in the detail the potential adverse and positive effects in relation to each phase of the Project, Preliminary potential effects have been included in the updates Study Plan. Also see responses to ID #36 and #37. 	<ul style="list-style-type: none"> Section 9.1 Section 9.2 Section 9.4
66	Draft Study Plan – Agency Required Action #20	<ul style="list-style-type: none"> Update the study plan to identify how and when Indigenous groups will have opportunities to define VC scoping and inform effects analysis, including the identification of VCs and the effects pathways that Indigenous groups have identified as likely to contribute to an impact on section 35 rights. 	<ul style="list-style-type: none"> See responses to ID #1, #9, #10, #25, #26, #27, #32, #36. 	
67	Draft ToR Comments from various review agencies and Indigenous communities (ID #'s 16, 103, 105, 108, 118, 193, 211, 213, 226, 255, 385, 551, 565, 566, 574, 580, 632)	<ul style="list-style-type: none"> Comments related to the importance of and need for Indigenous Knowledge to: serve as a source of information for all disciplines; and to inform all aspects of the EA, including the characterization of existing conditions (baselines), criteria and indicators, effects assessment, and the development of mitigation measures. 	<ul style="list-style-type: none"> See responses to ID #1, #2, #3, #9, #26 and #38 	





ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response	Study Plan Reference
68	Draft ToR Comments from various review agencies and Indigenous communities (ID #'s 103, 105, 193, 211, 256, 259, 548, 608, 613, 614)	<ul style="list-style-type: none"> Comments related to the need for and importance of Indigenous Knowledge Sharing Agreements to enable Indigenous Knowledge to be incorporated into the EA while also being protected from unauthorized disclosure and inappropriate use. 	<ul style="list-style-type: none"> See responses to ID #2 and #5 	



Table 11-2: Study Plan Federal and Provincial Concordance – Requirement Deviations

ID #	Federal TISG Reference or Provincial Draft ToR Comment Reference	Requirement / Comment / Concern	Response (Rationale for not meeting requirement)	Justification (for not complying with requirement including for example scientific research, precedence)	Proposed TISG Amendment
1	TISG Section 6.2	<ul style="list-style-type: none"> “In the Impact Statement, the proponent is required to describe the type of confidential information provided by each Indigenous group without compromising stipulations in the confidentiality agreements and state how that information impacted the project design, baseline data, effects assessment or mitigation measures. The proponent is required to provide evidence to the Agency in the form of a letter from the Indigenous group that provided confidential information confirming that: <ul style="list-style-type: none"> – the Indigenous group that provided confidential information is satisfied with the way the Impact Statement was informed; – the Indigenous group that provided confidential information is satisfied with the way the issue was solved or addressed.” 	<ul style="list-style-type: none"> MFFN is concerned about the requirement to provide evidence to the Agency in the form of a letter from each participating Indigenous group. As indicated in Section 5.2 of the Study Plan, permission from the Indigenous community will be sought before including IK in the IS / EA Report, regardless of the source of the IK. Sensitive and / or confidential information will be specifically collected through the IK Program to inform the IS / EA Report, and its use and publication will be governed by Indigenous community-specific IK Sharing Agreements. The IK Sharing Agreements will be protected from public or third-party disclosure and will be established between the Proponent and Indigenous communities participating in the IK Program prior to the sharing and use of any sensitive information. 	<ul style="list-style-type: none"> The IK Sharing Agreements will govern how IK and confidential information is used in the IS / EA Report. All Indigenous communities and groups identified in the IEPP will be provided with an opportunity to review the IS / EA Report and provide comment on whether they are satisfied with how the IS / EA Report was informed. MFFN will work with each Indigenous community and group to address any concerns or issues related to the use of confidential information. While MFFN can strive to secure letters from each participating community or group, MFFN cannot guarantee that each community and group will be comfortable providing a letter to the Agency. 	<ul style="list-style-type: none"> Replace with this statement: <ul style="list-style-type: none"> – “In the Impact Statement, the proponent is required to describe the type of confidential information provided by each Indigenous group without compromising stipulations in the confidentiality agreements and state how that information impacted the project design, baseline data, effects assessment or mitigation measures. The proponent will strive to provide evidence to the Agency in the form of a letter from the Indigenous group that provided confidential information confirming that: <ul style="list-style-type: none"> • the Indigenous group that provided confidential information is satisfied with the way the Impact Statement was informed; • the Indigenous group that provided confidential information is satisfied with the way the issue was solved or addressed.”
2	TISG Section 25	<ul style="list-style-type: none"> “In addition, the Impacts Statement must: <ul style="list-style-type: none"> – describe engagement with potentially affected Indigenous groups and describe measures and commitments to ensuring the sustainability of Indigenous livelihood, traditional use, culture and well-being.” 	<ul style="list-style-type: none"> MFFN is concerned about the expectation that proponents describe measures and commitments to ensuring the sustainability of Indigenous livelihood, traditional use, culture and well-being. 	<ul style="list-style-type: none"> It is not reasonable to ask that a proponent describe measures and commitments to <i>ensuring</i> the sustainability of Indigenous livelihood, traditional use, culture and well-being given the many factors that influence the sustainability of these lifeways beyond and separate from the Project. 	<ul style="list-style-type: none"> Replace with this statement: <ul style="list-style-type: none"> – “describe engagement with potentially affected Indigenous groups and describe measures and commitments to support the sustainability of Indigenous livelihood, traditional use, culture and well-being.”





12. References

AECOM Canada Ltd., 2020:

Marten Falls First Nation Proposed Terms of Reference Marten Falls Community Access Road – Environmental Assessment, Appendix B: Consultation & Engagement Plan to Support the Environmental Assessment / Impact Statement.

Canadian Environmental Assessment Agency, 2015:

Technical Guidance for assessing the Current Use of Lands and Resources for Traditional Purposes under the Canadian Environmental Assessment Act, 2012. Draft for Public Comment, December, 2015.

Impact Assessment Agency of Canada, 2019:

Impact Assessment Act. <https://laws-lois.justice.gc.ca/eng/acts/I-2.75/>

Impact Assessment Agency of Canada, 2020:

Public Participation Plan for the Marten Falls Community Access Road Project Impact Assessment.

Impact Assessment Agency of Canada, 2020a:

Indigenous Partnership and Engagement Plan for the Marten Falls Community Access Road Project Impact Assessment.

Impact Assessment Agency of Canada, 2020b:

Glossary of Terms for the impact assessment of designated projects under the IAA.
<https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/glossary-of-terms.html>

Impact Assessment Agency of Canada, 2020c:

Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples.

Impact Assessment Agency of Canada, 2020d:

Tailored Impact Statement Guidelines for the Marten Falls Community Access Road Project.
<https://iaac-aeic.gc.ca/050/documents/p80184/133937E.pdf>

Ontario Government, 1990:

Environmental Assessment Act. <https://www.ontario.ca/laws/statute/90e18>



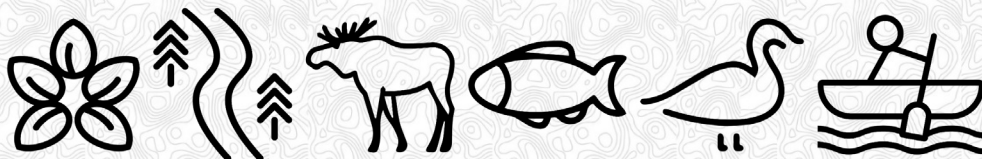


MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD

Aboriginal and Treaty Rights and Interests Study Plan

Appendix A

Consultation and Engagement Plan to Support the Environmental Assessment / Impact Statement



Marten Falls First Nation

Consultation and Engagement Plan to support the Environmental Assessment / Impact Statement

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✓	✓	Ministry of the Environment, Conservation and Parks
	✓	AECOM Canada Ltd.

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Appendices

Appendix A. Project-specific Environmental Assessment Government Review Team List

List of Acronyms and Abbreviations

EA	Environmental Assessment
EAA.....	<i>Environmental Assessment Act</i>
ENDM.....	Ministry of Energy, Northern Development and Mines
GBA+	Gender-Based Analysis Plus
IA.....	Impact Assessment
IS.....	Impact Statement
MECP.....	Ministry of the Environment, Conservation and Parks
MFFN	Marten Falls First Nation
MOU.....	Memorandum of Understanding
PIC	Public Information Centre
RoC	Record of Consultation
The Agency	Impact Assessment Agency of Canada
ToR	Terms of Reference

1. Introduction

1.1 Background and Project Overview

Marten Falls First Nation (MFFN) is a remote First Nation community in northern Ontario, located at the junction of the Albany and Ogoki rivers (**Figure 1-1**). MFFN is currently accessible year-round by air transportation out of Thunder Bay and Nakina, and by a winter access road constructed on an annual basis if conditions permit. Neither mode of transportation to the MFFN community is ideal. MFFN's winter access road is not reliable and is typically only useable about six to eight weeks annually between February and March, making transportation of goods and people difficult. The alternative means of transportation (i.e., air) is expensive for MFFN community members. Given the unreliability of the winter road and the expense of air travel, an all-season access road connecting MFFN to the existing provincial highway network is needed to improve the well-being of the MFFN community. The Community Access Road will serve MFFN community access and industrial supply needs for both the MFFN community (e.g., fuel, construction supplies, water treatment supplies) and industrial proponents (e.g., mining, forestry). The Project, therefore, will be for a multi-purpose road built to meet industrial use specifications. MFFN has started a provincial Environmental Assessment (EA), a federal Impact Assessment (IA) and a Preliminary Design Study to assess the potential effects and benefits related to the proposed Community Access Road.

Since the 1990s, MFFN has received provincial funding to maintain 140 kilometres of winter road to the MFFN community. In addition, MFFN has received provincial funding since 2014 to maintain 79 kilometres of the Anaconda and Painter Lake Road systems which connect the winter road to the provincial highway system.

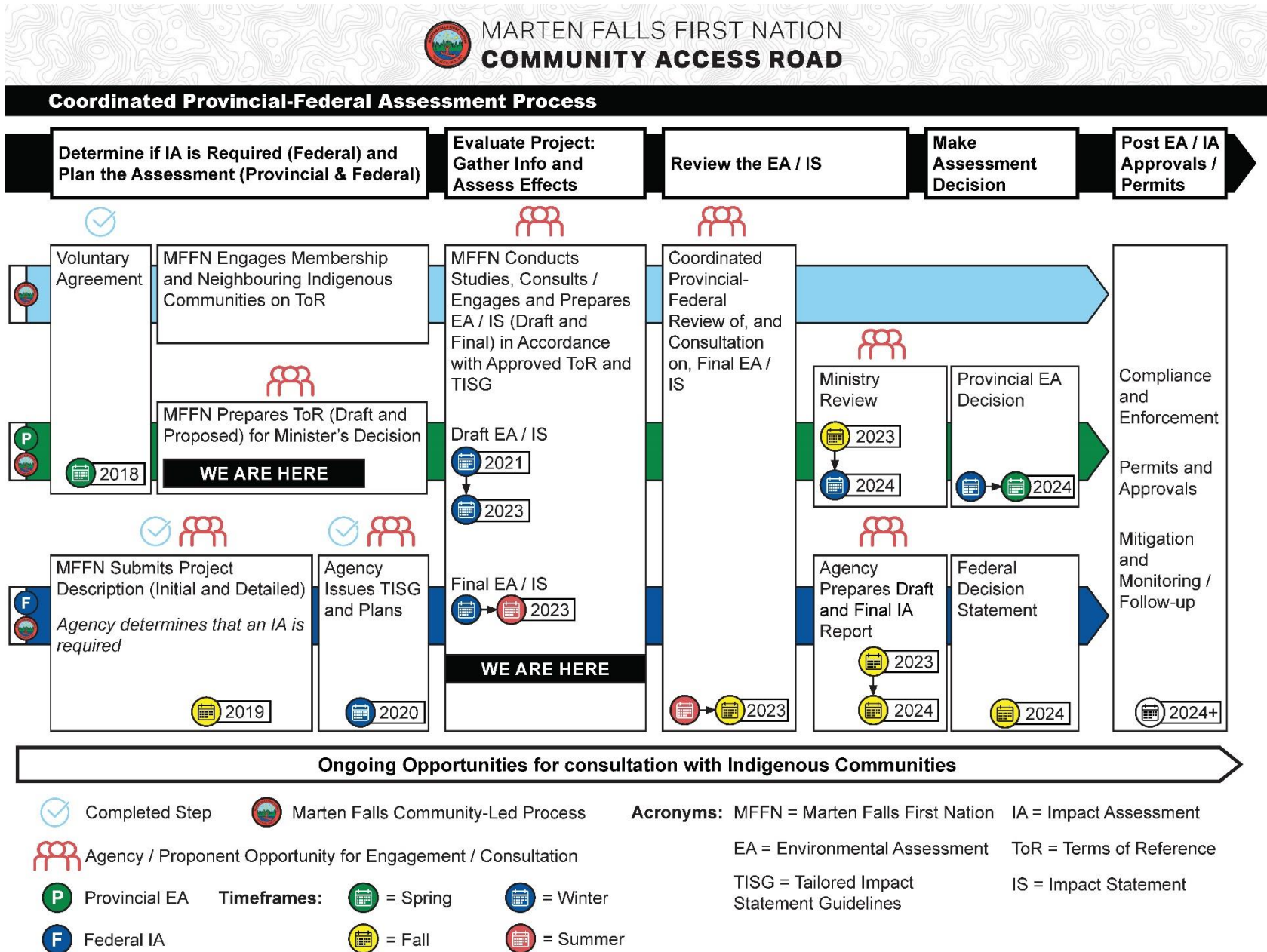
In 2009, MFFN was successful in acquiring funds from the Northern Ontario Heritage Fund Corporation to complete the 2011 MFFN Winter Road Realignment / All Weather Road Project, Feasibility Analysis and Business Plan Report (W. L. Lees & Associates and Marten Falls Logistics-LP. 2011, MFFN 2017). This report built on previous studies and was used by MFFN to guide discussions with government, industry and adjacent Indigenous communities on improving community access to MFFN. In 2016, the Ministry of Northern Development and Mines (now the Ministry of Energy, Northern Development and Mines [ENDM]) confirmed financial support on permitting the Project (MFFN 2017) and Indigenous and Northern Affairs Canada (now Indigenous Services Canada, and Crown-Indigenous Relations and Northern Affairs Canada) provided financial support under the Building Canada Fund for work related to realignment of the winter road to higher ground.

1.2 Regulatory Context

In April 2018, MFFN signed a voluntary agreement with the Ontario Ministry of Environment, Conservation and Parks (MECP) to prepare a provincial Individual EA, and in November 2019 the Impact Assessment Agency of Canada (the Agency) confirmed that a federal IA would be required for the Project. As part of the provincial EA process, the Proponent is required to submit an EA report to the MECP for review and a decision. As part of the federal IA process, the Proponent is required to submit to the Agency an Impact Statement (IS), for the Agency to determine whether it satisfactorily contains all the information and studies outlined in the Tailored Impact Statement Guidelines. The Project is undertaking a coordinated provincial and federal assessment resulting in one body of Proponent documentation related to the assessment, referred to as the EA / IS. The EA / IS will be submitted to both MECP and the Agency. MFFN's current understanding of the coordinated assessment process is based upon the Impact Assessment Agency of Canada – Ontario Ministry of the Environment, Conservation and Parks Cooperation Plan for the Marten Falls Community Access Road Project Impact Assessment (IAAC 2020a)¹. To support the coordinated assessment, MFFN has prepared one Consultation and Engagement Plan to meet the requirements of the EA / IA processes.

1. Refer to Section 3.3. of the ToR for further details on the coordinated process.

Figure 1-2: Coordinated Provincial-Federal Assessment Process



1.2.1 Consultation and Engagement Terminology

The following consultation and engagement terminology was written and provided by the Agency and Ontario (MECP and ENDM):

In the provincial context, the terms consultation and engagement are used to describe activities with Indigenous communities and other interested persons² to fulfill the requirements of the provincial EA process. Consultation and engagement activities are described in the MECP's Codes of Practice: Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario (MECP 2019a) and Consultation in Ontario's Environmental Assessment Process (MECP 2014b), as well as the Marten Falls-Ontario (MECP & ENDM) Memorandum of Understanding (MOU) on Shared Consultation Responsibilities developed for the provincial EA for the proposed Marten Falls Community Access Road.

These activities have included, and will continue to include, relationship-building activities that extend beyond the statutory and procedural requirements of consultation. It is noted that consultation and engagement activities conducted within a provincial EA process may be relied on by Ontario towards fulfilling its constitutional Duty to Consult with Aboriginal peoples.

In the federal context, the term engagement is used to describe activities undertaken by the proponent with Indigenous communities and other interested persons to fulfill the requirements of the federal IA process. Federal requirements for engagement and associated activities by the proponent are outlined in the federal Tailored Impact Statement Guidelines. In addition, Agency-led engagement activities are outlined in the Public Participation Plan.

The Agency does not delegate procedural aspects of consultation. In the federal context, the term consultation is used to describe activities undertaken by the Agency to fulfill its Duty to Consult. Consultation activities by the Agency are outlined in the Indigenous Engagement and Partnership Plan. The proponent may be invited to participate in these Agency-led activities.

1.3 About This Consultation and Engagement Plan

This Consultation and Engagement Plan was developed by the Proponent for consultation and engagement activities that are planned to be led by the Proponent during preparation of the EA / IS. The plan is referred to as a "Consultation Plan" to be consistent with provincial *Environmental Impact Assessment Act* terminology. The plan outlines activities that MFFN, as the Project proponent, will undertake to support the preparation of the EA / IS and includes information sharing, relationship building, engagement and consultation activities to be undertaken with Indigenous communities, government agencies and interested persons.

While this Consultation Plan is focused on the consultation and engagement efforts of MFFN during preparation of the EA / IS, Ontario (MECP and ENDM) and the Agency may also undertake consultation and engagement activities while MFFN prepares the EA / IS to satisfy their own obligations. Input received from these government activities and provided to MFFN will be considered in the preparation of the EA / IS.

The Agency's expectation of MFFN for the completion of its IS, including requirements for Indigenous and public consultation and engagement activities are outlined in the Agency's Tailored Impact Statement Guidelines. Engagement activities to be led by the Agency during the completion of the IA are outlined in the Agency's Project-specific Public Participation Plan (IAAC 2020b) and Indigenous Engagement and Partnership Plan (IAAC 2020c),

2. Throughout the Consultation Plan, the phrase "interested persons" is used and defined as individuals and groups (e.g., associations, non-governmental organizations, industry and academia) who could have an interest in the Project, including but not limited to communities in the region, those with commercial interests (e.g., forestry, trappers, outfitters, other mineral tenure holders in the area) and recreational users or those with recreational interest (e.g., campers, hunters and environmental groups).

respectively. The Agency expects MFFN to participate in Agency-led consultation and engagement activities. More information related to the both the provincial and federal assessment processes (i.e., EA and IA, respectively) is available in **Section 3** of the Terms of Reference (ToR).

The Agency IAAC and / or Ontario may be organizing their own consultation efforts that are not covered in this Plan. Input received from these government efforts and provided to MFFN will be considered in development of the EA / IS. Regarding the federal IA process, once the IS is submitted to the Agency, consultation and engagement will be led by the Agency to support completion of the IA process.

This Consultation Plan:

- Guides the collection of input / feedback from Indigenous communities and interested persons (i.e., any person or body that has an interest in the Project) to help inform the preparation of the EA / IS;
- Outlines the methods that will be used to consult and engage during preparation of the EA / IS;
- Identifies key milestones when consultation and engagement will occur, timing and targeted input;
- Provides an issue resolution process;
- Provides information about how correspondence and input will be recorded and tracked; and
- Provides details on assessing the effectiveness of consultation and engagement efforts.

This Consultation Plan may be revised based on input received on the Proposed ToR and future consultation and engagement during the preparation of the EA / IS, including input from Indigenous communities, government agencies and interested persons.

The Marten Falls First Nation Community Access Road Supporting Document – Proposed Terms of Reference Record of Consultation (AECOM 2020) has been prepared to document consultation and engagement activities during preparation of the Proposed ToR. A similar Record of Consultation (RoC) will be prepared to document the results of consultation and engagement undertaken during the EA / IA processes. Feedback from Indigenous communities, government agencies and interested persons gathered will be considered throughout the processes and tracked in the RoC. In addition, instances where Indigenous Knowledge sharing has taken place (e.g., meetings, reports) will be recorded in the RoC, including where Indigenous Knowledge was incorporated into Project decisions and into the EA / IS (with direct reference to the appropriate section). Given the confidentiality required for Indigenous Knowledge sharing and use, the sharing and inclusion of Indigenous Knowledge will be guided by the community-specific Indigenous Sharing Agreements (i.e., specifics will not be included in public documentation but will be tracked separately in a confidential Project file).

Although not a requirement of the provincial EA process, in December 2019 MFFN voluntarily chose to circulate a Draft ToR (AECOM 2019) for review and comment by Indigenous communities and interested persons. The Draft ToR (AECOM 2019) was prepared in accordance with the *Environmental Assessment Act* (EAA) and the Code of Practice for Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario (Code of Practice; MECP 2019a). A 63-day review period was provided (to February 7, 2020) which included an 18-day extension, and several Indigenous communities responded with their feedback on the Draft ToR (AECOM 2019). Feedback has been incorporated into the ToR, including this Consultation Plan, and will be submitted to the Minister of MECP for review and a decision. Furthermore, this Consultation Plan was informed by the Agency's Indigenous Engagement and Partnership Plan (IAAC 2020b) and Public Participation Plan (IAAC 2020c) that was issued with the Agency's Tailored Impact Assessment Guidelines (IAAC 2020d) for this Project.

The Consultation Plan has been prepared using provincial terminology, however, the respective federal terminology has been provided in **Table 1-1** for reference. The terms can be used interchangeably.

Table 1-1: Provincial and Federal Terminology Comparison

Provincial Term	Federal Term
Criteria	Valued Component
Impact Management Measures	Mitigation
Net effects	Residual effects
Record of Consultation	Record of Engagement

1.4 The Proponent

The Proponent of the proposed Project is MFFN, a remote Indigenous community in northern Ontario located at the junction of the Albany and Ogoki rivers, approximately 430 kilometres from Thunder Bay, Ontario. MFFN will design and permit the proposed Community Access Road, while options for road ownership, maintenance activities and liability are being considered in discussion with the Province.

1.4.1 Community-Led Process

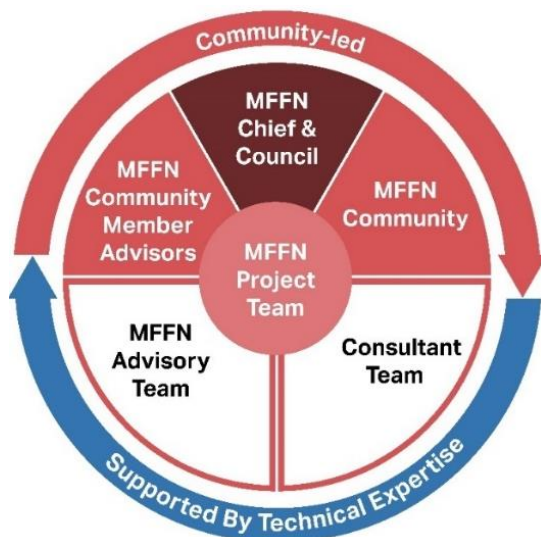
The Project is community-led; meaning MFFN community membership will help develop solutions and advance decisions on the Community Access Road. MFFN, as the Proponent of the Project, has formed a Project Team that includes MFFN community members. The MFFN Project Team acts with guidance, direction and input from MFFN Chief and Council, MFFN Community Member Advisers and MFFN community membership to:

- Manage the Project to meet the requirements of the EA / IA processes;
- Keep MFFN community membership, as the Proponent, up-to-date of plans and progress, and to gather direction and input to enable decisions by MFFN Chief and Council related to the Community Access Road; and
- Consult and engage members of MFFN and neighbouring Indigenous communities; see **Table 3-1** for a full list of communities to be engaged.

Neighbouring Indigenous Communities:

The MECP and the Agency identified the Aboriginal Rights-Based and Interest-Based communities who may be interested in the MFFN Community Access Road and should be consulted as part of the EA / IA processes. The term ‘neighbouring’ is used to identify any Indigenous community being engaged with respect to the Project and is not in reference to proximity.

Figure 1-3: Community-led Process



MFFN community membership have two distinct roles: 1) involvement in the community-led process as Proponent of the Project; and 2) an Indigenous community potentially affected by the Project. Although not every MFFN community member is part of the MFFN Project Team, input from community members—in addition to direction from Chief and Council and Community Member Advisers—helps guide the Project. Proponent consultation and engagement activities used to gather this input and direction during the EA / IA processes are included in **Table 4-2**.

Figure 1-3 depicts the structure of the community-led process established to guide the Project through the EA / IS.

1.5 Importance of Consultation

Consultation and engagement are significant components of any project and are a means to gather input to inform the decision-making process, including for this Project preparation of the EA / IS. The most meaningful consultation and engagement occurs when individuals have input on how they want to be consulted and engaged, and this Consultation Plan provides the framework to create unique and flexible approaches and activities that can be tailored to the needs of neighbouring Indigenous communities, government agencies and interested persons.

