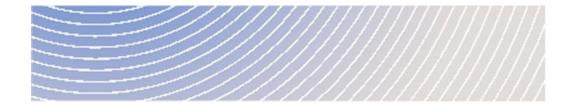
Indigenous **Engagement and Partnership Plan**



NORTHERN ROAD LINK PROJECT

JUNE 21, 2023

DRAFT VERSION



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1. Introduction

On May 23, 2023, the Impact Assessment Agency of Canada (the Agency) announced that an impact assessment is required for the Northern Road Link Project (the Project), pursuant to subsection 16(1) of Canada's *Impact Assessment Act* (the IAA).

The Indigenous Engagement and Partnership Plan (IEPP) outlines opportunities and methods for meaningful engagement and consultation with potentially affected Indigenous communities throughout the impact assessment process for the Project. Meaningful consultations are to be conducted in the spirit of reconciliation, towards a renewed relationship, and in accordance with the Principles respecting the Government of Canada's relationship with Indigenous Peoples. The IEPP is intended to be flexible and does not preclude the Agency from making changes to the approaches described in the IEPP in order to accommodate changes that may occur during the assessment process.

Throughout this IEPP, the terms "Indigenous community" or "Indigenous communities" refer to Indigenous Peoples connected by Nation, Band, geographical location, community roles and other shared values and identities. Within the context of the impact assessment process, the Agency encourages the active participation of a community's diversity such as the Chief and Council, community leaders, as well as other members of the community, such as women, Elders, youth and knowledge holders.

Throughout this IEPP, "engagement" refers to the spectrum of engagement defined in the <u>Policy Context for Indigenous Participation in Impact Assessment</u>, ² and "consultation" refers to the Government of Canada's duty to consult, and, where appropriate, accommodate, on the potential adverse impacts of the Project on the exercise of Aboriginal and/or Treaty rights of the Indigenous Peoples of Canada.

To complement this IEPP, interested Indigenous communities may develop community-specific consultation plans, in collaboration with the Agency, to