This Consultation Plan has been designed to meet consultation requirements outlined in section 5.1 of the EAA, the Code of Practice for Consultation in Ontario's Environmental Assessment Process (MECP 2014a) and Code of Practice on Preparing and Reviewing Environmental Assessments in Ontario (MECP 2014b). It is also designed to meet the Agency's requirements as outlined in the Tailored Impact Statement Guidelines (IAAC 2020d) issued for this Project. The Draft Guidelines for Consultation with Indigenous Peoples related to Aboriginal Rights and Treaty Rights (Government of Ontario 2019) and the Nishnawbe Aski Nation Handbook on Consultation in Natural Resource Development (Nishnawbe Aski Nation 2007) were also used for guidance where appropriate. The following sections on the Agency's website (IAAC 2020e; <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act.html>) will continue to provide guidance during the federal IA process: Indigenous Participation in Impact Assessment, Indigenous Knowledge under the Impact Assessment Act: Procedures for Working with Indigenous Communities and Public Participation in Impact Assessments.

Input received to date from Indigenous communities, government agencies and interested persons has helped shape the planned approach to consultation and engagement proposed during the EA / IA processes. The approach described in this document will evolve as time progresses. A previous version of this Consultation Plan was included in the Draft ToR (AECOM 2019) and Indigenous communities, government agencies and interested persons were encouraged to provide feedback so that the Consultation Plan could evolve for inclusion in the ToR. Comments and responses on the draft version of this Consultation Plan are available in Appendix E of the RoC. This Consultation Plan, distributed with the ToR, will also be revisited regularly and updated accordingly.

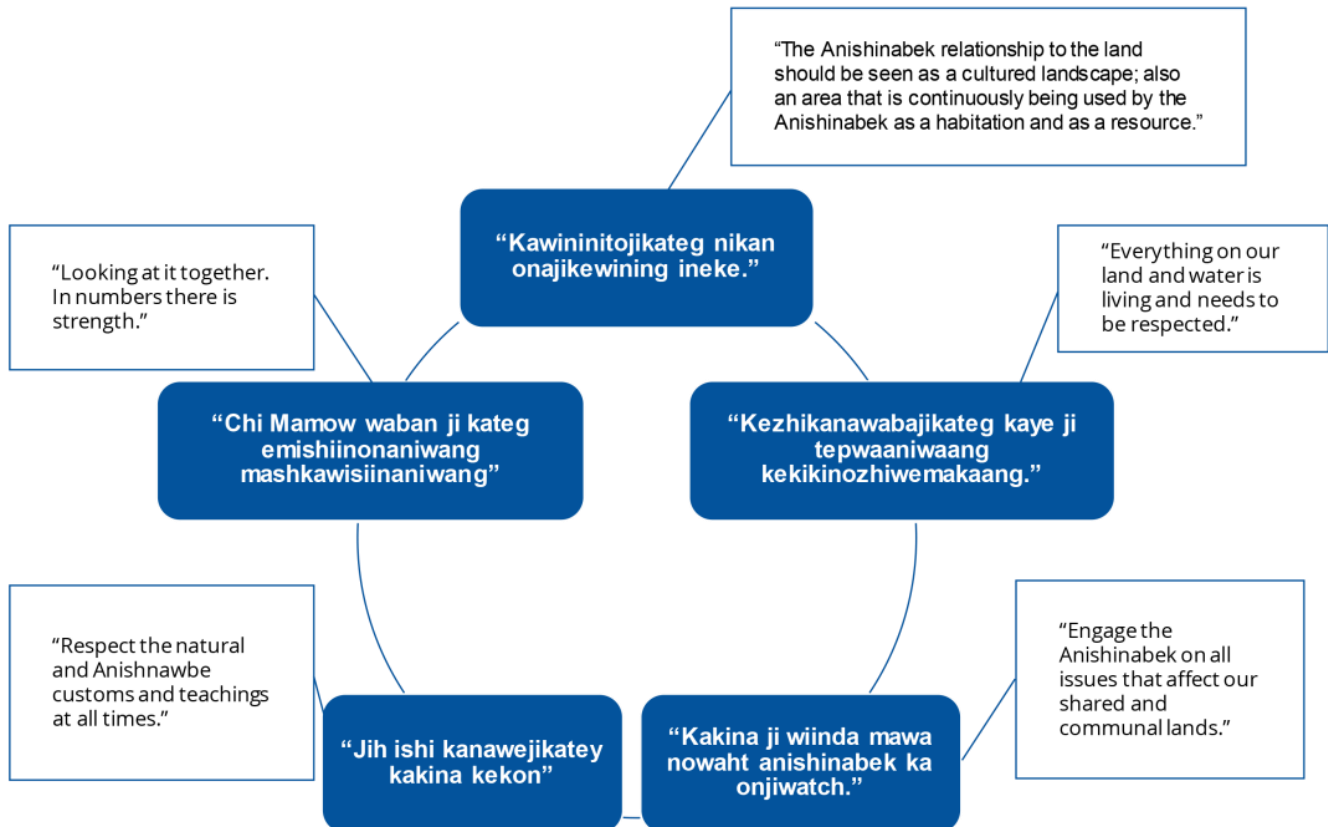
2. Principles and Approach

2.1 Principles of Consultation

A primary objective of the EA / IA processes is to effectively communicate information about the proposed Community Access Road, and provide opportunities for neighbouring Indigenous communities and interested persons to provide input and inform the effects assessment, impact management measure and follow-up as required by the federal IAA and provincial EAA. MFFN is committed to creating and sustaining constructive dialogue and relationships with neighbouring Indigenous communities, government agencies and interested persons, to support the environmental, social and economic sustainability of the proposed Community Access Road.

To honour the traditional lands that the MFFN Community Access Road is proposed to be developed on and to respect MFFN traditional teachings³, the Guiding Principles presented in **Figure 2-1**, and endorsed by the MFFN Chief and Council, will be followed throughout all Project-related consultation and engagement activities and the EA / IA processes; from preparation of the ToR to preparation of the EA / IS.

Figure 2-1: Guiding Principles



3. Guiding Principles of the Marten Falls First Nation Community Based Land Use Planning Team for Project Planning and Engagement.

The Guiding Principles will be put into action by providing meaningful opportunities for input throughout the EA / IA processes, and by:

- Ensuring early and ongoing communication and dialogue throughout the EA / IA processes with Indigenous communities, government agencies, and interested persons;
- Working with neighbouring Indigenous communities to confirm existence of, align with and respect protocols and policies for Anishinabek Knowledge⁴ and Indigenous Knowledge and / or leading collection of Indigenous Knowledge;
- Customizing Consultation Plans to meet neighbouring Indigenous community needs;
- Delivering Project-related information in a timely and culturally sensitive manner, using plain language, translations (i.e., Oji-Cree and other traditional languages as needed) and visual aids to enable understanding;
- Facilitating multiple and ongoing opportunities for dialogue and conversations, and encouraging participation of relevant subgroups self-identified by those being engaged or consulted with (e.g., women, youth, elders);
- Providing sensitivity to cultural practices, events and activities of neighbouring Indigenous communities and considering these when planning and scheduling events;
- Facilitating an understanding of both the Indigenous Knowledge and western science and engineering principles that form the basis of the EA / IA processes;
- Providing interested persons and potentially affected Indigenous communities listed in **Table 3-1**, ongoing opportunities to share their concerns, questions and opinions on potential effects of the Project, their knowledge of the local environment, input on the effects assessment and its conclusions, the development of impact management measure follow-up and management strategies; and
- Demonstrating how feedback was considered and / or incorporated into decision making, including providing direction as to where feedback is included in the EA / IS.

2.2 Nishnawbe Aski Nation Consultation Policy

In addition to the Guiding Principles, the Nishnawbe Aski Nation's Consultation Policy, as outlined in A Handbook on Consultation in Natural Resource Development (2007), will be used to guide consultation and engagement efforts. This document includes a plan for meaningful consultation between a proponent (MFFN), Indigenous communities and government, particularly on projects or decisions that have a potential to impact Aboriginal and Treaty Rights.

The key elements for meaningful consultation referenced in the Nishnawbe Aski Nation's Consultation Policy include:

- A continuous process;
- Exchanging information;
- Building relationships;
- Getting feedback on the understanding and adequacy of information, and exchanging more information if required;

4. The term *Anishinabek Knowledge* is used to describe *Indigenous Knowledge* associated specifically with *Anishinabek* communities including MFFN, while the term *Indigenous Knowledge* is used when referring to knowledge from *Indigenous* communities that may include non-*Anishinabek* communities. For the purpose of this plan, *Indigenous Knowledge* is used throughout.

- Identifying issues;
- Accommodation and reconciliation;
- Fairness; and
- Negotiating with the right attitude.

Consultation protocols of individual communities (should they be available) will also be respected. At this stage in the ToR, Aroland First Nation, Long Lake #58 First Nation and Neskantaga First Nation have provided their community consultation and engagement protocols to the MFFN Project Team.

2.3 Duty to Consult

Aboriginal and Treaty rights of Aboriginal peoples⁵ in Canada are recognized and affirmed under section 35 of the *Constitution Act, 1982*.

The MECP (in a letter dated December 19, 2018) identified 22 neighbouring Indigenous communities to be consulted and engaged on the basis that they have or may have constitutionally protected Aboriginal or Treaty Rights that may be impacted by the proposed Project, or that they may be interested in the Project. The Agency, in their 'Preliminary List of Indigenous Communities for Proponent Engagement on the Marten Falls Access Road', also identified neighbouring Indigenous communities to be consulted; their list of 15 communities included all communities identified by the MECP plus one additional community, Mishkeegogamang First Nation. Although Mishkeegogamang First Nation has not yet expressed interest in the Project, they are being provided information in conjunction with neighbouring Indigenous communities who might be impacted by or have an interest in the proposed Project. See **Section 3.1** for a list of communities that are to be consulted and engaged with.

Ontario (MECP and ENDM) has delegated some procedural aspects of Ontario's Duty to Consult to MFFN (the Proponent) and has developed a Marten Falls-Ontario MOU on Shared Consultation Responsibilities to set out how the responsibilities will be shared through the EA process. The Marten Falls-Ontario MOU on Shared Consultation Responsibilities (available in Appendix D in the ToR) was signed on January 7, 2020 and defines the roles and responsibilities of both parties regarding the consultation and engagement of neighbouring Indigenous communities whose Aboriginal or Treaty Rights may be adversely affected by the proposed Project and interested persons.

5. The term, *Aboriginal*, is used rather than *Indigenous* to reflect the definitions provided in the *Constitution Act, 1982* and specifically s.35 (2), including *Indian, Inuit and Métis* people in Canada.

3. Neighbouring Indigenous Communities, Government Agencies and Interested Persons

3.1 Identification of Neighbouring Indigenous Communities

The Project is located within James Bay Treaty–Treaty No. 9 (made in 1905 and 1930) and adhesions made in 1929 and 1930 area.

Aligning with its Guiding Principles and to help guide the Project, MFFN initiated early and ongoing communication and dialogue with neighbouring Indigenous communities prior to the commencement of the EA. In December 2018, MFFN extended those consultation and engagement efforts and is currently engaging with neighbouring Indigenous communities identified to-date by the MECP and the Agency; MFFN will continue to do so throughout the EA / IA processes at the level of interest expressed by each community. MFFN will also work with interested communities considered directly impacted by the Project to collect Indigenous Knowledge, regarding traditional land and resource use and cultural practices, for incorporating into the EA / IS. The EA / IS will also include land use information (where applicable) shared by Indigenous communities including land use information documented in a Community Based Land Use Plan, and / or other community-specific land use planning initiatives.

Listed below in **Table 3-1** are, according to the MECP (in a letter dated December 2018), the neighbouring Indigenous communities who should be consulted on the basis that they have (or may have) constitutionally protected Aboriginal or Treaty Rights that may be adversely affected by the Project, and / or who may be interested in the Project. MECP will notify MFFN if there are changes to the list of neighbouring Indigenous communities that should be consulted and engages with. Mishkeegogamang First Nation was added based on the Agency's 'Preliminary List of Indigenous Communities for Proponent Engagement on the Marten Falls Access Road'.

Table 3-1: Identified Neighbouring Indigenous Communities, including their Provincial Territorial Organizations and / or Tribal Council Affiliations

Tribal Council Affiliation	Indigenous Community or Organization
Matawa First Nations (Nishnawbe Aski Nation)	<ul style="list-style-type: none"> ▪ Marten Falls First Nation (Proponent and potentially affected Indigenous community) ▪ Aroland First Nation ▪ Constance Lake First Nation ▪ Eabametoong First Nation ▪ Ginoogaming First Nation ▪ Neskantaga First Nation ▪ Nibinamik First Nation ▪ Webequie First Nation
Matawa First Nation and the Union of Ontario Indians (Nishnawbe Aski Nation)	<ul style="list-style-type: none"> ▪ Long Lake #58 First Nation**
Mushkegowuk Council (Nishnawbe Aski Nation)	<ul style="list-style-type: none"> ▪ Attawapiskat First Nation ▪ Fort Albany First Nation ▪ Kashechewan First Nation
Shibogama First Nations Council (Nishnawbe Aski Nation)	<ul style="list-style-type: none"> ▪ Kasabonika Lake First Nation ▪ Kingfisher Lake First Nation ▪ Wapekeka First Nation ▪ Wawakapewin First Nation ▪ Wunnumin Lake First Nation
Independent First Nations Alliance (Nishnawbe Aski Nation)	<ul style="list-style-type: none"> ▪ Kitchenuhmaykoosib Inninuwug First Nation
Independent First Nations (Nishnawbe Aski Nation)	<ul style="list-style-type: none"> ▪ Mishkeegogamang First Nation ▪ Weenusk First Nation
Nokiiwin Tribal Council	Animibiigoo Zaagi'igan Anishinaabek First Nation (AZA)*
Métis Nation of Ontario	<ul style="list-style-type: none"> ▪ Métis Nation of Ontario; Region 2*
Independent Métis Nation	<ul style="list-style-type: none"> ▪ Red Sky Independent Métis Nation*

Notes: * Indigenous communities or organizations identified by MECP who should be consulted on the basis that they may be interested in the Community Access Road.

** MECP indicated in a letter to MFFN that Long Lake #58 First Nation was moved from interest-based to rights-based.

Those Tribal Councils, Nations and Alliances listed above, as well as the Chiefs of Ontario and Union of Ontario Indians, have also been identified as potentially interested in the Project, and will be provided with information and the opportunity to meet throughout the EA / IA processes.

To help achieve an appropriate level of consultation and engagement related to the proposed all-season Community Access Road (i.e., frequency and depth of consultation and engagement), the list of identified neighbouring Indigenous communities was considered against the following:

- Expressed interest (to-date) in the proposed MFFN Community Access Road, including applying to Ministry of Energy, Northern Development and Mines and the Agency for capacity funding;
- Aboriginal or Treaty Rights, including any rights that neighbouring Indigenous communities themselves have identified, may be adversely affected by the Project;
- Geographical distance or proximity to the study area;
- Situated downstream of the Project and with a potential to experience effects to water courses as a result of the Project;
- Traditional and / or current land use within the study area or of lands potentially affected by the Project;
- Potential for effects on the environmental, health and social and economic conditions of neighbouring Indigenous communities; and,
- Provided comments on the EA / IA processes.

The neighbouring Indigenous communities, therefore, expected to have the highest level of interest in the Community Access Road related to its development follow; it is expected that these communities will request the most frequent and deepest level of consultation and engagement:

- | | |
|---------------------------------|-------------------------------|
| ▪ Aroland First Nation; | ▪ Kashechewan First Nation; |
| ▪ Attawapiskat First Nation; | ▪ Long Lake #58 First Nation; |
| ▪ Constance Lake First Nation; | ▪ Marten Falls First Nation; |
| ▪ Eabametoong First Nation; | ▪ Neskantaga First Nation; |
| ▪ Fort Albany First Nation; | ▪ Nibinamik First Nation; and |
| ▪ Ginoogaming First Nation; and | ▪ Webequie First Nation. |
| ▪ Kasabonika Lake First Nation | |

The above list of communities expected to have a heightened interest in the Project is preliminary, and it is expected that the list will evolve as new information becomes available and more neighbouring Indigenous communities engage in the consultation and engagement opportunities provided.

In addition to receiving all statutory notices and being provided with comprehensive information related to the Project throughout the EA / IA processes and the full opportunity to review and comment on key EA / IS documents, these communities will also be encouraged to meet (in-person, by phone or online), more often and as needed, to discuss the Project and gather feedback from the community (see **Table 4.2** for a list of the input that will be sought). As it is understood that the level of a community's interest may change as the EA / IA processes progress and new information becomes available, this list will be reconsidered regularly. Both verbal and written confirmation of interest from a community is acceptable to demonstrate interest in the Project.

The remaining neighbouring Indigenous communities (of the list of 23 communities identified by the MECP and the Agency) will be consulted and engaged similarly in that they will receive all statutory notices, and will be provided with comprehensive information related to the Project throughout the EA / IA processes and the full opportunity to review and comment on key EA / IS documents. These communities will also be offered in-person consultation and engagement; however, it is anticipated that these will be requested less frequently than with the initial list of 13 neighbouring Indigenous communities identified as expected to have the highest level of interest above.

3.2 Crown Government Agencies

3.2.1 Provincial and Federal Agencies

The MFFN Project Team has discussed the Project with provincial and federal government agencies during conference calls and meetings on various aspects of the EA / IA processes, including timing for reviews of the ToR and Project Description, data availability, alternatives selection process and consultation and engagement activities (particularly as they relate to Indigenous communities).

For EAs, the MECP provides an EA Government Review Team Master Distribution List (MECP 2019b). This list was reviewed to identify the provincial and federal agencies who may have an interest in the Project, which has been included in **Appendix A** for reference. Where there was any uncertainty regarding applicability of an agency to the Project, the agency was included in the Project Contact List unless the agency indicated they would like to be removed.

It is anticipated that the EA Government Review Team will provide information and guidance for MFFN to consider in preparation of the EA / IS and will contribute to the review of EA / IS documentation by providing comments from their mandated areas of responsibility. Considering the Project components and the potential environmental effects, provincial and federal agencies are expected to participate in the EA / IA processes to varying levels.

The MFFN Project Team has bi-weekly interagency teleconferences with an EA Coordination Team that includes provincial agencies (MECP, ENDM, the Ministry of Natural Resources and Forestry and the Ministry of Transportation) and the Agency. It is expected that the MFFN Project Team will continue to provide updates, exchange information, consider opportunities and concerns, and discuss opportunities to progress and improve the EA / IA coordinated process with the EA Co-ordination Team throughout the EA / IA processes. These meetings will take place as bi-weekly interagency teleconferences.

3.2.2 Municipalities

The City of Thunder Bay, the Municipality of Greenstone and the Municipality of Sioux Lookout will be consulted and engaged on the Project during the EA / IA processes.

3.3 Interested Persons

An initial list of interested persons was developed based on discussions and Project development prior to the initiation of the EA / IA processes, and during preparation of the ToR and Project Description. Interested persons are individuals and groups (e.g., associations, non-governmental organizations, industry and academia) who could have an interest in the Project, including but not limited to communities in the region, those with commercial interests (e.g., forestry, trappers, outfitters, other mineral tenure holders in the area) and recreational users or those with recreational interest (e.g., campers, hunters and environmental groups). Many of the interested persons within the area meet frequently (monthly) as part of the Geraldton Area Natural Resource Advisory Committee; this group has been and will continued to be consulted and engaged throughout the EA / IA processes.

Additionally, MFFN will consult and engage with, at a minimum, the members of the public listed in the Agency's Public Participation Plan (<https://iaac-aeic.gc.ca/050/evaluations/proj/80184>). The stakeholders identified are all currently on the Project Contact List except for one, and that organization will be added. These members of the public will be consulted and engaged by MFFN throughout the EA / IA processes.

4. Consultation and Engagement Activities During Preparation of the Environmental Assessment / Impact Statement

MFFN's primary objective is to effectively communicate information about the proposed Community Access Road, and to consult with or engage those who may be potentially affected by, or have an interest in, the Project or the lands potentially affected by the Project. MFFN is committed to creating and sustaining constructive dialogue and relationships with Indigenous communities, government agencies, and interested persons, to support the environmental, social, and economic sustainability of the Project.

Communication, consultation and engagement will be planned and executed to align with the Guiding Principles and key elements introduced in **Section 2.1**, and to provide MFFN community members, neighbouring Indigenous communities and interested persons with opportunities to learn about and understand the proposed Community Access Road, and provide input to help identify potential effects and impact management measures (see **Table 4.2** for a list of topics neighbouring Indigenous communities will be consulted on).

Consultation and engagement efforts undertaken during the provincial ToR and federal planning phase will continue through the EA / IA processes. Any feedback received during from these efforts related to the consultation and engagement approach, activities, milestones and scheduling will also be taken into consideration during the EA / IA processes.

The following milestones throughout the EA / IA processes, described in further detail in **Section 4.1.6**, will help guide efforts to consult and engage Indigenous communities government agencies and interested persons:

- Notice of Commencement for Provincial EA;
- Effects Assessment Methods;
- Identification of Preferred Alternatives;
- Review of Draft EA / IS; and
- Review of Final EA / IS.

4.1 Activities

4.1.1 Indigenous Communities

Participation of neighbouring Indigenous communities during preparation of the EA / IS is intended for MFFN to identify, consider and respond to potential concerns and issues of interested and potentially affected Indigenous communities, including its own community membership, and to share information with those communities and receive their input into the EA / IA processes. It is MFFN's intent throughout preparation of the EA / IS to engage and consult neighbouring Indigenous communities and organizations at a level that considers interest and potential effects related to the proposed access road (see **Section 3.1**). We recognize that the level of consultation and engagement desired by each community will vary and could evolve through ongoing discussions and are accepting of these changes.

Underpinning each planned consultation and engagement activity related to all milestones is a commitment to work towards providing technical information that is easy to understand, encourages feedback and inputs and is provided in a timely manner that allows for sufficient review time. The MFFN Project Team commits to following up with

communities to confirm they received and understand the information provided, confirm that their feedback has been interpreted appropriately and to demonstrate how feedback has been considered and may inform the EA / IS.

It is not the MFFN Project Team's intent to dictate the form of consultation and engagement to be offered to each community, although effort has been made to predict the appropriate level of consultation and engagement using established criteria (see **Section 3.1**). The activities outlined in this Consultation Plan will be used as the foundation for consultation and engagement with neighbouring Indigenous communities. Once discussions are held with each interested community, more focused consultation and engagement efforts will be developed and uniquely applied as needed and will align with the community's own consultation and engagement process and documents.

In the consultation and engagement of interested communities, the following factors have been and will continue to be considered throughout the Project:

- **The Land:**
Where possible, meetings, activities and workshops will be hosted in the community, providing women, elders, youth, other community members and land users the opportunity to be in-place when discussing the Project and reflecting on Indigenous Knowledge.
- **Translation:**
Notices, meetings, information panels, newsletters, radio ads and other materials including plain language documents may be translated into traditional languages such as Oji-Cree and possibly others (as requested / required) to show respect to the people of the territory. MFFN will work with Indigenous communities to identify community members to fulfil the role of a live translator for meetings, if appropriate.
- **Country Foods:**
Where possible, local caterers will be hired in the communities and we support the use of country foods for community meals.
- **Cross-Cultural Orientation:**
If appropriate, MFFN will respectfully ask each neighbouring Indigenous community to provide the Project Team with a cultural and community orientation. This orientation will help the MFFN Project Team consider cultural practices and customs while planning for consultation and engagement, and will provide an opportunity to develop a series of Guiding Principles on how to work together based on respect, trust and mutual-learning.
- **Observe Hunting and Cultural Periods:**
MFFN will consult and engage with communities to find an appropriate timeframe for scheduling consultation and engagement events to help avoid conflicting schedules with traditional cultural periods.

All MECP / the Agency identified communities will continue to receive Project notices including notices of public meetings, key website updates, and draft documentation releases. Plain language summaries and updates will also be periodically prepared and distributed at key milestones during the EA / IA processes (e.g., identification of preferred alternatives). The information provided will clearly identify the MFFN contacts, should more information be desired and/ or to provide questions or concerns to.

A complete list of EA / IS consultation and engagement activities is outlined in **Section 4.1.5**, including those that could be undertaken with neighbouring Indigenous communities. Where possible, community-specific Consultation Plans will be developed and shared with Ontario (MECP and ENDM) as per the terms of the Marten Falls-Ontario MOU on Shared Consultation Responsibilities (see **Section 2.4**), and with the Agency if requested. Ontario (MECP and ENDM) will review and provide input to these community-specific Consultation Plans.

A Note on In-person Meetings

On March 11, 2020, the World Health Organization officially classified the COVID-19 outbreak as a pandemic. As a result, physical / social distancing measures have been recommended across the world, and specifically, many of the Indigenous communities identified in this Consultation Plan have had to close and / or limit access in and out of the community to achieve the safety of their members. MFFN recognizes that this evolving situation may require changes to the proposed schedule and activities described in this Consultation Plan. As the situation evolves, the MFFN Project Team is monitoring public health recommendations and reassessing the consultation and engagement approach accordingly. MFFN will offer alternatives to face-to-face meetings, such as teleconferences (that do not require an internet connection) and on-line consultation and engagement opportunities, and work with the community's preference in how they would like to be consulted and engaged. Online consultation and engagement opportunities will be provided in consideration of a neighbouring Indigenous community's knowledge of and access to technology and any broadband limitations. Should they be requested and / or needed, the MFFN Project Team has the required skills and knowledge to leverage digital tools and platforms. The MFFN Project Team will work with neighbouring Indigenous communities to understand their capacity to participate in the Project, and the manner(s) in which they would like to be consulted and engaged.

4.1.2 Indigenous Knowledge Program

Indigenous Knowledge refers to Indigenous systems of knowledge as well as cultural practices related to the production of knowledge based on traditional belief systems, relationships to the environment, and community practices. It is the accumulated and living knowledge built upon the historic experiences of Peoples living on the land and adapting to social, economic, environmental, spiritual and political change (Chiefs of Ontario, n.d.). It includes knowledge about the natural environment (e.g., locations of caribou seasonal use and calving areas), the relationships between environmental changes and species or ecosystems, and how potential effects to the environment can be avoided or minimized. Indigenous land and resource use, sometimes referred to as Traditional Land Use, refers to areas and resources used for traditional purposes when Indigenous Peoples learn and practice their Indigenous Knowledge (Garvin et al. 2001).

For this Project, an Indigenous Knowledge Program has been developed which aims to solicit and collect relevant Indigenous Knowledge, information on Indigenous land and resource use, and information on Indigenous cultural sites, features and practices from interested Indigenous communities to inform the EA / IS and Project planning. For the purpose of the EA / IS, the Indigenous Knowledge Program refers to how Indigenous Knowledge and information on Indigenous land and resource use in the Study Area will be collected and incorporated into the EA / IS. The Indigenous Knowledge Program for the EA / IS will occur in two concurrent phases:

1. Collecting existing Indigenous Knowledge and Indigenous land and resource use data (i.e., applicable Indigenous Knowledge and land and resource use information previously collected by communities for other purposes that they choose to share with MFFN); and
2. Completing Project-specific Indigenous Knowledge and Land and Resource Use studies.

While the Indigenous Knowledge Program is distinct from the Consultation Program, they are complementary and collectively serve to solicit Indigenous perspectives, values and inputs with the respect to Project planning and the EA / IS. A key differentiator is that sensitive and / or confidential information will be specifically collected through the Indigenous Knowledge Program and its use and publication will be governed by Indigenous community-specific Indigenous Knowledge Sharing Agreements.

Details regarding the Indigenous Knowledge Program are outlined in **Section 3.4.2** of the Proposed ToR.

4.1.3 Crown Government Agencies

The provision of information to provincial and federal agencies and other public agencies will provide transparency and accountability throughout the duration of the Project. The EA Government Review Team and other agencies included on the Project Contact List will be engaged as appropriate throughout the development and review of the EA / IS. See **Table 4-1** for more information about consultation and engagement activities for Crown Government Agencies.

Finally, as previously noted in this Consultation Plan both Ontario (MECP and ENDM) and the Agency may be undertaking their own consultation and engagement activities with neighbouring Indigenous communities to fulfill their mandates. It is understood that relevant input received from these activities will be shared with MFFN for consideration in the EA / IS.

The MFFN Project Team will work with Ontario (MECP and ENDM) to coordinate consultation and engagement activities and identify appropriate times for Ontario participation in Proponent-led activities. More information on the roles and responsibilities can be found in the Marten Falls-Ontario MOU on Shared Consultation Responsibilities (Appendix D of the ToR).

4.1.4 Interested Persons

The Project Contact List developed during the ToR and federal IA Planning Phase will be expanded throughout the EA / IA processes, and will be used to inform interested persons about the EA / IA and consultation and engagement activities. As previously noted, MFFN will consult and engage with, at a minimum, the members of the public listed in the Agency's Public Participation Plan (<https://iaac-aeic.gc.ca/050/evaluations/proj/80184>). The Project Contact List will also expand as additional interested persons indicate interest for being added to the list. During the EA / IA processes, three Project Information Centres (PICs) are planned to be held in Thunder Bay; other locations including the Municipality of Greenstone (Geraldton), Longlac and Sioux Lookout will also be considered. The PICs will be advertised through newspaper ads, email invitations and social media. More details about when the PICs will take place are outlined in **Table 4-2**.

The alternatives for the Project fall within Cochrane District, which is a French designated area under the *French Language Services Act*. Therefore, if there are public meetings in the Municipality of Greenstone—also a French designated area under the *French Language Services Act*—bilingual Project Team member(s) can be available to provide French translation of materials.

In addition to the PICs, it is anticipated that meetings will be held with key stakeholder groups that would include but not be limited to: municipalities, Geraldton Area Natural Resource Advisory Committee, forestry operators, outfitters, environmental organizations and mineral exploration and development members. These meetings will be held depending on the interest of these organizations.

See **Table 4-1** for more information about consultation and engagement activities.

4.1.5 Summary of Consultation Activities

A variety of communication, engagement and consultation tools will be used throughout the EA / IA processes to build positive, respectful relationships, share information with Indigenous communities, government agencies, and interested persons and obtain input on the Project. Input received through these activities, including how that input was considered, will be documented in the EA / IS.

The list of activities outlined in **Table 4-1** is a broad range of activities that will be considered; not all activities will necessarily be used through the EA / IA processes. Appropriate activities will be selected to best meet the objectives of the planned consultation and engagement, and through discussions with neighbouring Indigenous communities, government agencies and interested persons. As part of the consultation and engagement, information will be provided for review, materials will be presented, and questions will be asked by the MFFN Project Team. As per the Marten Falls-Ontario MOU on Shared Consultation Responsibilities, Ontario (MECP and ENDM) will work to coordinate consultation and engagement activities and identify appropriate times for Ontario's participation in Proponent-led activities and may review EA consultation and engagement-related materials.

Table 4-1: Consultation Activities

Consultation Activity / Tool
Indigenous Communities
<p>Chief and Council and / or Community Meetings (in-person, by phone or online), are expected with the most potentially interested / affected communities (See Section 3.1), including MFFN. Three (3) visits for each of these communities are anticipated, to introduce the Project and gather feedback throughout the EA / IA processes. Communication materials will be developed to support these meetings, including: presentation decks; display boards; and fact sheets. These will be plain language and visually inviting. Note that the undertaking of in-person community meetings will depend on the communities being open to receiving visitors as a result of the COVID-19 pandemic. Alternative means of consultation and engagement may be required as outlined further below in this table.</p> <p>Community discussions with / visits to other neighbouring Indigenous communities will also be encouraged and planned on request.</p>
<p>Community Member Discussions with members of neighbouring Indigenous communities may be held to discuss the Project and obtain input, and will include applicable and relevant subgroups (e.g., women, youth, elders). These discussions will be coordinated with data gathering needs for preparation of the EA / IS.</p>
<p>Topic-Specific Community Member Discussions, potentially as an additional follow-up consultation and engagement activity for neighbouring Indigenous communities who would like to attend a focused conversation around a specific topic, for example Caribou. The meeting would be held in a central location that is easy for all interested groups to attend.</p>
<p>Social Media / Facebook will be leveraged to communicate more broadly with the MFFN community; MFFN's existing Facebook page will be used. Information related to Project notices and MFFN community meetings will be shared with the MFFN consultation and engagement co-ordinator for posting to the existing community site(s). Neighbouring Indigenous communities can also be provided with social media posts, if appropriate (e.g., to advertise a community meeting).</p> <p>Note: comments or private messages received through social media will not be tracked or used in consultation and engagement summary reports, unless requested by the individual. This tool is strictly for sharing information. Direction will be provided on how to formally submit comments to be tracked and considered.</p>
<p>Community Consultation Co-ordinators may be engaged to assist those communities with the highest potential to be affected by the Project and have a high level of Project interest (and therefore the highest level of consultation and engagement), coordinate in-community events, assist with Indigenous Knowledge programs and inform the MFFN Project Team of consultation and engagement requirements and cultural protocols.</p>
<p>Web conferencing (e.g., Microsoft Teams, Zoom or WebEx) will be leveraged to host Project discussions as an alternative to face-to-face meetings with Indigenous communities, decided at the preference and capacity of each neighbouring Indigenous community.</p>
<p>Local Radio Stations can be used to reach remote neighbouring Indigenous communities and share upcoming consultation and engagement opportunities, interviews with the MFFN Project Team or general Project promotion.</p>
All (including Indigenous Communities, Government Agencies and Interested Persons)
<p>Project Statutory Notices will be provided throughout the EA / IA processes at key milestones, via registered mail and email, and published in local newspapers and on the radio. Additional notices (e.g., Field Study notices) will be directed to appropriate audiences via email / mail and posted on social media. All Project Statutory notices will also be mailed and emailed to individuals on the Contact List.</p>
<p>A Project Website (www.martenfallsaccessroad.ca) will provide ongoing access to information, employment opportunities and planned consultation and engagement activities, and will serve as a method to receive feedback and comments. The website will be updated through the EA / IA processes to include all published information about the Project and be populated with Project updates at key Project milestones. The website will be maintained and updated in a way that allows for users with low bandwidth and slow internet connection to access information.</p> <p>Electronic versions of any newsletters / Project updates will also be available through the blog function of the website.</p>

Consultation Activity / Tool
Project Hotline / Email Address and contact information (e.g., telephone number and email address) will be included on Project communication materials so that people know who to contact to solicit information or discuss Project activities and provide feedback.
Newsletters and Email Updates will be provided throughout the EA / IA processes to keep people informed and up-to-date on Project progress; distribution will be scheduled around the timing of planned PIC / off-reserve community meetings. Each update will be distributed to MFFN community members, neighbouring Indigenous communities and persons who have expressed an interest in the Project. Newsletters will also be made available at the MFFN Band Office, on the website and through the electronic mailing list. Paper copies of newsletters can also be provided to interested communities or interested persons, if requested.
Comment Forms / Questionnaires will be developed and used to gather feedback at PICs and community meetings.
Key Informant Interviews will be scheduled with select interested persons / organizations (e.g., Geraldton Area Natural Resources Advisory Committee, business operators and resource users) to gather information regarding key issues and possible concerns. Presentations to key groups will be an important component of soliciting feedback for decision-making.
Public Information Centres will be held at key Project milestones in Thunder Bay on three (3) occasions, with consideration of additional locations including the Municipality of Greenstone, Longlac and Sioux Lookout. These events will serve to discuss the Project and obtain input from interested persons. PICs will be advertised in local newspapers, and through the Project Contact List and website. Note that the undertaking of PICs will depend on the status of the COVID-19 pandemic and willingness of interested persons to come together for these types of events. An online PIC may be hosted as an alternative for one or more of these planned events.
Environmental Assessment / Impact Statement (Draft and Final) may be reviewed by interested persons during public review periods. These documents will be made available on the Project website (www.martenfallsaccessroad.ca), will be posted at select locations and provided to all Indigenous communities identified in Table 3.1 and any others that express an interest in receiving documents by mail, electronic copy and USB. Plain language and translated copies of the documents can be provided.

An **Indigenous Knowledge Program** has been developed for the Project (see **Section 4.1.2**) which will serve to collect and determine, in discussion with neighbouring Indigenous communities, how Indigenous Knowledge (e.g., natural environment information) and information on Indigenous land and resource use (e.g., harvesting, cultural sites) in the vicinity of the Project area will become part of the EA / IA processes and Project planning and design. The program has been structured to seek input and feedback from neighbouring Indigenous communities at the various stages of the EA / IA processes including valued components, baseline conditions, effects assessment and impact management measures. As noted in **Section 4.1.2**, the Indigenous Knowledge Program is complementary to the Consultation Plan. If Indigenous Knowledge is brought forward by a neighbouring Indigenous community during consultation and engagement activities, the community will be invited to participate in the Indigenous Knowledge Program.

In addition to the above listed activities / tools, consideration will be given to online (virtual) tools and / or physical-distancing approaches that are in keeping with the COVID-19 pandemic and associated regulations. Recognizing that in-person meetings may not be feasible, MFFN will consider the use of a variety of accessible online platforms such as WebEx, Microsoft Teams Live or Zoom. Virtual consultation and engagement will be designed to meet the objectives of face-to-face interactions and will mimic the experience of in-person discussions without participants having to leave the comfort and safety of their homes. Tools typically used for in-person meetings, such as like brain-storming and break-out rooms, can all be effectively used online to gain the insights needed to advance the Project. The actual online platform and tools used will be decided through consideration of the meeting objectives and discussions with neighbouring Indigenous communities and interested persons. Consideration will also be given to in-person consultation and engagement approaches that respect the need to physically-distance (e.g., small-group / physically separated in-person meetings), as well as low-technology options for telephones, without the need for internet.

Consideration will also be given to information that is considered confidential. Neighboring Indigenous communities will be part of the review process for meeting summaries and minutes and can clearly identify information that is not to be included in public-facing documentation.

The approach to consultation and engagement throughout the EA / IA processes is designed to provide flexibility and adaptability to evolving Project needs and may involve community-specific consultation and engagement plans.

As with any project, it is anticipated that there will be Indigenous communities and interested persons who may require additional consultation and engagement not reflected in this approach. In addition, communication and engagement tools will be regularly evaluated to gauge effectiveness and adjustments will be made as necessary for implementation of a robust and effective consultation and engagement program.

This Consultation Plan is subject to revision based on input received on the ToR and future consultation and engagement during the preparation of the EA / IS, including input from neighbouring Indigenous communities, government agencies and interested persons.

4.1.6 Considerations of Identity and Gender-Based Analysis Plus (GBA+) in Engagement

For the purposes of the IA process, the consultation and engagement program will consider a diverse range of perspectives from interested communities and their members identified in the Agency's Indigenous Engagement and Partnership Plan and the Public Participation Plan. This will include at a minimum engaging with:

- **Neighbouring Indigenous communities, including relevant subpopulations:**
 - Women;
 - Youth; and,
 - Elders.
- **Non-Indigenous communities including:**
 - Women
 - Youth; and,
 - Activity-based subgroups (e.g., recreationalists, snowmobilers, tourism establishment operators).

The Proponent will also consult and engage with other subpopulations identified by communities during consultation and engagement. The findings from these sessions and the additional identity groups identified by communities through consultation and engagement will be considered within the socio-economic assessments (i.e., Social, Economic, Land and Resource Use) and the Indigenous Knowledge Program for the purposes of data collection and considering disproportionate effects.

During consultation and engagement, these aforementioned groups will be consulted and engaged with on targeted input outlined in **Table 4-2**.

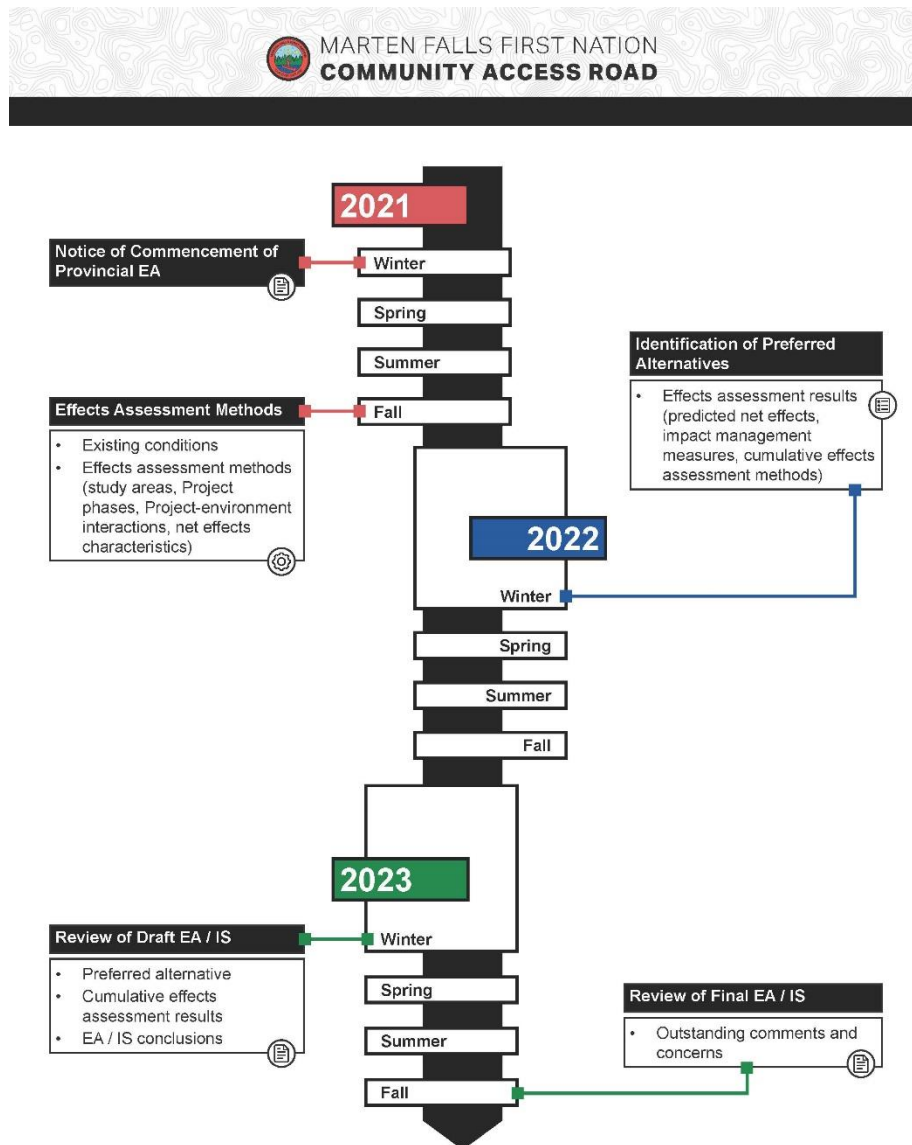
Consultation and engagement activities with these communities, subject to interest, will include subpopulation-specific community sessions. In addition to these activities, specialized knowledge will be gathered through other disciplines such as Social, Economic, Land and Resource Use and Aboriginal and Treaty Rights and Interests. The Socio-economic Data Collection Program is expected to include targeted interviews, focus groups, questionnaires and other niche tools to gather information from diverse populations to resolve gaps in socio-economic secondary data. These diverse populations include the identity groups referenced in this Consultation Plan and those identified by communities during consultation and engagement. Subject to interest, community-led primary data collection and secondary data sharing for Indigenous Knowledge and Indigenous land and resource use will be completed through the Indigenous Knowledge Program. Details on the Indigenous Knowledge Program are outlined in **Section 3.4.2** of the Proposed ToR.

When feedback is received from communities, issues, comments and questions will be tracked from all consultation and engagement activities as outlined above in **Section 4.1.5**. Specific to GBA+ objectives, this will include efforts to engage with diverse populations. It is expected this will include activities specific to subgroups and tabulation of consultation and engagement participation with respect to identity factors. This will provide summary statistics to demonstrate the diversity achieved in consultation and engagement. Where appropriate, findings from consultation and engagement will be validated by established leaders and representatives of these subpopulations.

4.1.7 Schedule

For each consultation and engagement milestone, the planned activities, targeted input and anticipated timing are identified in **Table 4-2**. The activities will be directed to MFFN community, neighbouring Indigenous communities, government agencies (including the EA Government Review Team) and other stakeholders who have expressed interest in the Project. Consultation at each milestone has been designed in a stepwise manner to receive feedback on targeted input prior to advancing to the next stage of the EA / IA processes. As the Project progresses, interested persons will be made aware of when Project-related decisions will occur and that can be influenced by their input. **Figure 4-1** provides the anticipated timeline on when key decisions will be made. Discussions and feedback shared during each milestone will be documented and recorded as described in **Section 6**.

Figure 4-1: Key Decision Timeline



The anticipated timing provided in **Table 4-2** may change during development of the EA / IS based on progress, input received on the ToR, the Minister’s decision on the Proposed ToR, and input received throughout the EA / IA processes. The MFFN Project Team will provide regular updates to Indigenous communities, government agencies and interested persons on the timing of consultation and engagement throughout the Project.

Table 4-2: Consultation and Engagement Milestones, Schedule, Activities and Targeted Input

Milestone	Planned Activities	Targeted Input	Anticipated Timing
Notice of Commencement of Provincial EA	Indigenous communities: <ul style="list-style-type: none"> ▪ Circulate Notice of Commencement ▪ MFFN Website update ▪ Distribute Letter to Chief and Councils ▪ Engagement of Community Consultation Co-ordinators, as appropriate ▪ Hold discussions / meetings with interested Chiefs and Councils and / or Indigenous communities ▪ Newsletters and email updates ▪ Social media updates ▪ Follow-up communication to confirm information was received and the material(s) provided were understood 	<ul style="list-style-type: none"> ▪ Request information to determine and identify: <ul style="list-style-type: none"> – Level of interest in Project – Level of interest in meeting / discussions with Chiefs and Councils and / or Indigenous communities – How Indigenous communities would like to be kept informed during the EA / IA processes – Level of interest in creating Indigenous community-specific Engagement Plan(s) as they relate to the EA / IS 	Winter 2021 – Spring 2021
	Government agencies and interested persons: <ul style="list-style-type: none"> ▪ Circulate Notice of Commencement ▪ MFFN Website update ▪ Newsletters and email updates 		
Effects Assessment Methods	Indigenous communities: <ul style="list-style-type: none"> ▪ Circulate Notice of PIC#1 ▪ Engagement of Community Consultation Co-ordinators, as appropriate ▪ Hold discussions / meetings, considering applicable and relevant subgroups (e.g., women, youth, elders) ▪ PIC #1 (in-person / or virtual) ▪ Plain language Project updates (translated, as required) ▪ Key informant interviews ▪ Website update ▪ Newsletter and email update(s) ▪ Social media update(s) ▪ Follow-up communication to confirm information was received and the material(s) provided were understood 	<ul style="list-style-type: none"> ▪ Obtain feedback on: <ul style="list-style-type: none"> – Consultation and engagement approach – Planned baseline field studies – Existing conditions and results of baseline field studies completed – EA / IA processes – Local and regional study areas, Project phases, criteria and indicators, Project-environment interactions and net effects characteristics ▪ Request information to identify: <ul style="list-style-type: none"> – Indigenous community values and topics of interest – Potential effects and impact management measures to be considered – Impacts of Project on Aboriginal or Treaty Rights and potential impact management measures to avoid, mitigate and off-set the impact(s) ▪ Seek confirmation whether input and feedback provided during the previous milestone was captured appropriately 	Summer 2021 – Fall 2021
	Government agencies and interested persons: <ul style="list-style-type: none"> ▪ Circulate Notice of PIC#1 ▪ PIC #1 (in-person / or virtual) ▪ Key informant interviews ▪ MFFN Website update ▪ Newsletter and email update(s) 		Fall 2021

Table 4-2: Consultation and Engagement Milestones, Schedule, Activities and Targeted Input

Milestone	Planned Activities	Targeted Input	Anticipated Timing
Identification of Preferred Alternatives	Indigenous communities: <ul style="list-style-type: none"> ▪ Circulate Notice of PIC #2 ▪ Engagement of Community Consultation Co-ordinators, as appropriate ▪ Hold discussions / meetings, considering applicable and relevant subgroups (e.g., women, youth, elders) ▪ PIC #2 (in-person / or virtual) ▪ Plain language Project updates (translated, as required) ▪ Key informant interviews ▪ Website update ▪ Newsletter and email update(s) ▪ Social Media update(s) <p>Follow-up communication to confirm information was received and the material(s) provided were understood</p>	<ul style="list-style-type: none"> ▪ Obtain feedback on effects assessment: <ul style="list-style-type: none"> – Identified potential effects, including impacts of Project on Aboriginal and Treaty Rights – Proposed impact management measures – Predicted net effects – Results of the comparative analysis of advantages and disadvantages – Preferred alternative selected – Preliminary road design, to the extent available – Cumulative effects assessment methods ▪ Request information to identify: <ul style="list-style-type: none"> – Potential follow-up program measures including monitoring measures and adaptive management – Potential projects and activities that could act cumulatively with the Project – How Indigenous communities can participate in the Project – Potential cumulative effects to be considered ▪ Seek confirmation (e.g., through early release of community-specific RoC) whether input and feedback provided during the previous milestone was captured appropriately 	Fall 2021 – Winter 2022
	Government agencies and interested persons: <ul style="list-style-type: none"> ▪ Circulate Notice of PIC #2 ▪ PIC #2 (in-person / or virtual) ▪ Key informant interviews ▪ MFFN Website update ▪ Newsletter and email update(s) 		Winter 2022
Review of Draft EA / IS	Indigenous communities: <ul style="list-style-type: none"> ▪ Circulate Notice of Draft EA / IS ▪ Post Draft EA / IS at Band Offices and participating municipal locations ▪ Distribute letters to Chiefs and Councils ▪ Engagement of Community Consultation Co-ordinators, as appropriate ▪ Hold Meeting / discussion, considering applicable and relevant subgroups (e.g., women, youth, elders) ▪ PIC #3 (in-person / or virtual) ▪ Plain language Project updates (translated) ▪ MFFN Website update ▪ Newsletter and email update(s) ▪ Social media update(s) ▪ Follow-up to confirm Indigenous communities received information, understand material(s) provided and to confirm their input was captured appropriately 	<ul style="list-style-type: none"> ▪ Obtain feedback on: <ul style="list-style-type: none"> – Draft EA / IS – Proposed impact management measures and follow-up program measures, including monitoring measures and adaptive management plan(s) – Cumulative effects assessment results – EA / IS conclusions ▪ Seek confirmation whether input and feedback provided during the previous milestone was captured appropriately 	Fall 2022 – Winter 2022

Table 4-2: Consultation and Engagement Milestones, Schedule, Activities and Targeted Input

Milestone	Planned Activities	Targeted Input	Anticipated Timing
	<p>Government agencies and interested persons:</p> <ul style="list-style-type: none"> ▪ Circulate Notice of Draft EA / IS ▪ Post Draft EA / IS at participating municipal locations ▪ PIC #3 (in-person / or virtual) ▪ MFFN Website update ▪ Newsletter and email update(s) 		
<p>Review of Final EA / IS</p>	<p>Indigenous communities:</p> <ul style="list-style-type: none"> ▪ Circulate Notice of Submission of Final EA / IS ▪ Post Final EA / IS at Band Offices and participating municipal locations ▪ Distribute letters to Chiefs and Councils ▪ Engagement of Community Consultation Co-ordinators, as appropriate ▪ Hold Meeting / discussion, considering applicable and relevant subgroups (e.g., women, youth, elders) ▪ Plain language Project updates (translated, as required) ▪ MFFN Website update ▪ Newsletter and email update(s) ▪ Social media update(s) ▪ Follow-up to confirm Indigenous communities received information 	<ul style="list-style-type: none"> ▪ Review of Final EA / IS 	<p>Fall 2023</p>
	<p>Government agencies and interested persons:</p> <ul style="list-style-type: none"> ▪ Circulate Notice of Submission of Final EA / IS ▪ Post Final EA / IS at participating municipal locations ▪ MFFN Website update ▪ Newsletter and email update(s) 		

5. Issue Resolution

Consultation and engagement is expected to bring to light issues that must be carefully addressed and considered in the EA / IA processes. Comments and input received throughout the EA / IA processes will be documented and included in a RoC for the EA / IS. Each issue or comment received will be considered and responded to by MFFN and documented in the EA / IS. If an issue persists, continued discussions, including face-to-face (or online) meetings (if possible), are proposed to explore potential solutions. If resolution cannot be reached, mediation by a neutral, mutually acceptable third party will be considered. Issues that cannot be resolved will be noted along with documentation of attempts to resolve the issue. Unaddressed issues will be reflected in the IS for the Agency's consideration including information on efforts made to address the issue even if attempts were unsuccessful.

If issues are raised outside of the mandate of the Proponent, the Marten Falls-Ontario MOU on Shared Consultation Responsibilities allows that these issues are referred to Ontario (MECP and ENDM) to address.

6. Record of Consultation

For successful completion of the EA / IS, it is essential that the consultation and engagement process be documented, to appropriately categorize and address feedback received. To support the ToR, a RoC has been developed to track all incoming and outgoing discussions, correspondence and meetings since the Notice of Commencement of the ToR. This RoC includes notes on how questions and concerns may have been addressed in the ToR or will be considered in the EA. This Record provides a detailed account of all communication exchanged with neighbouring Indigenous communities and interested persons. A similar RoC will be prepared that documents engagement and consultation undertaken during the EA / IA processes and will include the following:

- **Summary of Key Consultation Activities Undertaken During Preparation of the EA / IS:** An overview of key consultation and engagement activities, including when and where they happened, the number of participants, including any subpopulations represented, and a description of the associated information materials provided.
- **Summary of Feedback Received and Response / Action:** Identifies specific issues / comments raised, the corresponding topic, communication channel, response / action to the issue / comment and how it was addressed or considered in the EA / IS.
- **Consultation Log:** A detailed correspondence tracking table including date the correspondence occurred, method of consultation and engagement (e.g., email, phone call, letter, in-person meeting), whether it was incoming or outgoing, contact name and title, Project Team member involved (e.g., MFFN Leadership, MFFN Community Member Advisor, MFFN Project Team or MFFN Project Consultant) and a summary of the correspondence.
- **Appendices:** The Appendices will include notices, letters, meeting summaries / minutes, presentations and correspondence in the following sections:
 - Notices and Other Information Releases;
 - Neighbouring Indigenous communities;
 - Information distributed to all communities;
 - Community-specific information;
 - Interested Persons; and
 - Government Agencies.

As with the ToR RoC, the EA / IS RoC will describe engagement and consultation activities undertaken with each neighbouring Indigenous community.

Logistical correspondence (e.g., scheduling a meeting) is not included in the Appendices but is tracked in the appropriate consultation and engagement log. The only instance when logistical correspondence is included in the Appendices is when a meeting was not scheduled or postponed; this information is included to show level of effort.

A copy of the RoC will be provided to agencies. Each neighbouring Indigenous community will be provided with a copy of their community-specific record for their consideration and review before it is included in the public record. This is an opportunity for neighbouring Indigenous communities to comment on the contents of their community-specific record and review how their feedback was considered or may have been incorporated into the EA / IS, and where changes may have been made in specific documents. A final RoC including all incoming and outgoing Project correspondence will be provided as an appendix to the EA / IS. A section summarizing consultation and engagement efforts will be included in the body of the EA.

7. Consultation and Engagement Effectiveness

It will be necessary to gauge the effectiveness of the Consultation Plan throughout the EA / IA processes. The effectiveness of consultation and engagement activities may be assessed against the following means and could result in changes to the activities and efforts to implement them:

- Level of effort sending correspondences to neighbouring Indigenous communities to encourage input during key milestones;
- Level of effort sending correspondences to neighbouring Indigenous communities to set-up meetings (telephone, online or in-person) during milestones;
- Level of effort to schedule meeting at key milestones with neighbouring Indigenous communities;
- Level of correspondence following up with neighbouring Indigenous communities to confirm receipt and understanding of technical information;
- Execution of community-specific Indigenous Knowledge Sharing Agreements to confirm confidentiality of Indigenous Knowledge shared and incorporation of Indigenous Knowledge into the EA / IS in accordance with community-specific protocols;
- Level of comments received via the Project website, at PICs and other in-person events;
- Timeliness to responding to all comments and questions;
- Follow-up with neighbouring Indigenous communities to confirm receipt and understanding of information provided;
- Attendance at live or online consultation and engagement events in consideration of the level and coverage of the events;
- Number of requests to join the Project Contact List;
- Number of website hits on the Project website;
- Satisfaction with information provided, measured by comments received at live events, on comment forms, and via email and telephone; and
- Proponent responsiveness (e.g., time to respond to Project correspondence).

Ideally, MFFN will hold discussion with / meet with all 23 neighbouring Indigenous communities identified by MECP and the Agency at least once during the EA / IA processes and communicate regularly during each milestone. At a minimum, the MFFN Project Team's goal is to meet virtually or in-person at least once with all 11 of the neighbouring Indigenous communities currently outlined in **Section 3.1** as 'heightened interest'. It is understood that this list of communities may change over time. If neighbouring Indigenous communities do not express an interest in meeting or providing input during key milestones, the MFFN Project Team commits to reaching out at least twice during each milestone to each neighbouring Indigenous community through different communication channels (e.g., email, phone call).

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Appendix **A**

Project-specific Environmental Assessment Government Review Team List

Project-specific Environmental Assessment Government Review Team

1. Provincial Agencies and Ministries

- Ontario Power Generation
- Ontario Provincial Police
- Ministry of Economic Development, Job Creation and Trade
- Ministry of Energy, Northern Development and Mines
- Ministry of the Environment, Conservation and Parks
- Ministry of Heritage, Sport, Tourism and Cultural Industries
- Ministry of Indigenous Affairs
- Ministry of Municipal Affairs and Housing
- Ministry of Natural Resources and Forestry
- Ministry of Solicitor General
- Ministry of Transportation

2. Federal Agencies

- Impact Assessment Agency of Canada
- Environment and Climate Change Canada
- Fisheries and Oceans Canada
- Health Canada
- Crown-Indigenous Relations and Northern Affairs Canada

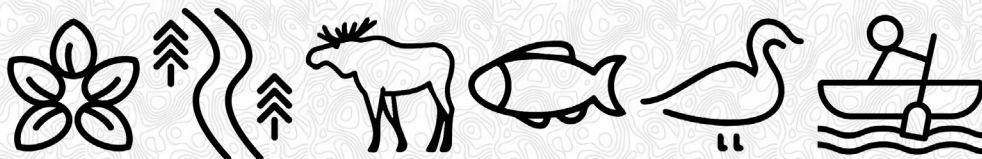
3. Municipalities

- City of Thunder Bay
- Municipality of Greenstone
- The Corporation of the Municipality of Sioux Lookout



Appendix B

Indigenous Knowledge Program Guidance Document





MFFN Community Access Road Project Indigenous Knowledge Program Guidance Document

November 2020



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1. Introduction

Marten Falls First Nation (MFFN) thanks you for your interest in participating in the Indigenous Knowledge Program (IK Program) for the MFFN Community Access Road Project (the Project). We appreciate the level of trust and the foundation of respect required for the collection and/or sharing of IK with the MFFN Project Team.

The purpose of this Guidance Document is to provide your community with:

-  A brief **overview of the proposed Project**;
-  An **overview of the IK Program to support discussions** of how Indigenous knowledge (IK) and information on how Indigenous land and resource use can be collected and become part of the Project assessment, planning and design processes; and
-  **Information and resources** to support your community in meaningfully participating in the IK Program.

Key terms used in this document (in **blue text**) are defined throughout. These are also provided in the glossary in **Appendix A**.

Please note: in addition to the IK Program, the **Consultation** Program for the Project serves as an additional and important avenue for collecting information, concerns, perspectives, and other information relevant to the Project from Indigenous communities.

The Crown is responsible for the constitutional Duty to Consult for the assessment processes for the Project. MFFN is responsible for carrying out Statutory Consultation processes in fulfilling the Duty. The IK Program and Consultation Program strive to both engage and consult with communities to build relationships and provide inputs into the overall consultation requirements for the Project.





2. Overview of the Project

MFFN is a remote First Nation community in northern Ontario located at the junction of the Albany and Ogoki rivers, approximately 430 km northeast of Thunder Bay. The MFFN community is currently only accessible by air and a winter road. Given the unreliability of the winter road, MFFN is proposing an all-season community access road (the Project) to connect MFFN to Ontario's provincial highway network (i.e., Highway 643) to the south via the existing Painter Lake Road.

As the proponent for the Project, MFFN has started a Provincial Environmental Assessment and Federal Impact Assessment (**the assessment processes**) to assess the potential Project effects and benefits. The assessment processes will inform Project planning and design.

Please note that the assessment processes are for the MFFN all-season community access road Project only. The Northern Road Link is a separate project that will undergo a separate assessment process, with MFFN and Webequie First Nation as a joint-proponent. Consultation and engagement for the Northern Road Link will be addressed through a separate process.

3. Overview of the IK Program

The IK Program aims to collect **Indigenous Knowledge** (IK) relevant to the Project and information on **Indigenous land and resource use** and values (including cultural) in the vicinity of the Project area.

Indigenous Knowledge

refers to Indigenous systems of knowledge as well as cultural practices related to the production of knowledge based on traditional belief systems, relationships to the environment, and community practices. It is the accumulated and living knowledge built upon the historic experiences of Peoples living on the land and adapting to social, economic, environmental, spiritual and political change (Chiefs of Ontario, n.d.). It includes knowledge about the natural environment (e.g., locations of caribou seasonal use and calving areas), the relationships between environmental changes and species or ecosystems, and how potential effects to the environment can be avoided or reduced.

Indigenous Land and Resource Use

refers to specific areas and resources used for traditional purposes when Indigenous peoples learn and practice their IK (Garvin et al., 2001). This includes the areas and sites used for hunting, trapping, fishing, and gathering and the resources harvested, as well as cultural sites, features and practices. Sometimes referred to as Traditional Land Use.





The primary objectives of the IK Program are to:

- Identify areas where important Indigenous land uses, resources, and/or values could be impacted by the Project;
- Understand community concerns about the potential negative impacts of the Project; and
- Work to avoid or mitigate potential Project impacts on these land uses, resources and/or values and maximize any potential positive effects.

The IK Program strives to work with **interested Indigenous communities** on how relevant IK and Indigenous land and resource use information will become part of the assessment processes and Project planning and design. We understand there are larger regional issues and those will be documented and incorporated into the assessments, as applicable.

The IK Program involves two key ways for information gathering and sharing:



Sharing existing and relevant IK and Indigenous land and resource use information previously collected by communities (e.g., for community-based land use planning) with the MFFN Project Team; and



Completing Project-specific IK and Indigenous land and resource use studies to collect relevant IK and information on Indigenous land and resource use in the vicinity of the Project.

Please note: This IK Program Guidance Document also helps to meet the information requirements set out in the Tailored Impact Statement Guidelines issued for the Project by the Impact Assessment Agency of Canada. In addition, information collected through both the IK and Consultation Programs will provide valuable inputs into the **Aboriginal and Treaty Rights and Interests** valued component, which tentatively includes:

- Indigenous Current Use of Land and Resources for Traditional Purposes (hunting, trapping, fishing, gathering, cultural and spiritual sites, quantity and quality of resources, etc.) – see [Section 6.5](#) for definition of ‘current’; and
- Cultural Continuity or the ability to practice and transmit cultural traditions (experience of being on the land, ability to access preferred sites and resources, etc.).





3.1 Sharing Existing Information

Some communities may already have relevant IK and information on Indigenous land and resource use and other values from community-based land use planning processes or other activities. We respectfully request that any existing information you wish to share be provided to the MFFN Project Team as soon as possible so that it can be incorporated into the assessment processes. The earlier we receive information (even in draft form), the sooner we can include it in the assessment and Project planning processes.

Further, if you are aware of areas where values could potentially be impacted within the Local Study Area but are unable to share specific details, it is valuable to share whatever information you can early on so that we can work with you as we continue through the assessment processes.

3.2 Indigenous Knowledge & Indigenous Land and Resource Use Study

For communities that are interested in completing a **Project-specific Indigenous Knowledge and Indigenous land and resource use (IK/ILRU) study**, we understand that some communities may prefer to complete a study on their own or using their own consultants. Other communities may require support with completing a study. We are available to support communities in completing an IK/ILRU study (e.g., preparing materials and maps, digitizing information collected, etc.), if and as needed.

Communities using their own consultants should make an effort to follow the IK Guidance Document to support the collection of information to meet the requirements set out in the Tailored Impact Statement Guidelines issued for the Project by the Impact Assessment Agency of Canada.



3.3 Confidentiality

Given the sensitive nature of IK and information on Indigenous land and resource use, the protection and confidentiality of shared information is of great importance to the MFFN Project Team. To honour and respect this important information, an IK Sharing Agreement must be executed between your community and MFFN prior to sharing any information and before beginning a Project-specific IK/ILRU study. The IK Sharing Agreement will be developed with each community. The agreement will outline how confidential/sensitive information will become part of the assessment processes and protected.





3.4 Indigenous Knowledge Program Guiding Principles

Our approach to working with your community on the IK Program is guided by these key principles:



We will **work proactively to build relationships** that are based on trust, transparency, understanding, cooperation, and mutual respect.



The protection and incorporation of IK and Indigenous land and resource use information will be governed by **IK Sharing Agreements**.



Community-specific protocols, traditional channels of authority, and levels of approval within each participating Indigenous community will be followed and respected.



The people of your community are an important source of knowledge of the environment, past and present uses of the land and its resources, and associated cultural practices and values that may be relevant to the Project and our local and regional study areas.



Our aim is to work with you to participate in and complete the IK Program in a manner that **respects your IK collection and sharing protocols** so that IK can be meaningfully integrated into and become part of the assessment processes.



We will strive to **respectfully work with Indigenous Communities** in terms of how IK and information on Indigenous land and resource use within the local and regional study areas will become part of the Project assessment, planning and design processes.





4. Indigenous Knowledge and the Assessment Processes

The information collected through the IK Program (and/or through the Consultation Program for the Project) will be used to:

- Guide and confirm the indicators to be used in the assessment processes for the various **valued components** (e.g., wildlife, vegetation, fish, caribou, moose, Indigenous land and resource use, etc.);
- Support the description of existing environmental conditions (**baseline conditions**) for the various valued components;
- Identify the potential effects of the Project on the various valued components;
- Help identify potential measures to reduce the potential for negative effects (impact management measures) and enhance the potential benefits; and
- Help identify potential monitoring programs.

Valued components

are important components of the natural and human environment that could be impacted by a proposed project or activity.



The MFFN Project Team will work with Indigenous communities to ensure that IK and any information on Indigenous land and resource use and other values that is shared is appropriately integrated into the assessment processes. This will include providing Indigenous communities with the opportunity to:

- Review and discuss draft assessment documents produced by the MFFN Project Team to confirm that we captured and presented your community's information appropriately; and
- Work with the MFFN Project Team on the effects assessment for the Aboriginal and Treaty Rights and Interests and associated components (Indigenous land and resource use, and cultural continuity).

Should your community prefer to do your own effects assessment, we will accept this and work with you to incorporate your effects assessment into the assessment processes.

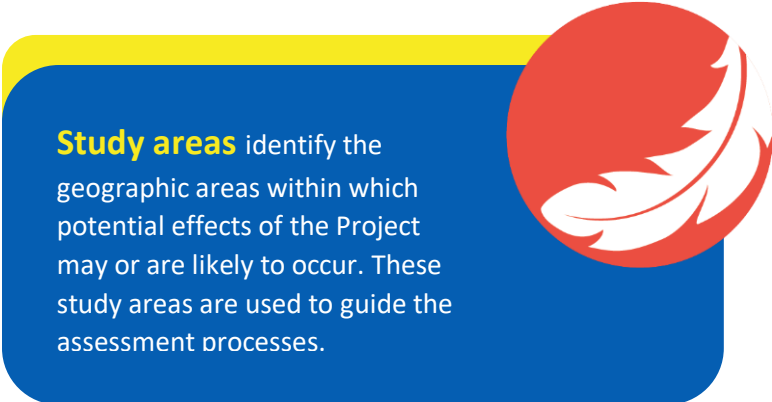




5. Study Areas for the Assessment

The existing conditions and potential Project effects will be documented for three **study areas** to capture potential local, direct and indirect effects:

- **Project Study Area:** area of direct disturbance (the physical area required for Project construction and operation);
- **Local Study Area:** the area where the potential direct effects of the Project (e.g., direct effects on wildlife, vegetation and surface water associated with noise and vehicle emissions) may occur; and
- **Regional Study Area:** the area where the potential indirect effects of the Project (e.g., effects to Indigenous land and resource use as a result of changes in wildlife and fish and their habitats) may occur.



Study areas identify the geographic areas within which potential effects of the Project may or are likely to occur. These study areas are used to guide the assessment processes.

A Study Area Memo was previously provided to your community that contains information on some of the study areas selected for the Project (e.g., wildlife, vegetation, etc.) that are related to Indigenous land and resource use – this memo is provided in **Appendix B**.

5.1. Study Areas for Aboriginal and Treaty Rights and Interests

Study areas have been identified for the Aboriginal and Treaty Rights and Interests valued component – these are shown in **Appendix B** and described in Table 1 on the following page. These study areas should inform any IK and Indigenous Land and Resource Use Studies undertaken in terms of the geographic extents used to collect information during these studies.

Please note: The Regional Study Area was revised in October 2020 to include several additional watersheds (e.g., at the southern terminus of the proposed Project and Painter Lake Road) that the Project may interact with based on comments received from communities to date. Figure 1 in Appendix B has been updated from what was sent to communities in August 2020 to reflect the revised Regional Study Area.





Table 1. Proposed Study Areas for the Aboriginal and Treaty Rights and Interests Valued Component

Study Area	Geographic Extent	Rationale
Local Study Area	5 km of the centreline of the Route Alternatives and 5 km buffer around other project components (e.g., aggregate sources) and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	The Local Study Area allows the Project Team to gather specific information that can be used to help Project design by avoiding or mitigating impacts to sensitive features. It also corresponds to the outermost boundaries of the combined Local Study Areas for the fish and fish habitat, surface water, vegetation, general wildlife, moose, and air quality valued components. It has been defined based on the key components that may be relied on (water, fish, vegetation, wildlife, moose) or considered to influence (air quality, noise) Indigenous culture and/or land and resource use.
Regional Study Area	Combined area of the quaternary watersheds crossed by each of the road alignments.	The Regional Study Area allows the Project Team to gather information at a larger scale to better understand potential indirect effects on the valued components specific to Indigenous people. It corresponds to the outermost boundaries of the combined Regional Study Areas for the fish and fish habitat, surface water, vegetation, and general wildlife valued components given that these components may be relied on by Indigenous peoples for cultural and land and resource purposes.

A few important notes and considerations:

- These study areas are for the IK Program and Aboriginal and Treaty Rights and Interests valued component and do not represent the study areas for other baseline programs (wildlife, vegetation, etc.) being conducted as part of the assessment processes.
- The proposed road alignments may change slightly from what is shown in Figure 1 based on feedback and information from Indigenous communities and our understanding of the existing environmental conditions.
- While these study areas are intended to guide data collection in terms of IK and Indigenous land and resource use in the vicinity of the Project, collecting community information and perspectives that are more general (e.g., habitat values important for caribou) is also an important part of the Consultation and IK Programs.





6. Guidance Materials for Project-Specific Studies

The following sections provide some important considerations and guidance materials for any IK and Indigenous Land and Resource Use (IK/ILRU) Studies that are undertaken by communities for the Project. These materials are intended to guide and support communities in collecting and sharing relevant IK and information on Indigenous land and resource use and associated values so that it can become part of the assessment processes.

Please note: These materials, including the questions contained in the appendices, were developed based on the information that has been requested by regulators (including through the federal Tailored Impact Statement Guidelines) for inclusion in the assessment processes.

6.1. General Study Approach

While IK/ILRU studies can be customized to suit the needs and values of each community, they generally follow the following steps:



1. Review existing information

Many communities have already started collecting IK and information on Indigenous land and resource use for other projects or their own purposes. There also may be relevant information available in historical documents (e.g., ethnographic reports) to provide historical and cultural context (see **Section 6.3** for some questions to guide review). It is a good idea to start by examining what has already been collected to see what information is relevant to the Study Areas (see **Section 5.1**), and identify where there are important information gaps to guide information collection efforts.



2. Select study participants

It is important to select a range of participants to satisfy federal **Gender-based Analysis Plus (GBA+)** requirements which are meant to identify segments of the population that could be especially affected by the Project (e.g., women, youth, Elders, etc.). Any IK/ILRU studies completed should include a range of participants (e.g., men, women, Elders, Knowledge Holders, middle-aged members, youth) to support the inclusion of different perspectives. While Elders are recognized as the most knowledgeable and can offer information about past uses of lands and resources, they may not be using the land and resources in the same way today, and there may be other people in the community who are using the land and resources in the study areas for traditional purposes (e.g., hunting, trapping, fishing, etc.) and have relevant knowledge. The review of existing information (Step 1) can also help to select participants and fill gaps in age or gender categories.





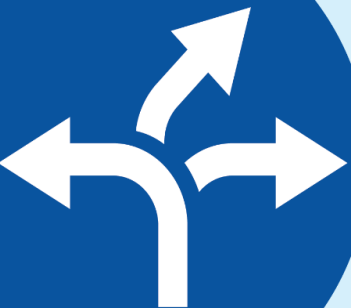
3. Prepare for information collection

It is important to prepare the materials needed for information collection including consent forms for participants (see [Section 6.2](#)), base maps for the Study Areas to be used for mapping sessions (see [Section 6.4](#)), defining the time periods that will be used for baseline information collection (see [Section 6.5](#)), identifying categories to organize information collection (see [Section 6.6](#)), and a set of questions to guide information collection sessions (see [Section 6.3](#), [Section 6.7](#) and [Section 6.8](#)). Each community should also consider if a translator is required to support information collection and reporting and make these arrangements before information collection sessions.



4. Collect the information

Information collection is generally done through workshops, focus groups, interviews with participants, or a combination of these depending on what will work best for each community and the participants. All participants should be provided information about the project at the start, prior to asking any questions.



5. Digitize spatial data

Information and spatial data collected should be digitized (put into electronic format) for storage purposes and to support reporting. This will enable the development of maps showing important sites and areas that were identified by participants. This may be done directly during data collection using direct-to-digital data collection methods or through data digitization of information recorded on paper maps once information collection sessions have been completed, depending on what would work best for your participants and community (see [Section 6.9](#)).



6. Validate the information

It is important to validate (confirm) information collected with the participants who provided it (see [Section 6.10](#)). This ensures that the information and data was documented accurately and appropriately.

7. Report on the information

The study report should explain how information was collected, and present the information both in text and through mapping (see [Section 6.11](#)).





6.2. Confidentiality & Participant Informed Consent

In addition to considering confidentiality in terms of the information that is shared with the MFFN Project team (see **Section 3.3**), communities need to also consider how the information collected will be kept confidential internally. Strategies that could be used to keep information confidential include:

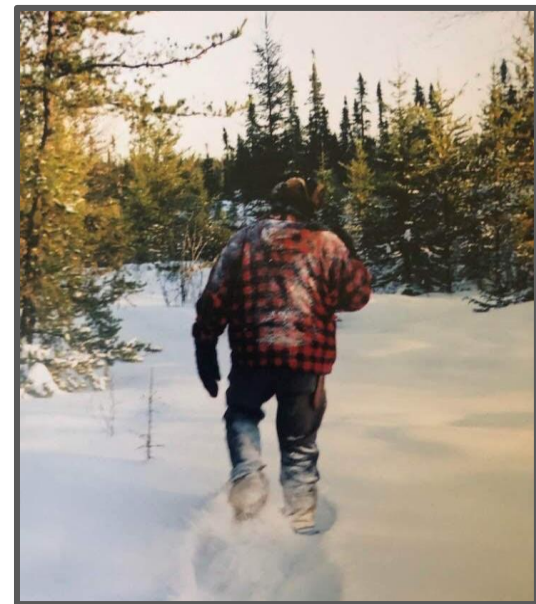
- Do not share information and mapping with others unless the person who shared the information have provided written permission;
- Use confidentiality agreements with any third-party researcher(s) supporting your community with the study; and
- The final maps and any reports developed should not contain participants' names (identifiers like participant # should be used instead), and the names associated with participant # should be strictly managed internally (Tobias, 2010).

It is also important that community members participating in the IK Program (and sharing IK and/or information on Indigenous land and resource use) provide consent to sharing the information. In order to do this, they must understand how the information they share may be used. Participant consent forms are generally used to support this. A sample participant consent form that could be used for your community members is provided in **Appendix C**.

6.3. Information on Community Culture and Lifestyle – Past and Present

Providing information on the culture and lifestyle of your community, both in the past and in the present, is valuable for the assessment processes as it provides important background information on the activities that are important to the community and related to Aboriginal and Treaty rights, and how historical and cumulative effects may have already impacted these rights-based activities. This includes information on:

- The history of your community including traditional way of life, governance systems and laws, language, cultural practices and how they were/are taught and handed down, and uses of lands and resources; and
- Current community context, including changes that have taken place over time (e.g., in terms of way of life, governance, language, cultural practices and teaching, land and resource use, etc.) as a result of historical and cumulative effects (e.g., establishment of the trapline system, construction of dams, mineral exploration, forestry, etc.).






A set of questions that should be used to guide information gathering on historical and current community context is provided in **Appendix D**. This information may be collected through research and review of existing documents and/or during information collection sessions with study participants.

It is anticipated that similar questions will also be asked during the Consultation Program for the Project so this type of information can also be collected through this avenue of engagement.

6.4. Preparing Base Maps

The MFFN Project Team will provide interested communities with the digital files (e.g., shapefiles) for the study areas and the potential route alternatives (see Figure 1 in **Appendix B**) to support the preparation of base maps to be used for information collection. These maps are generally printed out and used to record sites and areas during mapping sessions, although some communities may record sites and areas digitally using mapping software and computers (direct to digital methods).

Whichever approach is used, it is important to choose an appropriate **map scale** to allow for spatial data (sites, areas, etc.) to be captured easily and accurately. Maps with too large of a scale (e.g., 1:20,000) may have too much detail (making it hard for participants to find landscape reference points) and require a significant amount of time for data collection. Maps with too small of a scale may not provide enough detail and make it difficult to collect accurate data – one dot on a 1:250,000 scale map can cover 0.25 km on the ground. A 1:50,000 scale map is generally ideal (Tobias, 2000) and multiple maps may be required to cover the Study Areas. However, a mix of map scales may be useful depending on the information being collected and the accuracy required (e.g., specific cultural sites vs. seasonal movement patterns of caribou).



Map scale refers to ratio of the distance on a map to the actual distance of the ground. For example, if a map has a scale of 1:50,000, then 1 cm on the page represents 50,000 cm (50 m) on the ground. Small-scale maps show less detail than large-scale maps.

It is also important to include any place names (including names of lakes, rivers, towns, reserves, etc.) on the base mapping to support participants in orienting themselves on the base maps, which can help make data collection sessions faster and easier. Lastly, if multiple maps will be used, map numbers should be assigned to each and these map numbers should be referenced for any data collected so it is clear which data relates to which maps.





6.5. Temporal Boundaries for Baseline Information on Indigenous Land and Resource Use

There are generally at least two **temporal boundaries** or time periods used to collect baseline information on the **current use** of lands and resources for traditional purposes: past (within living memory up to a recent point in time when conditions may have changed) and present. It is important to provide definitions for any specific time periods used.

The MFFN Project Team has identified and defined the following time periods to guide baseline information collection on current use for MFFN:

- **Past Use:** Land and resource use after 1947 (when the registered trapline system in Ontario was implemented) up to 2008 (when the landscape and local economy really started to change as a result of mineral discoveries); and
- **Present Use:** Land and resource use from 2008 up to present day and into the reasonably foreseeable future.

We recognize that communities may prefer to select their own temporal boundaries based on their histories and land and resource use patterns.

In addition to the past and present community context (see **Section 6.3**), the use of these two time periods will allow the MFFN Project Team to better understand pre-development baseline conditions and changes that have occurred over time to present day for a more holistic perspective of “baseline” conditions.

Temporal boundaries

refer to the time frames used to assess something. Temporal boundaries are often used to guide baseline information collection, as well as assessment processes in terms of project timelines and associated potential impacts. The two temporal boundaries for the impact assessment for the proposed Project are construction and operation/ maintenance.

Current use refers to how the use of lands and resources may be affected throughout the proposed project’s lifecycle. This includes uses by Indigenous peoples that are actively being carried out at the time of the assessment. It also includes uses that have ceased due to external factors if they could be expected to resume once conditions change, and uses that are likely to occur in a reasonably foreseeable future provided that they have continuity with traditional practices, traditions or customs (CEAA, 2015).





6.6. Categories to Organize Information

Categories (e.g., harvesting, cultural, habitation, travel, etc.) are generally identified and used to organize information in IK/ILRU studies. These categories can be used to organize questions to be asked to participants. They are very helpful when digitizing and organizing all the data collected into a geodatabase. They also make reporting easier for the community.

The use of categories also makes the integration of information into the assessment processes easier. The MFFN Project Team has identified a set of general categories and subcategories that should be used to organize IK and information on Indigenous land and resource use for the Project, as shown in Table 2.

Table 2. Categories to organize information collected

General Category	Sub Categories	Examples of what may be included in these categories
Animal Harvest	Large mammals	Bear, moose, caribou, deer
	Furbearers	Bobcat, ermine, fisher, marten, weasel, wolf, rabbit, etc.
	Birds	Ptarmigan, partridge, duck, geese, etc.
	Other	Porcupine, raccoon, duck eggs, etc.
	General trapping area	
Fish Harvest	Fish	Lake trout, whitefish, pike, pickerel, ling, etc.
Plant Harvest	Berries	Blueberries, raspberries, Saskatoon berries, etc.
	Medicinal plants	Sage, peppermint, muskeg tea, sweet grass, etc.
	Food plants	Wild rice, mushrooms, etc.
	Other	Birch, cedar, moss, firewood, etc.
Cultural, Spiritual and Sacred	Cultural sites and areas	Traditional community gathering area, ceremonial site, teaching site, culturally sensitive area, traditional meeting place, shaking tent, sweat lodge, etc.
	Spiritual and Sacred sites and areas	Spiritual sites, birth site, burial site or ground, place where ashes were spread, sacred rock, etc.
	Historical sites	Archaeological site, pictograph, Hudson’s Bay Trading post, etc.
	Stories/legends sites	Sites with stories/legends/oral histories
Place Name	Traditional name	Traditional site or areas names, orientation points, etc.





MARTEN FALLS FIRST NATION ALL SEASON COMMUNITY ACCESS ROAD





General Category	Sub Categories	Examples of what may be included in these categories
Habitation	Permanent habitation	Cabins, village sites, etc.
	Temporary habitation	Camp sites, teepee sites, etc.
Travel	Water travel	Canoe routes, boat and motor routes, portages, etc.
	Ground travel	Walking paths or trails, winter trails, skidoo/snowmobiling/ ATV trails, etc.
	Historical routes	Historical trails, historical canoe routes, etc.
Points of Interest	Environmental features	Esker, pond, lake, streams, rivers, rapids, waterfalls, etc.
	Other	Cache, stone bridge, gold strike, dangerous area, etc.
Fish & Wildlife Use Areas	Important use areas	Spawning areas, calving areas, denning areas, nesting sites, concentration areas (e.g., moose, caribou), etc.
	Travel and migration routes	Moose travel route, caribou migration route, fish migration route, animal trails, etc.
Shared Area		Areas that may be shared or used with other Indigenous communities for traditional activities (e.g., hunting, trapping, etc.) or other cultural uses.





6.7. Collecting IK and Information on Indigenous Land & Resource Use

The following types of information should be collected and shared to become part of the assessment processes:

-  Information about the **existing environment in the vicinity** of the Project, both in the past and present;
-  **Indigenous Knowledge that is tied to specific places or areas** (e.g., locations of important moose calving areas);
-  Specific sites used for **Indigenous land and resource use** (e.g., hunting, trapping, fishing, etc.) or **other cultural purposes** (e.g., sacred sites, teaching sites, etc.); and
-  **Indigenous Knowledge that is not tied to specific places** (e.g., how resources are prepared and used, important relationships between animals and their environments, etc.).

This information may be collected through research and review of existing documents and/or during information collection sessions with study participants.

An IK/ILRU Question Guide that should be used to guide gathering of IK and information on Indigenous land and resource use within the study areas is provided in **Appendix E**. The questions are organized based on the categories listed in Table 2 (**Section 6.6**). Note that there are both general and site-specific questions within several of the categories. The general questions could be used in any workshops or focus groups, while the site-specific questions would be most appropriate for any interviews (although they can be used during a workshop or focus group if interviews will not be completed for the study).





Features mapped during information collection sessions are recorded as:

- Points – used to represent a fixed or specific location (e.g., salt lick location, cabin location, moose kill site, etc.);
- Lines – used to represent a linear landmark or activity (e.g., trails, travel routes, caribou crossing, etc.); and
- Polygons – used to represent an area (e.g., moose winter use areas, caribou calving grounds, trapline area, etc.).

It is important to note that points and lines should be used, where possible, as these provide greater accuracy in the data collected. However, in some cases the use of polygons may be most appropriate. Where polygons are used, it is best practice to avoid very large ones where possible as these can impact the accuracy and credibility of the data.



6.8. Collecting Perspectives on Potential Project-related Impacts

The following types of information should also be collected and shared to become part of the assessment processes:



Perspectives about how the **natural** and **physical environments** (e.g., wildlife, water, air, etc.) and **human environment** (e.g., Indigenous land and resource use, culture, language, Aboriginal and Treaty Rights, etc.) may be **positively** or **negatively** impacted by the Project; and



Perspectives on the **cumulative effects** that have already impacted the **community, culture and cultural practices** and how the proposed Project may contribute to these effects.

A set of questions that should be used to guide gathering of information on the potential positive or negative impacts of the proposed Project is provided in **Appendix F**. These questions could be used during any workshops or focus groups, or asked during any interviews, depending on what would work best for your community and participants.





It is anticipated that similar questions on the potential impacts of the Project on the will also be asked during the Consultation Program for the Project so this type of information can also be collected through this avenue of engagement. However, Project-specific IK/ILRU studies provide an important opportunity to provide these community perspectives and concerns, especially in terms of the potential impacts of the proposed Project on Indigenous land and resource use and cultural sites and practices based on information documented through the study.

6.9. Digitizing Data Collected

Communities using direct-to-digital methods of mapping will have the spatial data that is collected (e.g., hunting sites, cabin locations, etc.) digitized (turned into electronic form) at the time of collection. However, for communities that are using paper maps to record spatial data, the data must be digitized and stored once it has been collected. The points, lines and polygons associated with features identified on the base maps must be digitized in a GIS format. In addition, the descriptive information associated with each mapped point, line and polygon feature (e.g., what was hunted here, when it was hunted, who hunted it, etc.) must be captured in a database that is linked to each of features documented.

The MFFN Project Team is available to support communities in digitizing the data collected and developing maps, and we would be happy to discuss this further.

6.10. Data Validation

It is important to validate or confirm that the information collected has been document properly and accurately. Group sessions to review the maps and information in the database with the participants who provided the information are a useful way to do this as confirmation can potentially be made by more than one person. These sessions also allow for more information that may emerge through discussion to be collected and mapped. In addition, information collected from previously completed 'on the land' activities, including participation in field studies for the proposed Project, can also be used to support data validation. Any corrections to the information or data should be made within the database and associated mapped (digitized) features.

*As noted in **Section 4**, the MFFN Project Team will also provide communities with the opportunity to review our interpretations and descriptions based on the data we receive to ensure we have accurately reflected the perspectives of the community.*





6.11. Reporting

Once all information collected through the study has been validated, a final study report must be prepared. The study report should include:

- A description of how the study was conducted (or the methodology), including:
 - The background documents, reports or other sources that were reviewed to support the study;
 - How participants were selected and if and how different genders and age groups were factored into the selection of participants;
 - How the information was collected (e.g., workshops and/or interviews), documented and digitized (including if translators were used to support information collection); and
- The results of the study in terms of:
 - The IK and information on Indigenous land and resource that was documented, including associated mapping; and
 - Information on the concerns and perspectives of participants in terms of the potential impacts of the proposed Project and any associated recommendations.

The database and mapping developed is the most useful tool for report writing as they contains all information in one place. The mapping included in the study report should be **composite maps** that show the combined data collected for each of the categories (e.g., animal harvesting, etc.) rather than maps showing the data collected from each individual participant. For any particularly sensitive sites that may have been documented and for which there are concerns related to confidentiality, it is best practice to apply a buffer (e.g., 500 m or 1 km) and randomize the centre of point data within that buffer for the purposes of reporting.

A report template that should be used to guide final reporting for the study is provided in **Appendix G**. The report template can be customized to suit the needs of the community; however, the general nature of information included in this report template should be included in the final report provided. In addition, and as noted in **Section 6.2**, the report should not contain participants' names for confidentiality purposes – identifiers like participant # should be used instead.

The MFFN Project Team requests that communities share preliminary composite maps and associated spatial data (with limited information included to protect sensitive and confidential information) as soon as they are available and prior to full reporting to support timely information sharing and enable meaningful consideration of Indigenous values in Project planning and the assessment processes. We also ask that a draft or interim report version is shared prior to a final report. This request is reflected in the IK Program schedule (see **Section 7**).





Please note: We will be providing communities with a template database (with limited information requirements to protect sensitive and confidential information) that should be used for sharing spatial data with the MFFN Project Team. All data shared with the MFFN Project Team will be strictly for the purposes of assessment and Project planning, including avoidance and impact mitigation measures, and will be protected according to the IK Sharing Agreement. If spatial data is not provided (i.e., only report maps are provided), it is important to note that the MFFN Project Team may need to digitize information shared in the report to support Project planning and identification of negative impact avoidance and mitigation measures.

7. Schedule

The proposed schedule for the IK Program and any Project-specific IK/ILRU studies that may be undertaken is shown in Table 3.

Table 3. Schedule for the IK Program

Key Task/Deliverable	Date
Executed IK Sharing Agreements	Fall 2020
Start Project-specific IK/ILRU studies	Fall 2020
Sharing of existing IK-ILRU information that may be relevant and preliminary mapping completed for Project-specific IK/ILRU studies	As soon as possible
Draft IK/ILRU Study Report	March 2021
Final IK/ILRU Study Report	April 2021

8. Next Steps

As noted in **Section 4**, the IK and ILRU information shared with the MFFN Project Team will become an important part of the assessment processes – it will be used to support the selection of valued components and indicators, the description of existing environmental conditions, the characterization of the potential impacts of the proposed Project, the identification of measures to reduce the potential for negative effects (impact management measures) and enhance the potential benefits, and the development of monitoring programs. The MFFN Project Team will work with Indigenous communities to ensure that IK and ILRU information shared is appropriately used in the assessment process through





ongoing consultation and engagement activities and the identification of opportunities for collaboration as the assessment processes proceed.

9. References

Canadian Environmental Assessment Agency (CEAA). (2015). Technical Guidance for assessing the Current Use of Lands and Resources for Traditional Purposes under the *Canadian Environmental Assessment Act, 2012*. Draft for Public Comment, December, 2015. Retrieved from https://www.canada.ca/content/dam/iaac-acei/documents/policy-guidance/assessing-current-use-lands-resources-traditional-purposes/current_use_final_draft-eng.pdf.

Chiefs of Ontario (n.d.). Traditional Knowledge. Retrieved from <http://www.chiefs-of-ontario.org/priorities/environment/traditional-knowledge/>.

Tobias, T. (2000). Chief Kerry's Moose, a guidebook to land use and occupancy mapping, research design and data collection. Union of BC Indian Chiefs and Ecotrust Canada: Vancouver, BC.



Appendix A

Glossary



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Appendix A – Glossary

Aboriginal Interests: In the context of environmental assessment, Aboriginal interests are the interests that are specific to each Aboriginal group or First Nation that may be impacted by a proposed project, including but not limited to environmental, cultural, social, and legal interests.

Aboriginal Rights: Aboriginal rights are the customs, practices and traditions that are integral to a First Nation. These rights are recognized and protected under Section 35 of the Constitution Act, 1982. Aboriginal rights vary from group to group depending on the customs, practices, traditions, treaties and agreements that have formed part of their distinctive cultures.

Assessment processes: Refers to the Provincial Environmental Assessment and Federal Impact Assessment processes that are required for the proposed Project. These assessment processes look at the potential positive and negative effects of the Project on valued components. These two assessment processes will be coordinated with the federal and provincial regulators and Indigenous communities, and will be undertaken concurrently (both processes will be completed at the same time).

Baseline conditions: Information about conditions in the environment or a community prior to a project being constructed.

Composite map: A map that combines and shows all data for a particular group of interview guide categories (e.g., hunting, trapping, etc.) for all participants involved in the mapping exercise.

Consultation: A process of communication between parties that seeks to make clear the concerns of the parties about a particular issue and attempts to address or accommodate the concerns so that both parties are satisfied. With respect to Aboriginal rights, a component of the “Sparrow Test” that may be applied by governments to justify infringement of the rights.

Current use: Current use refers to how the use of lands and resources may be affected throughout the life of a project. This includes uses that are actively being carried out at the time of the assessment. It also includes uses that have ceased due to external factors if they could be expected to resume once conditions change, and uses that are likely to occur in a reasonably foreseeable future provided that they have continuity with traditional practices, traditions or customs (CEAA, 2015).

Gender-based Analysis Plus (GBA+): Refers to an analytical process used to understand how diverse groups of women, men, and gender diverse people (including vulnerable groups) may experience a project and its potential impacts differently.





Indigenous Knowledge: Refers to Indigenous systems of knowledge as well as cultural practices related to the production of knowledge based on traditional belief systems, relationships to the environment, and community practices. It is the accumulated and living knowledge built upon the historic experiences of Peoples living on the land and adapting to social, economic, environmental, spiritual and political change (Chiefs of Ontario, n.d.). It includes knowledge about the natural environment (e.g., locations of caribou seasonal use and calving areas), the relationships between environmental changes and species or ecosystems, and how potential effects to the environment can be avoided or reduced.

Indigenous land and resource use: Refers to specific areas and resources used for traditional purposes when Indigenous peoples learn and practice their IK (Garvin et al. 2001). This includes the areas and sites used for hunting, trapping, fishing, and gathering and the resources harvested, as well as cultural sites, features and practices. Sometimes referred to as Traditional Land Use.

Interested Indigenous communities: Refers to Indigenous communities that have the potential to be affected by the proposed Project and are interested in participating in the IK program for the Project.

Project-specific Indigenous Knowledge and Indigenous Land and Resource Use (IK/ILRU) Study: Refer to a study that is undertaken to collect information about the traditional use of land and resources (e.g., hunting, trapping, cultural uses, etc.) by an Indigenous community. Study reports include both the information collected in text and the spatial data collected (locations of use) in maps.

Map scale: Refers to ratio of the distance on a map to the actual distance of the ground. For example, if a map has a scale of 1:50,000, then 1 centimetre on the page represents 50,000 centimetres (50 metres) on the ground. Map scales can usually be found on the outer edge of a map, usually near the maps key.

Study areas (or spatial boundaries): Identify the geographic areas within which potential effects of the Project may or are likely to occur. These study areas are used to guide the assessment processes.

Temporal boundaries: Temporal means pertaining to time. Temporal boundaries refer to the time frames used to assess something. Temporal boundaries are often used to guide baseline information collection, as well as assessment processes in terms of project timelines (e.g., construction, operation) and associated potential impacts.

Treaty Rights: Rights that are described in a written agreement (e.g., treaty, land claim or self-government agreement) between a First Nation and the Crown and protected by section 35 of the Constitution Act, 1982.

Valued components: Refers to important components of the natural (wildlife, water, etc.) and human (social, cultural, economic) environment that could be impacted by a proposed project or activity.



Appendix B

Preliminary Aboriginal and Treaty Rights & Interests Study Areas Memo



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Appendix B – Preliminary Aboriginal and Treaty Rights & Interests Study Areas Memo

Marten Falls First Nation (MFFN) is a remote First Nation community in northern Ontario located at the junction of the Albany and Ogoki rivers, approximately 430 kilometres (km) northeast of Thunder Bay, Ontario. The MFFN community is currently only accessible by air and a winter road. Given the unreliability of the winter road, MFFN is proposing an all-season Community Access Road (**the Project**). The Project will connect MFFN to Ontario's provincial highway network (Highway 643) to the south via the existing Painter Lake Road.

MFFN (the Proponent) has started a Provincial Environmental Assessment and Federal Impact Assessment (**the assessment processes**) to assess the potential effects and benefits related to the proposed Project. An important part of the assessment processes is collecting Indigenous Knowledge (IK), community knowledge and information on Indigenous land and resource use to help us understand baseline (existing) conditions, predict the potential effects of the Project, and determine appropriate impact management and monitoring measures. An IK and Consultation Program has been developed for the Project. These Programs will help us to collect and determine in discussion with your community how IK (e.g., natural environment information) and information on Indigenous land and resource use in the vicinity of the Project area (e.g., harvesting, cultural sites) will become part of the assessment processes and Project planning and design.

Please note that information and correspondence related to the IK program is considered part of the consultation and assessment processes for the all-season community access road to MFFN (the Project) only. The Northern Road Link is a separate project that will undergo a separate assessment.

Purpose of this Memo

We are currently working on defining study areas for the 'Aboriginal and Treaty Rights and Interests' valued component, which tentatively includes:

- Indigenous Current Use of Land and Resources for Traditional Purposes (hunting, trapping, fishing, gathering, cultural and spiritual sites, quantity and quality of resources, etc.); and
- Cultural Continuity – ability to practice and transmit cultural traditions (experience of being on the land, ability to access preferred sites and resources, etc.).

Valued components are important components of the natural and human environment that could be impacted by a proposed project or activity.





Indicators for this valued component will be further described in the Terms of Reference and through the IK Program.

The purpose of this memo is to gather comments and feedback on the proposed study areas for this valued component. Note that these study areas are considered preliminary and we expect that inputs received will inform the final study areas. These study areas will also inform the IK and Indigenous Land and Resource Use Studies that may be completed by some communities in terms of the geographic extents used to collect information from community members during these studies.

It is important to note that different study areas will be used for the effects assessment for other valued components (e.g., wildlife, fish, vegetation, etc.). More information on the study areas used for these valued components and how they informed the study areas for the Aboriginal and Treaty Rights and Interests valued component is provided later in this memo.

IK Program Summary

As per previous communications, there are two key components of the IK Program:

1. Collecting existing IK and Indigenous land and resource use information collected by communities for other purposes (e.g., community-based land use planning) that they choose to share with MFFN; and
2. Completing Project-specific IK and Indigenous Land and Resource Use Studies with interested communities.

Please note that in addition to the IK Program, the Consultation Program serves as an important avenue for collecting concerns, perspectives, community knowledge and other information relevant to the Project from Indigenous communities in the Project area.

What is a Study Area?

Study areas identify the geographic areas within which potential effects of the Project may or are likely to occur. These study areas are used to guide the assessment processes. To capture the range of potential effects, the following study areas are typically used in assessment processes:

- **Project Study Area:** area of direct disturbance (the physical area required for Project construction and operation);





- **Local Study Area:** the area where the potential direct effects of the Project (e.g., direct effects on wildlife, vegetation and surface water associated with noise and vehicle emissions) may occur; and
- **Regional Study Area:** the area where the potential indirect effects of the Project (e.g., effects to Indigenous land and resource use as a result of changes in wildlife and fish and their habitats) may occur.

Study areas are generally defined for each of the valued components that will be assessed (e.g., wildlife, vegetation, fish, water, Indigenous Peoples, etc.). The Project Study Area will be the same for all valued components, and for the MFFN Project is defined as a 100 m wide right-of-way of the road alignments (i.e., Route Alternatives 1, 4 and 4-West) and temporary infrastructure. The proposed Route Alternatives are shown in **Figure 1** (appended). The size of the local and regional study areas may differ across the valued components depending on the geographic extent needed to understand the potential effects of the Project.

Please note that as further information is received about the proposed Project (e.g., technical studies, IK, etc.), it is anticipated that there will be ongoing adjustments to where Project components will be located. This allows MFFN to move the proposed Project away from important and/or sensitive features or areas. It is anticipated changes will occur within the 5 km wide corridors detailed in the Draft Terms of Reference; however, there is the possibility that changes could occur outside of the existing corridors. For example, based on preliminary construction investigations of route Alternative 4, the Engineering Team identified a new routing alternative (currently referred to as Alternative 4-West, see **Figure 1**). This new routing could result in a shorter crossing of the Ogoki River, and would provide access to an aggregate source that could eliminate the need for an additional haul road. As adjustments are made, we will share information so that feedback is based on accurate Project locations.

What Did We Consider When Defining the Preliminary Study Areas for Aboriginal and Treaty Rights and Interests?

The selection of study areas for the Aboriginal and Treaty Rights and Interests valued component must consider the geographical area needed to accurately assess potential effects that may result from the Project. Given that this valued component is closely tied to and dependent on other valued components of the natural environment (including surface water, wildlife, vegetation, fish, and air quality), we need to first have a sense of what the study areas for these natural environment valued components are.





Table 1 below provides a summary of the preliminary study areas that have been defined for some of the key natural environment valued components identified for the Project.

It is important to note that the study areas provided in Table 1 are considered preliminary and are subject to change based on review and inputs from federal and provincial regulators and Indigenous communities.

The Local Study Areas have been defined to include a large enough area to account for the potential direct effects of the Project. For example, the Local Study Areas for fish and surface water are considered large enough to account for potential direct downstream/off-site effects. The Local Study Areas are also considered large enough to allow for potential adjustments to the road alignments to avoid sensitive features.

The Regional Study Areas have been defined to include a large enough area to account for the potential indirect effects of the Project. A Cumulative Effects Assessment study area will be developed as part of the assessment.

Most of the Regional Study Areas for the Project have been defined based on quaternary watersheds, which provide useful assessment boundaries. To help define what these are, we need to first define what watersheds are in general. **Watersheds** are defined as the area where all of the water drains to the same place. They are categorized based on their size from largest to smallest:

Primary watersheds are the largest and made up of various smaller watersheds. The three primary watershed in Ontario are the Great Lakes - St. Lawrence, Southwestern Hudson Bay, and Nelson River watersheds.

Secondary watersheds are generally large river or lake systems. There are 28 secondary watershed in Ontario (e.g., Albany River Watershed).

Tertiary watersheds range in size from 700 – 31,000 km². There are about 145 tertiary watersheds in Ontario (e.g., Lower Ogoki and Upper Albany Makokibatan Watersheds).

Quaternary watersheds make up tertiary watersheds. They tend to be from 50 – 200 km² in size but can be larger. There are over 1,000 quaternary watersheds in Ontario (e.g., Wabassi River Outlet, Gourlie Creek Outlet).

Table 1. Preliminary Study Areas for Other Key Valued Components for the Project

Valued Component	Proposed Local Study Area	Proposed Regional Study Area
Fish and Fish Habitat	2.5 km of the centreline of the Route Alternatives and 2.5 km buffer around temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	Includes the quaternary watersheds crossed by the road alignments and temporary infrastructure.





Valued Component	Proposed Local Study Area	Proposed Regional Study Area
Surface Water	<p>2.5 km of the centreline of the Route Alternatives and 2.5 km buffer around temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).</p> <p><i>Surface water refers to all aboveground waters including lakes, rivers, wetlands, etc.</i></p>	<p>Includes the quaternary watersheds crossed by the road alignment and temporary infrastructure. The Regional Study Area for Surface Water also encompasses the Regional Study Areas of other Valued Components that either affect surface water or are affected by surface water (e.g., Fish and Fish Habitat).</p>
Vegetation	<p>2.5 km of the centreline of the Route Alternatives and 2.5 km buffer around temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).</p>	<p>Includes the quaternary watersheds crossed by the road alignments and temporary infrastructure.</p>
Wildlife (General)	<p>2.5 km of the centreline of the Route Alternatives and 2.5 km buffer around temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).</p> <p><i>General refers to all wildlife other than wolverine, caribou and moose.</i></p>	<p>Includes the quaternary watersheds crossed by the road alignments and temporary infrastructure. Watersheds provide a natural transition area to help identify long-range, indirect effects the project may have on wildlife surrounding the community access road.</p>
Wildlife (Wolverine)	<p>10 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas) given the large home range for the species.</p>	<p>Includes the tertiary watersheds crossed by the road alignments and temporary infrastructure. Indirect effects to wolverine are more likely to be defined by tertiary watershed boundaries due to their larger home range.</p>





Valued Component	Proposed Local Study Area	Proposed Regional Study Area
Ungulates (moose & caribou)	<p>MOOSE: 2.5 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).</p> <p>CARIBOU: 35 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).</p>	<p>MOOSE: Coincides with wildlife management unit (WMU) 17 and part of WMU 1D (proposed route in WMU 1D with 16 km buffer). Based on the fact that moose in Ontario are managed at the WMU level.</p> <p>CARIBOU: Coincides with the three caribou ranges in the region (Missisa Range, Nipigon Range, and Pagwachuan Range).</p>
Air Quality	5 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas), based on provincial recommendations that effects are assessed up to 5 km from an emissions source.	Not applicable since effects not expected beyond the Local Study Area.
Noise	1 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	2.5 km buffer around Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).
Physiography & Groundwater	2.5 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	5 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).





Valued Component	Proposed Local Study Area	Proposed Regional Study Area
Cultural Heritage	5 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	1 km buffer around the Local Study Area.

Preliminary Study Areas for Aboriginal and Treaty Rights and Interests

Preliminary study areas have been identified based on community input received to date, best practices, and the preliminary study areas identified for the other valued components (refer to **Table 1**). These preliminary study areas are described in **Table 2** below with associated rationale, and shown in **Figure 1** (appended).

The proposed Local Study Area has been defined to include a large enough area to account for the potential direct effects of the Project. It is also considered large enough to allow for flexibility to accommodate potential changes to the road alignment options (i.e., Route Alternatives 1, 4, and 4-West) that may be required based on the results of on-going studies inputs received during the IK and Consultation Programs. The Regional Study Area has been defined to include a large enough area to account for the potential indirect effects of the Project.

As noted previously, these study areas will also inform any IK and Indigenous Land and Resource Use Studies completed for the Project. It is also important to note that while these preliminary study areas are intended to guide data collection in terms of site- or area-specific Indigenous land and resource use in the vicinity of the Project, collecting IK that is more general (e.g., habitat values important for caribou) is also an important part of the program and will become part of the assessment processes (including baseline conditions, effects assessment and identification of impact management measures).





Table 2. Preliminary Study Areas for Aboriginal and Treaty Rights and Interests

Proposed Study Area	Geographic Extent	Rationale
Local Study Area	5 km of the centreline of the Route Alternatives and 5 km buffer around other project components (e.g., aggregate sources) and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	The Local Study Area allows the MFFN Project Team to gather specific information that can be used to help Project design by avoiding or mitigating effects to sensitive features. It also corresponds to the outermost boundaries of the combined Local Study Areas for the fish and fish habitat, surface water, vegetation, general wildlife, moose, and air quality valued components. It has been defined based on the key components that may be relied on (surface water, fish, vegetation, general wildlife and moose) or considered to influence (air quality) Indigenous culture and/or land and resource use. Matching with the Local Study Areas for surface water and fish is also considered appropriate given key concerns related to potential effects on water, which all other natural components are reliant on, as described during consultation with Indigenous communities to date.
Regional Study Area	Combined area of the quaternary watersheds crossed by each of the road alignments.	The Regional Study Area allows the MFFN Project Team to gather information at a larger scale to better understand potential indirect effects on the valued components specific to Indigenous people. It corresponds to the outermost boundaries of the combined Regional Study Areas for the fish and fish habitat, surface water, vegetation, and general wildlife valued components given that these components may be relied on by Indigenous peoples for cultural and land and resource purposes. Matching with the Regional Study Areas for surface water and fish is also considered appropriate given key concerns related to potential effects on water, which all other natural components are reliant on, as described during consultation with Indigenous communities to date.





Next Steps

Thank you for reviewing the Preliminary Study Areas Memo. We look forward to your comments and feedback on the proposed study areas for the Aboriginal and Treaty Rights and Interests valued component. **We respectfully request any feedback, comments, and/or supporting information or documentation on the preliminary study areas are provided by September 25, 2020.**

Comments, questions, information and feedback can be directed to the IK Program Leads:

- Bob Baxter, MFFN Advisor at bbaxter48@gmail.com
- Larissa Mikkelsen, MFFN Advisor at larissa@lbsconsulting.ca

While we recognize that many communities have been affected by COVID-19, we are committed to working with and supporting communities in participating in the Consultation and IK Programs through this time. We want to provide as much time as possible to complete any Project-specific IK and Indigenous Land and Resource Use Studies that may be undertaken as part of the IK Program. We greatly appreciate your timely feedback.

Sincerely,

<Original signed by>

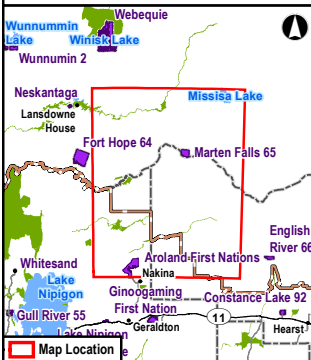
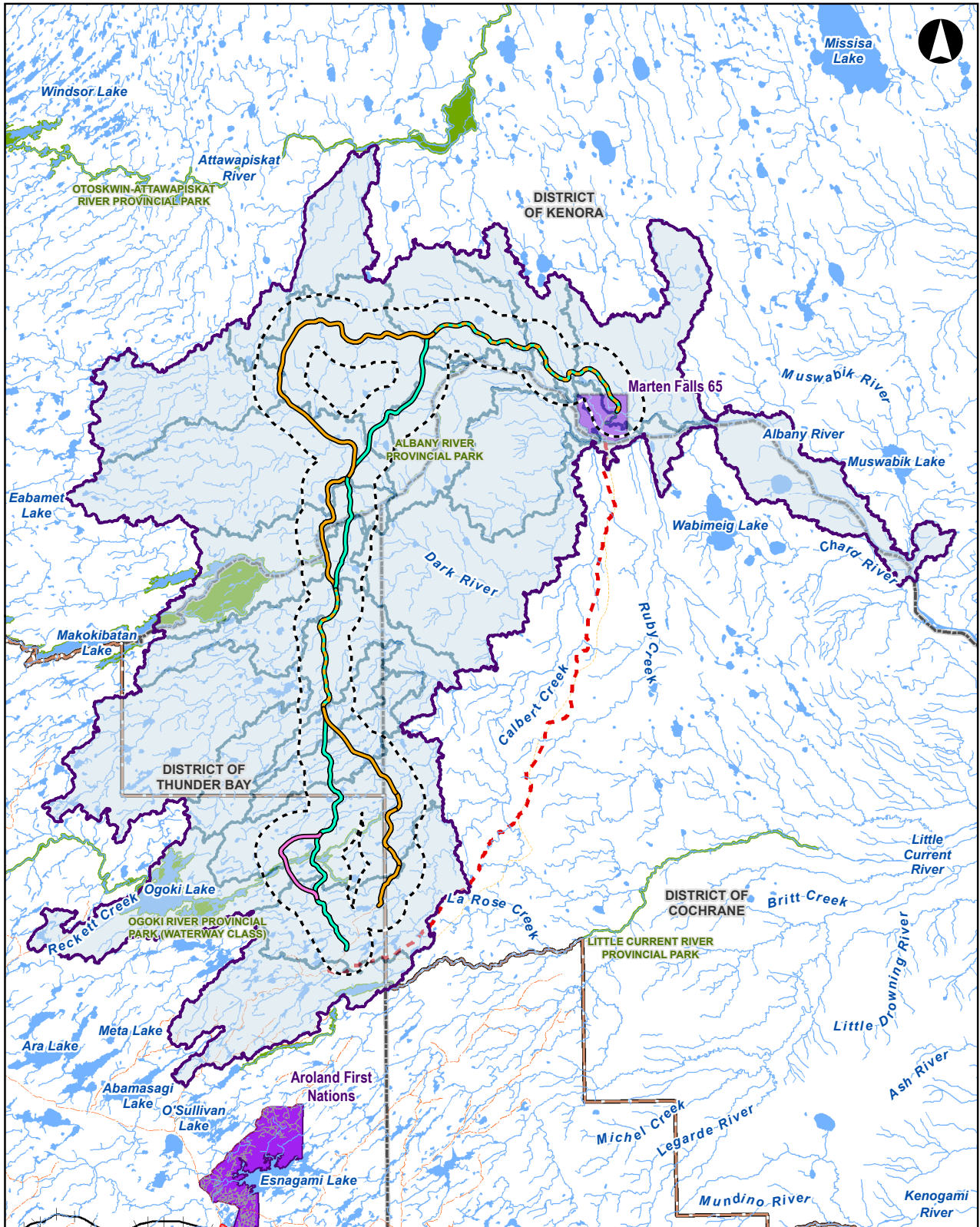
Qasim Saddique
Project Director

<Original signed by>

Lawrence Baxter
Senior Community Member Advisor

On behalf of the Marten Falls First Nation Community Access Road Project Team





Legend

Local Study Area	Highway	Watercourse
Regional Study Area	Local Road	First Nation Reserve
Route Label	Winter Road	Far North Boundary
Alternative 1	Resource / Recreation Road	District Municipal Boundary
Alternative 4	Existing Winter Access Road	Waterbody
Alternative 4 West	Railway	Quaternary Watershed
Alternative 1 and Alternative 4		Provincial Park

Data Sources:
 Base Data - Provided by MNRF 2019; Route Infrastructure - Provided by AECOM/Dillon 2019
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**MARTEN FALLS FIRST NATION
COMMUNITY ACCESS ROAD**

Preliminary Study Areas for the Aboriginal and Treaty Rights and Interests Valued Component

0 5 10 20 30 40
Kilometres

Datum: NAD 1983 UTM Zone 16N

Oct, 2020 1:740,000 P#:188898 Rev:00

Figure 1 - Revised October 2020

DRAFT

Appendix C

Participant Informed Consent Form



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Appendix C – Participant Informed Consent Form

The following provides an example participant informed consent form that could be used for your Indigenous Knowledge and Indigenous Land and Resource Use Study.

I _____ (name) give permission for _____ (name) to interview me on this day _____ (today's date) for the Indigenous Knowledge and Indigenous Land and Resource Use Study for the Marten Falls First Nation Community Access Road Project.

I understand that the information I provide in this interview is being collected by the Marten Falls First Nation Project Team and their representatives to help them understand:

- The environmental conditions in the area of the project, both in the past and present;
- Indigenous Knowledge that should become part of the project environmental/impact assessment processes;
- Concerns about how the project could negatively impact the natural environment (land, water and animals) and [INSERT COMMUNITY NAME] cultural activities and culturally important places, including places that community members use for hunting, trapping, fishing, and gathering; and
- How potential negative impacts could be avoided or reduced.

I understand that the information collected will be used to:

- Establish the baseline (historical and existing) conditions and inform studies of species and lands and how they may be affected by the project;
- Identify sites and areas that are important to [INSERT COMMUNITY NAME] and could potentially be negatively impacted by the project;
- Support the assessment of potential project impacts on [INSERT COMMUNITY NAME];
- Support the regulatory requirements for the environmental/impact assessment processes in terms of consultation and engagement;
- Inform the project route alignment (where the road will go) so that the project can be designed to avoid or reduce negative impacts wherever possible; and
- Support [INSERT COMMUNITY NAME] in building a database of [INSERT COMMUNITY NAME] Indigenous Knowledge and land and resource use information that could be used for other community purposes (with my approval to do so first).





By signing below, I understand that:

- 1) I give my consent to have my words and responses recorded on maps and in notes, and to using audio and video equipment only if I feel comfortable and approve here: Yes No
- 2) I am free to not respond to any of the questions asked and stop the interview at any point without any consequences;
- 3) I will retain ownership over the information I provide and any recordings made of my participation;
- 4) I give permission for my words and statements to be used in reports for the environmental/impact assessment processes;
- 5) [INSERT COMMUNITY NAME] may use the information I provide for defending and communicating the rights and interests of community members during regulatory and negotiation processes;
- 6) I can remain anonymous in that my name will be protected and will not be used in any reports that contain information from this interview;
- 7) I give consent to have photographs taken of me and that these may be used in study materials (e.g., the report) only if I feel comfortable and approve here: Yes No
- 8) The information collected (e.g., maps, tapes, reports, etc.) will be returned to [INSERT COMMUNITY NAME] for storage and archival, and will not be used for any other purposes without my permission or the permission of my descendants.

Participant (Print Name)

Signature

Date

Interviewer (Print Name)

Signature

Date



Appendix D

Guidance for Collecting Information on Community Culture & Lifestyle (Past and Present)



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Appendix D – Guidance for Collecting Information on Community Culture & Lifestyle (Past and Present)

The following questions should be used to guide and support general information gathering on community cultural and lifestyle in both the past and today. Specific questions related to the proposed Project area are contained in Appendices E and F.

1. What is the history of your community and/or what are important dates in the history of your community?
2. How would you describe the traditional way of life of your community and its members before any significant changes (e.g., European settlement, residential school system, etc.) took place in terms of:
 - a. How was the land important to the community and culture?
 - b. How did community members use the land and its resources each season?
 - c. What was an ordinary day like for a women? For a man? For children?
 - d. How was your culture (including language) shared and transmitted through the use of lands and resources?
 - e. How were land use and land management decisions made? What governance system, clan system, family system, and/or traditional or natural laws were in place and guided land and resource use?
3. How has your community changed over time in terms of:
 - a. Importance of the land to your community and culture today?
 - b. How community members generally use the lands and resources today? Men? Women? Children?
 - c. How is your culture (including language) shared and transmitted through the use of lands and resources today?
 - d. What aspects of the traditional governance system (e.g., clan system, family system) and/or laws (e.g., natural laws) are still in place or are being revived in the community?
4. What historical and/or cumulative effects (e.g., dams, residential schools, day schools, reserve system, establishment of the registered trapline system, mineral development, etc.) led or contributed to these changes in the traditional way of life and culture?
 - a. When did key changes take place?





The following questions aim to provide an understanding of how much food eaten today is wild versus store bought, and how much this has changed over time compared to the past for a better understanding of true baseline conditions.

5. How much of your food today (%) is from wild animals and plants (including berries) compared to store bought food?
 - a. Which ones are most important?
 - b. Roughly how much of each animal do you hunt/trap/fish each year today (e.g., how many moose per year)?
6. How much of your food in the past (%) was from wild animals and plants (including berries)?
 - c. When was this?
 - d. Which ones were most important and in what season?
 - e. Roughly how much of animal did you hunt/trap/fish per year? How many plants and berries (in pounds or however you would explain it)?



Appendix E

IK/ILRU Question Guide



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Appendix E – IK/ILRU Question Guide

The following question guide should be used to support the collection of Indigenous Knowledge and information on Indigenous land and resource use relevant to the proposed Project and within the Local and Regional Study Areas. The guide begins with an example script that could be used to introduce the purpose of the interview, followed by a set of questions (general and more site-specific ones) that should be used based on the information we have been asked to provide by provincial and federal regulators.

Introductory Script

My name is **[INSERT INTERVIEWER NAME]** and my co-researcher is **[INSERT CO-RESEARCHER NAME]**. We are working on behalf of **[NAME OF YOUR COMMUNITY]** to gather information on your knowledge of and experience in the area of the proposed Marten Falls First Nation Community Access Project.

The Project involves the development of an all-season road to connect Marten Falls First Nation to Highway 643 to the south using the existing Painter Lake Road. The environmental assessment that is being done will look at the existing natural and human environments in the area of the proposed Project and the potential negative and positive impacts of the Project on these environments, including Indigenous people. The information you provide today will be used by **[NAME OF YOUR COMMUNITY]** to support the protection of important sites and areas and your culture and values.

The interview will take up to **[INSERT HOW MANY HOURS THE INTERVIEW WILL BE]**. We will ask you a number of questions about your knowledge, experience and land and resource use in the local and regional study areas being used to assess potential impacts on Indigenous peoples. The questions are based on the type of information we are being asked to provide for the assessment process by federal and provincial regulators. The study areas are shown on these maps where we will mark up sites you have used in the past or currently use for hunting, trapping, fishing and gathering. *[Review the maps showing the local and regional study areas so the participant gets an understanding of the areas].*

You can decline any of the questions we ask if you would prefer not to answer. All information and files from today's session will be stored and managed by **[NAME OF YOUR COMMUNITY]**. We also have a consent form that explains exactly how the information you provide may be used. We would like to review it with you now. *[Review the participant consent form now and determine if the participant provides consent to be video or audio taped during the session.]*

We will begin with some general questions about your background. Then we will move into more specific questions about your knowledge and experience in the local and regional study areas, both in the past and present. We will end the session with questions about your perspectives on the potential





negative or positive impacts of the proposed Project on your Aboriginal and Treaty rights, and how any negative impacts could be avoided or reduced and any positive impacts could be enhanced. If there is anything that we don't ask you about but you think should be included in final study report, please let us know.

Once we have completed all interviews for this study, we will be taking the information collected and show it on maps like this so that the road can be designed to avoid sites and areas that should be protected. You will be provided with a copy of the map developed from the information we collect today to confirm we have documented it correctly before it is reported on.

Do you have any questions before we begin? *[Answer any questions the participant may have before beginning].*

Interview Guide

[Mark down the following as you begin the interview]

Today's date:

Time:

Location:

Participant ID #¹:

Gender (male/female):

Interviewer:

Co-researcher/note taker:

Age Category: Under 18 Elder Other

Background Information

1. What is your full name?
2. What year were you born or how old are you?
3. What languages do you speak?
 - a. For any language other than English, how often do you speak it? (e.g., some of the time, most of the time, 50% of the time, etc.)

¹ Either assign a new # to the participant or use the # that has been used for the participant in previous studies or interviews)





Introductory Questions

The following questions are intended to give use a sense of your experience, or the experience of your family or relations, in the Local and Regional Study Areas for the proposed Project.

1. Have you ever used sites or areas within the Local or Regional Study Areas for hunting, trapping, fishing, gathering, or cultural/spiritual purposes?
 - a. If yes, which activities?
 - b. If no, why?
2. Have your family or other relations ever used sites of areas within the Local or Regional Study Areas for hunting, trapping, fishing, gathering, or cultural/spiritual purposes?
 - a. If yes, which activities?
 - b. If no, why?
3. Have you ever done any commercial trapping or fishing in the Local or Regional Study Areas?
 - a. If yes, where and when?

Animal Harvesting – Hunting & Trapping

General Questions (Could be used during workshops or focus groups)

1. Which animals (wildlife, birds) are culturally or spiritually significant to you or your community and why?
2. Which animals are harvested and how?
3. What time of year (season) do you hunt?
 - a. Trap?
4. How important are these animals to your daily life and why?
5. What do you look for or what is important when looking for sites and areas to hunt or trap these animals (e.g., certain trees, landscape features, muskeg, quiet place, etc.)?
6. Who taught you to hunt or trap these animals?
7. Do you teach others to hunt or trap these animals?

Site-Specific (Mapping) Questions for the Study Areas

1. Can you show us any places in the Local or Regional Study Area where you have killed or trapped animals?
 - a. Which animals/species?
 - b. When (year or decade)?
 - c. Why did you harvest it (e.g., for food, for ceremony, for medicine, etc.)?
2. Do you continue to use this site for hunting or trapping?
 - a. If so, how often?
 - b. If not, why not?





3. Are there any key sensitive areas within the Local or Regional Study Area that you use for hunting or trapping that should be protected?

Fish Harvesting

General Questions (Could be used during workshops or focus groups)

8. Which fish are culturally or spiritually significant to you or your community and why?
9. Which fish are harvested and how?
10. What time of year (season) do you fish?
11. How important are these fish to your daily life and why?
12. What do you look for or what is important when looking for sites and areas to fish (e.g., water or landscape features, quiet place, etc.)?
13. Who taught you to fish?
14. Do you teach others to fish?

Site-Specific (Mapping) Questions for the Study Areas

4. Can you show us any places in the Local or Regional Study Area where you have harvested fish?
 - a. Which fish/species?
 - b. When (year or decade)?
 - c. Why did you harvest it (e.g., for food, for ceremony, for medicine, etc.)?
5. Do you continue to use this site for fishing?
 - a. If so, how often?
 - b. If not, why not?
6. Are there any key sensitive areas within the Local or Regional Study Area that you use for fishing that should be protected?

Plant Harvesting

General Questions (Could be used during workshops or focus groups)

1. Which plants (berries, trees, moss, medicinal plants, mushrooms, other plant materials) are culturally important or significant to your community and why?
2. Which plants are picked/gathered and how?
3. How important are these plants to your daily life?
4. What do you look for or what is important when looking for sites and areas to pick/gather/collect plants (e.g., certain trees, landscape features, muskeg, quiet place, etc.)?
5. Who taught you to pick/gather these plants?
6. Do you teach others to pick/gather these plants?





Site-Specific (Mapping) Questions for the Study Areas

1. Can you show us places in the Local or Regional Study Area where you have picked/gathered plants, including berries, trees, moss, medicinal plants, mushrooms, other plant materials?
 - a. Which plants?
 - b. What time of year (season) and when (year or decade)?
 - c. Why did you pick/gather it (e.g., for food, for ceremony, for medicine, etc.)?
2. Do you continue to use this site/area for plant picking/gathering?
 - a. If so, how often?
 - b. If not, why not?
3. Are there any key sensitive areas within the Local or Regional Study Area that you use for plant/berry picking that should be protected?

Cultural/Spiritual/Sacred Sites

Site-Specific (Mapping) Questions for the Study Areas

1. Do you know of any cultural sites (including gathering and ceremonial sites, teaching sites, traditional meeting place, sweat lodge, shaking tent sites, etc.) within the Local or Regional Study Area that are important to you or your community?
 - a. Who uses this site?
 - b. What time of year (season) and when (year or decade)?
 - c. Why is this site important?
 - d. Who taught you about this site?
 - e. Is the site still used today?
 - i. If so, how often?
 - ii. If not, why not?
2. Do you know of any spiritual or sacred sites (burial places, birthing places, sites where ashes were placed, sacred rock, etc.) within the Local or Regional Study Area that are important to you or your community?
 - a. Who uses this site?
 - b. What time of year (season) and when (year or decade)?
 - c. Why is this site important?
 - d. Who taught you about this site?
3. Do you know of any sites or places within the Local or Regional Study Area that have stories, legends or special knowledge associated with them that are important to you or your community?
 - a. Why is this site important?
 - b. Who taught or told you about this site or place?
 - c. How do you or your community members use this site (e.g., share stories, share language, teach others, etc.)?





4. Do you know of any historical sites (e.g., archaeological site, pictograph, etc.) within the Local or Regional Study Area that are important to you or your community?
 - a. Why is this site important?

Traditional Names/Place Names

Site-Specific (Mapping) Questions for the Study Areas

1. Do you know of any sites or places within the Local or Regional Study Area that have traditional names or special place names in your traditional language?
 - a. Do you use this site?
 - i. If yes, how and when?

Habitation

Site-Specific (Mapping) Questions for the Study Areas

1. Can you show us any places within the Local or Regional Study Area that you have stayed overnight (e.g., cabin, camp, tent site)?
 - a. How many times have you stayed here (once, several times, each year) and when (year or decade)?
 - b. Why have you stayed here?
 - c. Is this place important to you or your community?
 - i. If yes, why?

Travel

Site-Specific (Mapping) Questions for the Study Areas

1. Can you show us any trails or routes within the Local or Regional Study Area that you have travelled on foot or by vehicle (quad, snowmobile) to access sites used for hunting, trapping, fishing, picking/gathering, camping, or cultural purposes?
 - a. What time of year (season) and when (year or decade)?
 - b. When did you first use this route and when did you last use this route?
 - c. What did you use this route for (e.g., to access a hunting site, to access a spiritual site)?
2. Can you show us any routes within the Local or Regional Study Area that you have travelled along water (creeks, lakes, rivers) by boat to access sites used for hunting, trapping, fishing, picking/gathering, camping, or cultural purposes?
 - a. What time of year (season) and when (year or decade)?
 - b. When did you first use this route and when did you last use this route?
 - c. What did you use this route for (e.g., to access a hunting site, to access a spiritual site)?





3. Do you know of any old land or water routes within the Local or Regional Study Area that used to be used by community members/your ancestors in the past?

Points of Interest

Site-Specific (Mapping) Questions for the Study Areas

1. Can you show us any points of interest (e.g., cache, dangerous area) or environmental features (e.g., esker, pond, lake, rapids, waterfall) that are important to you or your community?
 - a. Why is it important?
 - b. Who taught you about this site?
 - c. Do you or anyone in your community use this site today?
 - i. If so, how often?
 - ii. If not, why not?
2. Are there any sources of water (e.g., lake, river, creek, spring, artesian well, etc.) within the Local or Regional Study Area that you use for drinking water or for water for cultural or spiritual uses?

Fish & Wildlife Use Areas

Site-Specific (Mapping) Questions for the Study Areas

7. Do you know of any specific locations or areas of good habitat or places that are important for wildlife (e.g., moose, caribou, birds), fish, or plants within the Local or Regional Study Area? These may include fish spawning areas, calving areas, mating areas, mineral licks, seasonal use areas, nesting areas, dens, etc.
8. Do you know of any routes used by wildlife or fish to migrate or move across an area within the Local or Regional Study Area?



Appendix F

Potential Impacts

Question Guide



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Appendix F – Potential Impacts Question Guide

The following question guide should be used to support the collection of perspectives on the potential positive or negative impacts of the project based on the information we have been asked to provide by provincial and federal regulators.

Potential Impacts & Cumulative Effects

1. Based on your understanding of the proposed Project, do you have any concerns that the Project may impact the following, and if so how:
 - a. Wildlife/animals?
 - b. Fish?
 - c. Plants?
 - d. Cultural or spiritual sites?
 - e. The natural environment, including air and water?
2. Do you think the proposed Project may impact (positively or negatively) the following, and if so how:
 - a. The availability of lands and resources for Indigenous uses (e.g., hunting, trapping, etc.)?
 - b. The quality of resources (animals, plants, fish etc.) available for Indigenous uses (e.g., hunting, trapping, etc.)?
 - c. Access to lands and resources for Indigenous uses (e.g., hunting, trapping, etc.)?
 - d. Culturally important sites and areas?
 - e. Your experience of being on the land?
 - f. Your ability to practice, teach and pass on your culture or language?
3. Do you think the proposed Project may have any other impacts on you or your community?
 - a. If so, what and how?
4. Do you think the proposed Project may contribute to any cumulative effects that have already impacted you or your community?
 - a. If so, what?

Opportunities for Mitigation and/or Enhancement

1. Do you have any suggestions for how any potential negative impacts could be avoided or minimized, and if so how?
2. Do you have any suggestions for how any potential positive impacts on you or your community could be increased or enhanced, and if so how?



Appendix G

Study Report Template



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Appendix G – Study Report Template

The following study report template could be used to support reporting for your IK/ILRU study. The template has been developed based on the information we have been asked to provide by provincial and federal regulators. The MFFN Project Team recognizes that this template may need to be customized to suit the needs of your community.

1. Introduction

This is where you can provide an introduction to your community-specific Indigenous Knowledge and Indigenous Land and Resource Use (IK/ILRU) Study.

1.1 Project Description

Marten Falls First Nation (MFFN) is a remote First Nation community in northern Ontario located at the junction of the Albany and Ogoki Rivers, approximately 430 kilometres (km) northeast of Thunder Bay, Ontario. The MFFN community is currently only accessible by air and a winter road. Given the unreliability of the winter road, MFFN is proposing an all-season Community Access Road (the Project). The Project will connect MFFN to Ontario's provincial highway network (Highway 643) to the south via the existing Painter Lake Road.

1.2 Regulatory Requirements

The information contained in this report will be governed by the IK Sharing Agreement and will help to inform the Provincial Environmental Assessment as outlined in the Approved Terms of Reference (ToR) and the Federal Impact Assessment as outlined in the Tailored Impact Statement Guidelines (the assessment processes). The assessment processes will assess both the potential Project effects and benefits and will inform Project planning and design.

2. Study Methodology

2.1 Literature Review

There is where you can include a description of a literature review that was completed for the IK/ILRU Study if applicable (include in references list in Section 10).





2.2 Temporal and Spatial Boundaries

This is where you can describe the temporal and spatial boundaries that your community used for your IK/ILRU Study if different than what is presented below. If your community uses different temporal and spatial boundaries, please provide the rationale.

2.2.1 Temporal Boundaries

The following time periods were used to guide baseline information collection:

- **Past Use:** Land and resource use after 1947 (when the registered trapline system in Ontario was implemented) up to 2008 (when the landscape and local economy really started to change as a result of mineral discoveries).
- **Current Use:** Land and resource use from 2008 up to present day and into the reasonably foreseeable future.

2.2.2 Spatial Boundaries

The spatial boundaries for the IK/ILRU study were defined as:

- **Local Study Area:** 5 km of the centreline of the Route Alternatives and 5 km buffer around other project components (e.g., aggregate sources) and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).
- **Regional Study Area:** Combined area of the quaternary watersheds crossed by each of the Route Alternatives.

2.3 Data Collection Approach

2.3.1 Previously Collected Data

Description of existing data that is relevant to the Project including maps/shapefiles. Please see IK Guidance Document for further information.

2.3.2 Participant Selection

*Please include a description of how participants were selected considering GBA+ requirements and if and how different genders and age groups were factored into the selection of participants. Please see **Section 6.1** of the IK Guidance Document for further information.*





2.3.3 Data Collection

Please include a description of how data was collected (e.g., interviews, workshops, focus groups, etc.). Please see IK Guidance Document for further information.

2.4 Data Validation

Please include a brief description on how data and information was validated. Please see IK Guidance Document for further information.

3. [INSERT FIRST NATION] Lands

This where we are asking you to provide information on your First Nation lands that includes but is not limited to:

- Traditional Territory including a description and map if applicable
- Treaty Lands including information on your First Nation's unique Treaty history
- Reserve Lands including a description and map
- Specific and Comprehensive Land Claims

4. Community Culture and Lifestyle - Past and Present

This where we are asking you to provide information that was collected from the questions found in **Appendix D – Guidance for Collecting Information on Community Culture and Lifestyle (Past and Present)**. Including but not limited to:

- History of your community
- Important historical dates within your community
- Description of your traditional way of life
- Importance of land to the community and culture
- Description of seasonal land and resources use
- Description of an ordinary day for women, men, Elders, children, others
- Important cultural traditions and how they are taught and handed down
- Governance systems and traditional laws related to land use and management
- Changes over time within your community in terms of cultural practices, traditional governance, etc.
- What specific events or changes (e.g., dams, residential schools, day schools, reserve system, establishment of the registered trap line system, etc.) led or contributed to these changes in the traditional way of life and culture?





- *Important legends or stories that are significant and help explain your community's culture (including ties to the land and resources)*
- *Wild vs. Store Bought Foods (% from wild animals and plants compared to store bought food in the past versus present, etc.)*

5. IK/LRU Baseline Information

This where we are asking you to provide information that was collected from the questions found in Appendix E – IK/ILRU Question Guide. The following sub-headings are based on the categories in the IK Guidance Document and on the need to collect both general (non-site specific information) and site specific information and are intended for guidance only. We recognize that you may prefer to organize your information differently.

5.1 Animal Harvesting – Hunting & Trapping

5.1.1 Non Site-specific Information and Indigenous Knowledge

- *May include information on: animals that are of cultural importance, general habitat needs of certain animals, how harvested animals are prepared and what they are used for (e.g., food, ceremonial purposes, etc.), observations of how animal populations have changed in terms of numbers of areas used, etc.*

5.1.2 Information Specific to the Study Areas

- *Includes locations of Indigenous land and resource use within the Local or Regional Study Areas*
- *Includes locations of important environmental values (e.g., moose winter use areas, fish spawning areas, etc.) within the Local or Regional Study Areas*
- *Includes mapping of documented uses and values with any buffers for sensitive information as appropriate/where required*

5.2 Fish Harvesting (Fish and Fish Habitat)

5.2.1 Non Site-specific Information and Indigenous Knowledge

5.2.2 Information Specific to the Study Areas

5.3 Plant Harvesting (Vegetation)

5.3.1 Non Site-specific Information and Indigenous Knowledge





5.3.2 Information Specific to the Study Areas

5.4 Cultural/Spiritual/Sacred Sites

5.4.1 Non Site-specific Information and Indigenous Knowledge

5.4.2 Information Specific to the Study Areas

5.5 Traditional Names/Place Names

5.5.1 Non Site-specific Information and Indigenous Knowledge

5.5.2 Information Specific to the Study Areas

5.6 Habitation

5.6.1 Non Site-specific Information and Indigenous Knowledge

5.6.2 Information Specific to the Study Areas

5.7 Travel

5.7.1 Non Site-specific Information and Indigenous Knowledge

5.7.2 Information Specific to the Study Areas

5.8 Points Interest

5.8.1 Non Site-specific Information and Indigenous Knowledge

5.8.2 Information Specific to the Study Areas

5.9 Fish and Wildlife Use Area

5.9.1 Non Site-specific Information and Indigenous Knowledge

5.9.2 Information Specific to the Study Areas





6. Potential Project-Related Impacts

This where we are asking you to provide information that was collected from the questions found in **Appendix F – Potential Impacts Question Guide**. This information can be described quantitatively or qualitatively. Information on impacts and or/ changes, both positive and negative, can include but is not limited to:

- Sites and areas (ha) used for traditional activities (hunting, trapping, fishing, gathering)
- Availability of lands and resources for traditional activities
- Quality of resources for traditional activities
- Access to lands and resources for traditional activities
- Loss of or change to culturally important sites and areas (e.g., ceremonial sites, sacred areas, place names, teaching sites)
- Sufficiency of lands and resources for cultural practices
- Experience of being on the land
- Changes to cultural traditions

7. Recommendations

This is where we are asking you to provide any preliminary recommendations or mitigation measures, and/or any other additional comments you would like to provide the MFFN Project Team to consider.

8. Summary of Impacts and Recommendations

This is where you can provide a summary of preliminary potential impacts and recommendations (e.g. mitigation measures) your community would like to highlight or raise with the MFFN Project Team.

Project Component	Potential Impacts to Environmental Resources	Potential Impacts to XX First Nation	Recommendations

9. Closure

This is where you could provide any other closing remarks your community would like to make.

10. References

Please include a list of references used in your IK/ILRU Study.





Appendix C

Preliminary Aboriginal & Treaty Rights and Interests Study Areas Memo





Preliminary Aboriginal and Treaty Rights & Interests Study Areas Memo

Marten Falls First Nation (MFFN) is a remote First Nation community in northern Ontario located at the junction of the Albany and Ogoki rivers, approximately 430 kilometres (km) northeast of Thunder Bay, Ontario. The MFFN community is currently only accessible by air and a winter road. Given the unreliability of the winter road, MFFN is proposing an all-season Community Access Road (**the Project**). The Project will connect MFFN to Ontario's provincial highway network (Highway 643) to the south via the existing Painter Lake Road.

MFFN (the Proponent) has started a Provincial Environmental Assessment and Federal Impact Assessment (**the assessment processes**) to assess the potential effects and benefits related to the proposed Project. An important part of the assessment processes is collecting Indigenous Knowledge (IK), community knowledge and information on Indigenous land and resource use to help us understand baseline (existing) conditions, predict the potential effects of the Project, and determine appropriate impact management and monitoring measures. An IK and Consultation Program has been developed for the Project. These Programs will help us to collect and determine in discussion with your community how IK (e.g., natural environment information) and information on Indigenous land and resource use in the vicinity of the Project area (e.g., harvesting, cultural sites) will become part of the assessment processes and Project planning and design.

Please note that information and correspondence related to the IK program is considered part of the consultation and assessment processes for the all-season community access road to MFFN (the Project) only. The Northern Road Link is a separate project that will undergo a separate assessment.

Purpose of this Memo

We are currently working on defining study areas for the 'Aboriginal and Treaty Rights and Interests' valued component, which tentatively includes:

- Indigenous Current Use of Land and Resources for Traditional Purposes (hunting, trapping, fishing, gathering, cultural and spiritual sites, quantity and quality of resources, etc.); and
- Cultural Continuity – ability to practice and transmit cultural traditions (experience of being on the land, ability to access preferred sites and resources, etc.).

Valued components are important components of the natural and human environment that could be impacted by a proposed project or activity.





Indicators for this valued component will be further described in the Terms of Reference and through the IK Program.

The purpose of this memo is to gather comments and feedback on the proposed study areas for this valued component. Note that these study areas are considered preliminary and we expect that inputs received will inform the final study areas. These study areas will also inform the IK and Indigenous Land and Resource Use Studies that may be completed by some communities in terms of the geographic extents used to collect information from community members during these studies.

It is important to note that different study areas will be used for the effects assessment for other valued components (e.g., wildlife, fish, vegetation, etc.). More information on the study areas used for these valued components and how they informed the study areas for the Aboriginal and Treaty Rights and Interests valued component is provided later in this memo.

IK Program Summary

As per previous communications, there are two key components of the IK Program:

1. Collecting existing IK and Indigenous land and resource use information collected by communities for other purposes (e.g., community-based land use planning) that they choose to share with MFFN; and
2. Completing Project-specific IK and Indigenous Land and Resource Use Studies with interested communities.

Please note that in addition to the IK Program, the Consultation Program serves as an important avenue for collecting concerns, perspectives, community knowledge and other information relevant to the Project from Indigenous communities in the Project area.

What is a Study Area?

Study areas identify the geographic areas within which potential effects of the Project may or are likely to occur. These study areas are used to guide the assessment processes. To capture the range of potential effects, the following study areas are typically used in assessment processes:

- **Project Study Area:** area of direct disturbance (the physical area required for Project construction and operation);





- **Local Study Area:** the area where the potential direct effects of the Project (e.g., direct effects on wildlife, vegetation and surface water associated with noise and vehicle emissions) may occur; and
- **Regional Study Area:** the area where the potential indirect effects of the Project (e.g., effects to Indigenous land and resource use as a result of changes in wildlife and fish and their habitats) may occur.

Study areas are generally defined for each of the valued components that will be assessed (e.g., wildlife, vegetation, fish, water, Indigenous Peoples, etc.). The Project Study Area will be the same for all valued components, and for the MFFN Project is defined as a 100 m wide right-of-way of the road alignments (i.e., Route Alternatives 1, 4 and 4-West) and temporary infrastructure. The proposed Route Alternatives are shown in **Figure 1** (appended). The size of the local and regional study areas may differ across the valued components depending on the geographic extent needed to understand the potential effects of the Project.

Please note that as further information is received about the proposed Project (e.g., technical studies, IK, etc.), it is anticipated that there will be ongoing adjustments to where Project components will be located. This allows MFFN to move the proposed Project away from important and/or sensitive features or areas. It is anticipated changes will occur within the 5 km wide corridors detailed in the Draft Terms of Reference; however, there is the possibility that changes could occur outside of the existing corridors. For example, based on preliminary construction investigations of route Alternative 4, the Engineering Team identified a new routing alternative (currently referred to as Alternative 4-West, see **Figure 1**). This new routing could result in a shorter crossing of the Ogoki River, and would provide access to an aggregate source that could eliminate the need for an additional haul road. As adjustments are made, we will share information so that feedback is based on accurate Project locations.

What Did We Consider When Defining the Preliminary Study Areas for Aboriginal and Treaty Rights and Interests?

The selection of study areas for the Aboriginal and Treaty Rights and Interests valued component must consider the geographical area needed to accurately assess potential effects that may result from the Project. Given that this valued component is closely tied to and dependent on other valued components of the natural environment (including surface water, wildlife, vegetation, fish, and air quality), we need to first have a sense of what the study areas for these natural environment valued components are.





Table 1 below provides a summary of the preliminary study areas that have been defined for some of the key natural environment valued components identified for the Project.

It is important to note that the study areas provided in Table 1 are considered preliminary and are subject to change based on review and inputs from federal and provincial regulators and Indigenous communities.

The Local Study Areas have been defined to include a large enough area to account for the potential direct effects of the Project. For example, the Local Study Areas for fish and surface water are considered large enough to account for potential direct downstream/off-site effects. The Local Study Areas are also considered large enough to allow for potential adjustments to the road alignments to avoid sensitive features.

The Regional Study Areas have been defined to include a large enough area to account for the potential indirect effects of the Project. A Cumulative Effects Assessment study area will be developed as part of the assessment.

Most of the Regional Study Areas for the Project have been defined based on quaternary watersheds, which provide useful assessment boundaries. To help define what these are, we need to first define what watersheds are in general. **Watersheds** are defined as the area where all of the water drains to the same place. They are categorized based on their size from largest to smallest:

Primary watersheds are the largest and made up of various smaller watersheds. The three primary watershed in Ontario are the Great Lakes - St. Lawrence, Southwestern Hudson Bay, and Nelson River watersheds.

Secondary watersheds are generally large river or lake systems. There are 28 secondary watershed in Ontario (e.g., Albany River Watershed).

Tertiary watersheds range in size from 700 – 31,000 km². There are about 145 tertiary watersheds in Ontario (e.g., Lower Ogoki and Upper Albany Makokibatan Watersheds).

Quaternary watersheds make up tertiary watersheds. They tend to be from 50 – 200 km² in size but can be larger. There are over 1,000 quaternary watersheds in Ontario (e.g., Wabassi River Outlet, Gourlie Creek Outlet).

Table 1. Preliminary Study Areas for Other Key Valued Components for the Project

Valued Component	Proposed Local Study Area	Proposed Regional Study Area
Fish and Fish Habitat	2.5 km of the centreline of the Route Alternatives and 2.5 km buffer around temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	Includes the quaternary watersheds crossed by the road alignments and temporary infrastructure.





MARTEN FALLS FIRST NATION
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Valued Component	Proposed Local Study Area	Proposed Regional Study Area
Surface Water	<p>2.5 km of the centreline of the Route Alternatives and 2.5 km buffer around temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).</p> <p><i>Surface water refers to all aboveground waters including lakes, rivers, wetlands, etc.</i></p>	<p>Includes the quaternary watersheds crossed by the road alignment and temporary infrastructure. The Regional Study Area for Surface Water also encompasses the Regional Study Areas of other Valued Components that either affect surface water or are affected by surface water (e.g., Fish and Fish Habitat).</p>
Vegetation	<p>2.5 km of the centreline of the Route Alternatives and 2.5 km buffer around temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).</p>	<p>Includes the quaternary watersheds crossed by the road alignments and temporary infrastructure.</p>
Wildlife (General)	<p>2.5 km of the centreline of the Route Alternatives and 2.5 km buffer around temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).</p> <p><i>General refers to all wildlife other than wolverine, caribou and moose.</i></p>	<p>Includes the quaternary watersheds crossed by the road alignments and temporary infrastructure. Watersheds provide a natural transition area to help identify long-range, indirect effects the project may have on wildlife surrounding the community access road.</p>
Wildlife (Wolverine)	<p>10 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas) given the large home range for the species.</p>	<p>Includes the tertiary watersheds crossed by the road alignments and temporary infrastructure. Indirect effects to wolverine are more likely to be defined by tertiary watershed boundaries due to their larger home range.</p>





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ALL SEASON COMMUNITY ACCESS ROAD

Valued Component	Proposed Local Study Area	Proposed Regional Study Area
Ungulates (moose & caribou)	<p>MOOSE: 2.5 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).</p> <p>CARIBOU: 35 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).</p>	<p>MOOSE: Coincides with wildlife management unit (WMU) 17 and part of WMU 1D (proposed route in WMU 1D with 16 km buffer). Based on the fact that moose in Ontario are managed at the WMU level.</p> <p>CARIBOU: Coincides with the three caribou ranges in the region (Missisa Range, Nipigon Range, and Pagwachuan Range).</p>
Air Quality	5 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas), based on provincial recommendations that effects are assessed up to 5 km from an emissions source.	Not applicable since effects not expected beyond the Local Study Area.
Noise	1 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	2.5 km buffer around Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).
Physiography & Groundwater	2.5 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	5 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).





Valued Component	Proposed Local Study Area	Proposed Regional Study Area
Cultural Heritage	5 km buffer around the Route Alternatives and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	1 km buffer around the Local Study Area.

Preliminary Study Areas for Aboriginal and Treaty Rights and Interests

Preliminary study areas have been identified based on community input received to date, best practices, and the preliminary study areas identified for the other valued components (refer to **Table 1**). These preliminary study areas are described in **Table 2** below with associated rationale, and shown in **Figure 1** (appended).

The proposed Local Study Area has been defined to include a large enough area to account for the potential direct effects of the Project. It is also considered large enough to allow for flexibility to accommodate potential changes to the road alignment options (i.e., Route Alternatives 1, 4, and 4-West) that may be required based on the results of on-going studies inputs received during the IK and Consultation Programs. The Regional Study Area has been defined to include a large enough area to account for the potential indirect effects of the Project.

As noted previously, these study areas will also inform any IK and Indigenous Land and Resource Use Studies completed for the Project. It is also important to note that while these preliminary study areas are intended to guide data collection in terms of site- or area-specific Indigenous land and resource use in the vicinity of the Project, collecting IK that is more general (e.g., habitat values important for caribou) is also an important part of the program and will become part of the assessment processes (including baseline conditions, effects assessment and identification of impact management measures).





Table 2. Preliminary Study Areas for Aboriginal and Treaty Rights and Interests

Proposed Study Area	Geographic Extent	Rationale
Local Study Area	5 km of the centreline of the Route Alternatives and 5 km buffer around other project components (e.g., aggregate sources) and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	The Local Study Area allows the MFFN Project Team to gather specific information that can be used to help Project design by avoiding or mitigating effects to sensitive features. It also corresponds to the outermost boundaries of the combined Local Study Areas for the fish and fish habitat, surface water, vegetation, general wildlife, moose, and air quality valued components. It has been defined based on the key components that may be relied on (surface water, fish, vegetation, general wildlife and moose) or considered to influence (air quality) Indigenous culture and/or land and resource use. Matching with the Local Study Areas for surface water and fish is also considered appropriate given key concerns related to potential effects on water, which all other natural components are reliant on, as described during consultation with Indigenous communities to date.
Regional Study Area	Combined area of the quaternary watersheds crossed by each of the road alignments.	The Regional Study Area allows the MFFN Project Team to gather information at a larger scale to better understand potential indirect effects on the valued components specific to Indigenous people. It corresponds to the outermost boundaries of the combined Regional Study Areas for the fish and fish habitat, surface water, vegetation, and general wildlife valued components given that these components may be relied on by Indigenous peoples for cultural and land and resource purposes. Matching with the Regional Study Areas for surface water and fish is also considered appropriate given key concerns related to potential effects on water, which all other natural components are reliant on, as described during consultation with Indigenous communities to date.





Next Steps

Thank you for reviewing the Preliminary Study Areas Memo. We look forward to your comments and feedback on the proposed study areas for the Aboriginal and Treaty Rights and Interests valued component. **We respectfully request any feedback, comments, and/or supporting information or documentation on the preliminary study areas are provided by September 25, 2020.**

Comments, questions, information and feedback can be directed to the IK Program Leads:

- Bob Baxter, MFFN Advisor at bbaxter48@gmail.com
- Larissa Mikkelsen, MFFN Advisor at larissa@lbsconsulting.ca

While we recognize that many communities have been affected by COVID-19, we are committed to working with and supporting communities in participating in the Consultation and IK Programs through this time. We want to provide as much time as possible to complete any Project-specific IK and Indigenous Land and Resource Use Studies that may be undertaken as part of the IK Program. We greatly appreciate your timely feedback.

Sincerely,

<Original signed by>

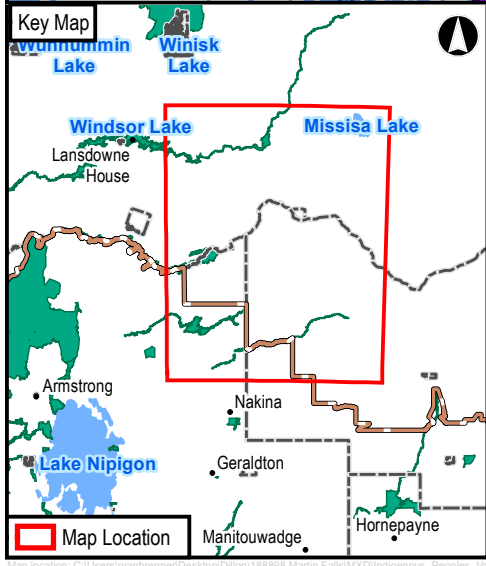
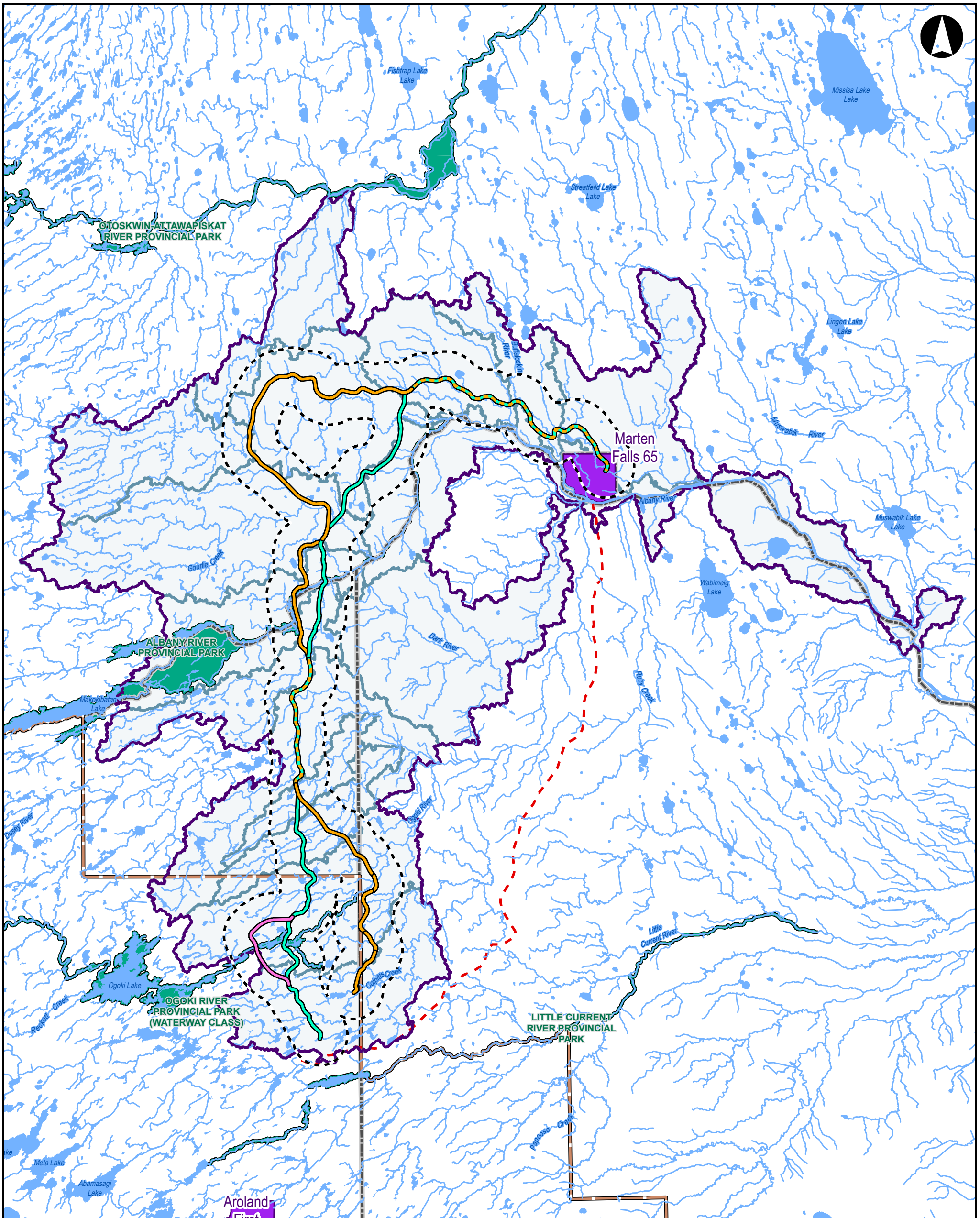
Qasim Saddique
Project Director

<Original signed by>

Lawrence Baxter
Senior Community Member Advisor

On behalf of the Marten Falls First Nation Community Access Road Project Team





Legend

Route Label

- Alternative 1
- Alternative 4
- Alternative 4 West
- Alternative 1 and Alternative 4
- Local Study Area
- Regional Study Area

General Features

- Existing Winter Access Roads
- Watercourse
- Waterbody
- Quaternary Watershed
- First Nation Reserve
- Far North Boundary
- District Municipal Boundary
- Provincial Park

**Marten Falls First Nation
All Season Community Access Road Project**

**Preliminary Study Areas for the Aboriginal and
Treaty Rights and Interests Valued
Component**

0 5 10 20 30
Kilometres
Datum: NAD 1983 UTM Zone 16N

Aug, 2020	1:675,000 *when printed 11"x17"	Data Sources: MNR, MMAH, NRCAN. Contains Information licensed under the Open Government Licence Ontario.
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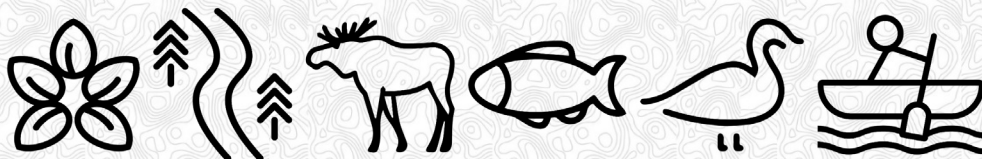
Figure 1

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Appendix D

Update on the Proposed Aboriginal and Treaty Rights and Interests Study Areas





Update on the Proposed Aboriginal and Treaty Rights and Interests Study Areas

Marten Falls First Nation (MFFN) shared the *Preliminary Aboriginal and Treaty Rights & Interests Study Areas Memo* in August, 2020. The purpose of this memo was to gather comments and feedback on the proposed study areas for Aboriginal and Treaty Rights and Interests, which include:

- Indigenous Current Use of Land and Resources for Traditional Purposes (hunting, trapping, fishing, gathering, cultural and spiritual sites, quantity and quality of resources, etc.); and
- Cultural Continuity – ability to practice and transmit cultural traditions (experience of being on the land, ability to access preferred sites and resources, etc.).

These study areas should also inform any Indigenous Knowledge and Indigenous Land and Resource Use Studies that may be completed by some communities in terms of the geographic extents used to collect information from community members during these studies.

The MFFN Project Team has since received feedback on the preliminary study areas and updates to the study areas have been made accordingly. Specific responses have been provided to those communities who have provided comments in separate correspondence. Table 1 on the following page provides an overview of the revised study areas. The revised study areas are shown in Figure 1. For reference, the preliminary study areas proposed in August 2020 are shown in Figure 2.

It is important to note that we are early in the environmental assessment processes and while a general location of the potential route alignments is shown in Figure 1, these locations are not considered final. It is expected that the route alignments will be refined (micro-sited) as the assessment processes proceed based on a variety of factors, including IK and information on Indigenous land and resource use shared with the MFFN Project Team, the potential for environmental effects, and stakeholder input.

The MFFN Project Team will share the spatial files for the updated study areas shortly. We would like to thank communities for their comments and feedback on the study areas. Any additional comments, questions and feedback can be directed to the IK Program Leads (Bob Baxter and Larissa Mikkelsen) at info@martenfallsaccessroad.ca.

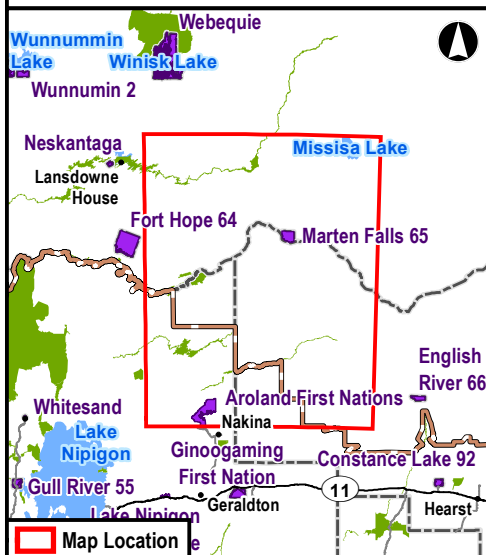
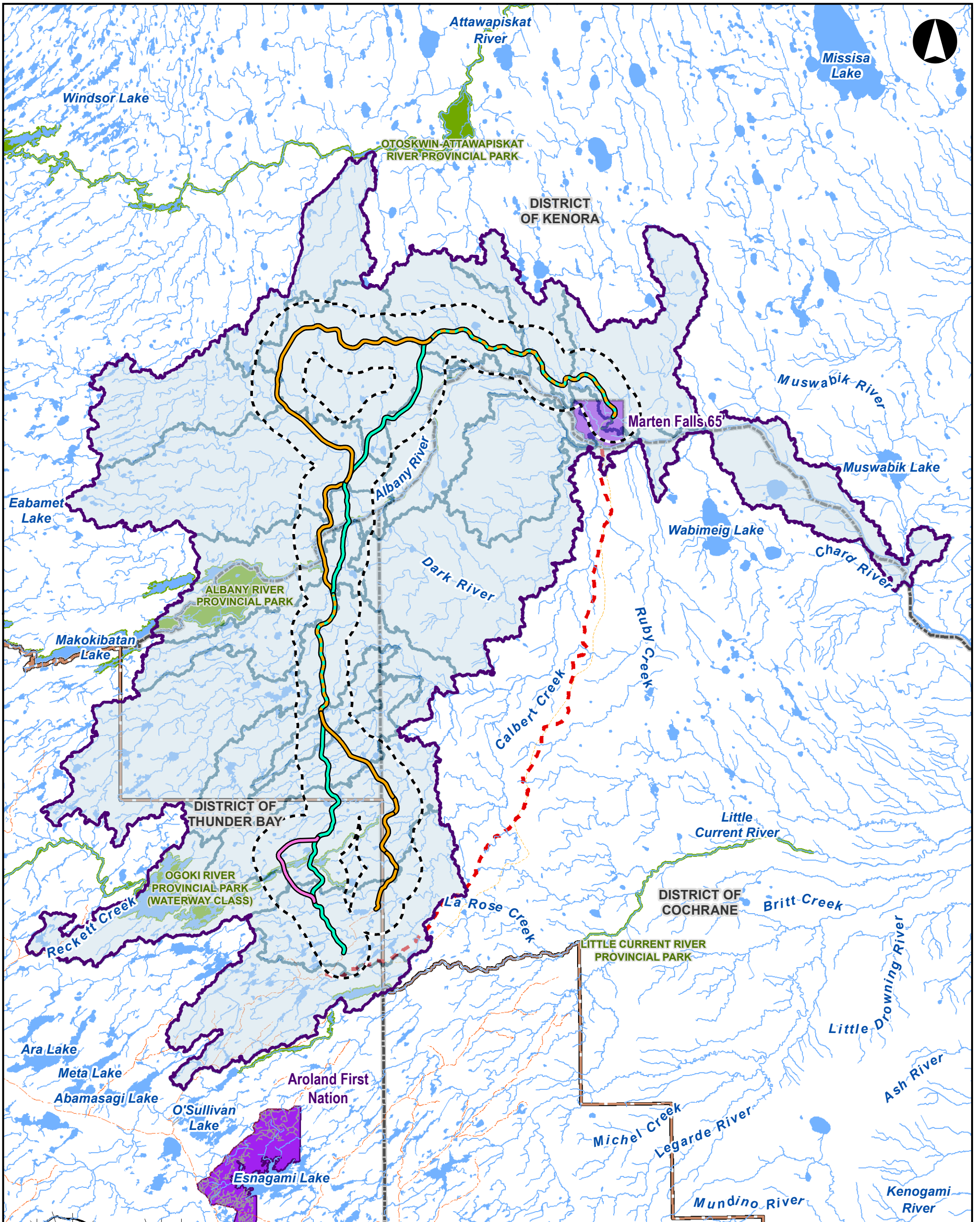




Table 1. Overview of Updates to the Aboriginal and Treaty Rights and Interests Local and Regional Study Areas and Associated Rationale

Proposed Study Area	Geographic Extent	Rationale	Updates to Study Area	Rational for Update
Local Study Area (LSA)	5 km of the centreline of the Route Alternatives and 5 km buffer around other project components (e.g., aggregate sources) and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	The Local Study Area allows the MFFN Project Team to gather specific information that can be used to help Project design by avoiding or mitigating effects to sensitive features. It also corresponds to the outermost boundaries of the combined Local Study Areas for the fish and fish habitat, surface water, vegetation, general wildlife, moose, and air quality valued components. It has been defined based on the key components that may be relied on (surface water, fish, vegetation, general wildlife and moose) or considered to influence (air quality) Indigenous culture and/or land and resource use. Matching with the Local Study Areas for surface water and fish is also considered appropriate given key concerns related to potential effects on water, which all other natural components are reliant on, as described during consultation with Indigenous communities to date.	The LSA has not been updated and remains as a 5 km buffer of the centreline of the Route Alternatives and 5 km buffer around other project components (e.g., aggregate sources) and temporary infrastructure (e.g., construction camps, staging areas and stockpile areas).	The use of a 5 km buffer is considered good practice and sufficient to capture the potential direct effects of the proposed Project. The MFFN Project Team has received comments confirming this perspective.
Regional Study Area (RSA)	Combined area of the quaternary watersheds crossed by each of the road alignments.	The Regional Study Area allows the MFFN Project Team to gather information at a larger scale to better understand potential indirect effects on the valued components specific to Indigenous people. It corresponds to the outermost boundaries of the combined Regional Study Areas for the fish and fish habitat, surface water, vegetation, and general wildlife valued components given that these components may be relied on by Indigenous peoples for cultural and land and resource purposes. Matching with the Regional Study Areas for surface water and fish is also considered appropriate given key concerns related to potential effects on water, which all other natural components are reliant on, as described during consultation with Indigenous communities to date.	The RSA has been updated to include four additional quaternary watersheds that interact with the potential route alignments and the LSA. One of these additional watersheds is located at the southern terminus of Alternative 4 and the RSA now includes a larger portion of Painter Lake Road.	The MFFN Project Team received comments on areas where the RSA is narrower than the LSA area and the need for the RSA to be inclusive of the LSA. The updated RSA is now wholly inclusive of the LSA. The MFFN Project Team received comments on the need to expand the RSA to more appropriately consider potential impacts to Indigenous communities associated with increased traffic flow onto Painter Lake Road. The RSA now includes a larger portion of Painter Lake Road to better capture potential indirect effects on Indigenous communities associated with vehicles accessing the MFFN Community Access Road. No further updates have been made as the extent of the RSA is considered good practice and sufficient to capture the potential downstream effects of the Project. The MFFN Project Team has received comments confirming this perspective.





Legend

- Local Study Area
- Regional Study Area
- Route Label
 - Alternative 1
 - Alternative 4
 - Alternative 4 West
 - Alternative 1 and Alternative 4
- General Features
 - Local Road
 - Winter Road
 - Resource / Recreation Road
 - Existing Winter Access Road
- Railway
- Watercourse
- First Nation Reserve
- Far North Boundary
- District Municipal Boundary
- Waterbody
- Quaternary Watershed
- Provincial Park

Data Sources:
 Basedata - Provided by MNRF 2019; Route Infrastructure - Provided by AECOM/Dillon 2019
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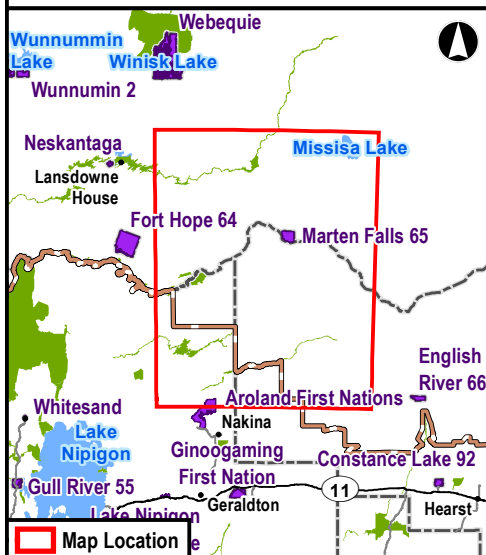
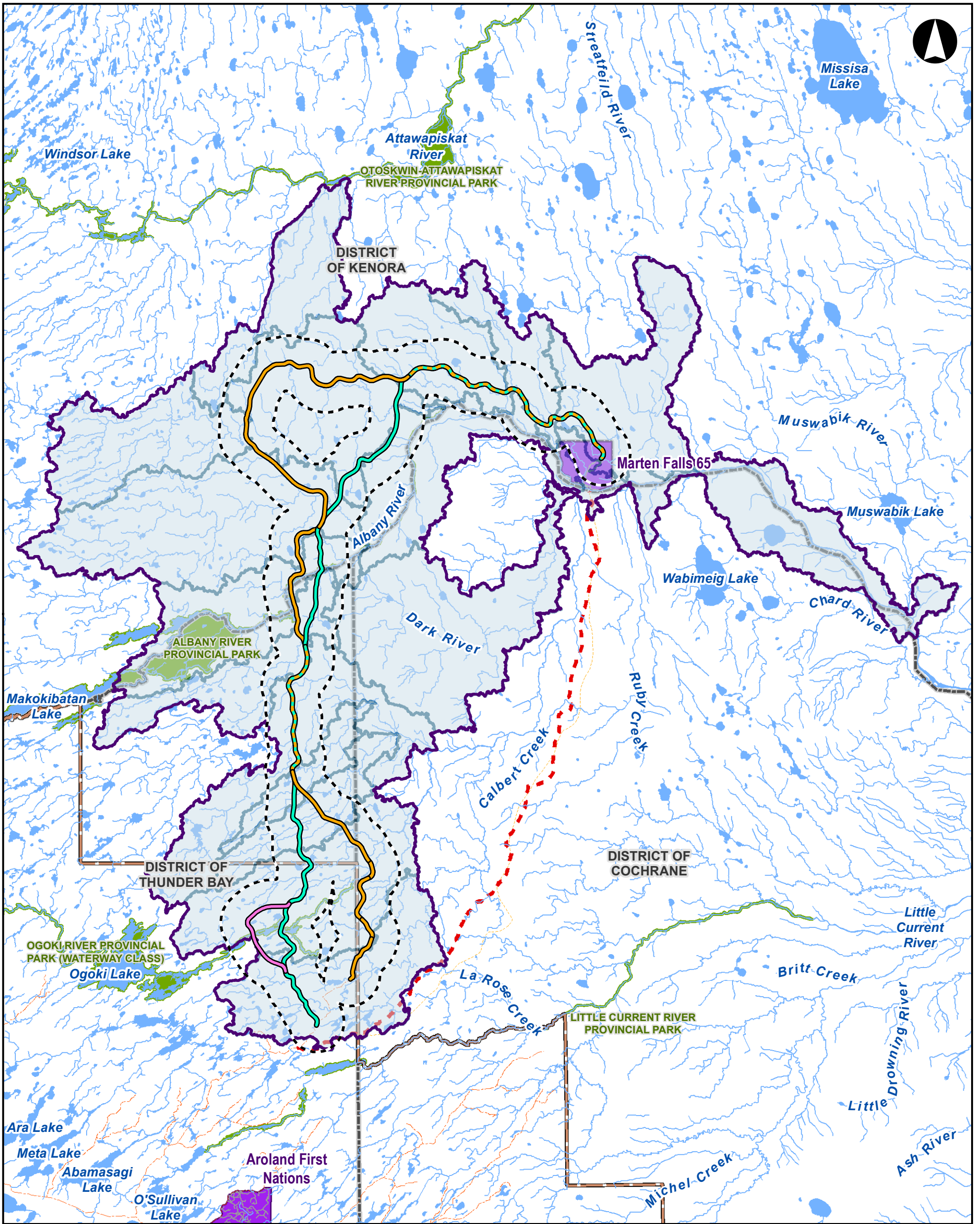
**MARTEN FALLS FIRST NATION
COMMUNITY ACCESS ROAD**

Updated Study Areas for the Aboriginal and Treaty Rights and Interests Discipline (October 2020)

0 5 10 20 30 40
Kilometres
Datum: NAD 1983 UTM Zone 16N

Oct, 2020	1:740,000 <small>* when printed 11"x17"</small>	P#: 188898	Rev: 01
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Figure 1



Legend

- Local Study Area (dashed black line)
- Regional Study Area (purple outline)
- Route Label
 - Alternative 1 (orange line)
 - Alternative 4 (green line)
 - Alternative 4 West (pink line)
 - Alternative 1 and Alternative 4 (yellow-green line)
- General Features
 - Local Road (grey line)
 - Winter Road (dashed orange line)
 - Resource / Recreation Road (dashed red line)
 - Existing Winter Access Road (red line with squares)
- Watercourse (blue line)
- First Nation Reserve (purple square)
- Far North Boundary (brown outline)
- District Municipal Boundary (dashed black line)
- Waterbody (blue area)
- Quaternary Watershed (light blue area)
- Provincial Park (green area)

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**MARTEN FALLS FIRST NATION
COMMUNITY ACCESS ROAD**

Preliminary Study Areas for the Aboriginal and Treaty Rights and Interests Valued Component (August 2020)

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Kilometres
Datum: NAD 1983 UTM Zone 16N

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Figure 2



MARTEN FALLS FIRST NATION
ALL SEASON COMMUNITY ACCESS ROAD

Aboriginal and Treaty Rights and Interests Study Plan

Appendix E

Preliminary List of Data Sources





MARTEN FALLS FIRST NATION ALL SEASON COMMUNITY ACCESS ROAD

Aboriginal and Treaty Rights and Interests Study Plan

- ✦ Publicly available traditional land and resources use and / or cultural impact studies;
- ✦ Treaties and adhesions;
- ✦ Existing Community-Based Land Use Planning initiatives;
- ✦ Websites of Indigenous community and group identified in **Table 4-1**;
- ✦ Previously completed IS / EA Reports for projects (and associated publicly available studies) in the vicinity of the Project area and/or involving relevant Indigenous communities and groups, including:
 - Nextbridge East-West Tie Transmission Project;
 - Wataynikaneyap Power Project;
 - Greenstone Gold Hardrock Mine Project;
 - Noront Eagle’s Nest Project; and
 - Energy East Pipeline;
- ✦ Previous research projects or studies undertaken by or for Indigenous communities and groups identified in **Table 4-1**, including but not limited to:
 - Minkin, P.D. (2008). Cultural Preservation and Self-determination Through Land Use Planning: A Framework for the Fort Albany First Nation. (Masters Thesis). Queen’s University, Kingston, Ontario;
 - Hlimi, T., et al., (2012). Traditional food consumption behaviour and concern with environmental contaminants among Cree schoolchildren of the Mushkegowuk territory. *International Journal of Circumpolar Health*, 71.
 - Robidoux, M. et al. (2012). Traditional Foodways in Two Contemporary Northern First Nations Communities. *The Canadian Journal of Native Studies*. 32, 59-77.
 - Restoule, J.-P., Gruner, S., & Metatawabin, E. (2013). Learning from Place: A Return to Traditional Mushkegowuk Ways of Knowing. *Canadian Journal of Education/Revue Canadienne De l’éducation*, 36(2), 68-86.
 - Shantz, J. (2018). Community Energy Planning in Remote Indigenous Communities: A Case Study with Eabametoong First Nation. (Masters Thesis). University of Guelph, Guelph, Ontario.
- ✦ Reference materials related to Indigenous culture and rights and associated assessments, including but not limited to:
 - Candler, C., et al., (2015). *Wîyôw’tan’kitaskino (Our Land is Rich): A Mikisew Cree Culture and Rights Assessment for the Proposed Teck Frontier Project Update*.





MARTEN FALLS FIRST NATION **ALL SEASON COMMUNITY ACCESS ROAD**

Aboriginal and Treaty Rights and Interests Study Plan

- Gibson, G. (2017). Culture and Rights Impact Assessment: A Survey of the Field. Prepared for Mikisew Cree First Nation.
- Mikisew Cree First Nation and the Canadian Environmental Assessment Agency (2018). Methodology for Assessing Potential Impacts on the exercise of Aboriginal and Treaty Rights of the Proposed Frontier Oil Sands Mine Project.
- ✦ Other publicly available documents (e.g., Land Claim documentation); and
- ✦ Consultation and engagement activities undertaken for the Project.

MFFN is aware of publicly available Indigenous / traditional land and resource use documents that are currently being reviewed to identify potentially relevant information. Out of respect, MFFN will work with the subject Indigenous communities to review and validate or confirm acceptance of this information being used in the IA / EA. MFFN will also solicit any available information or data references (i.e., information on identity and / or gender of participants) in support of Gender-Based Analysis Plus.





MARTEN FALLS FIRST NATION ALL SEASON COMMUNITY ACCESS ROAD



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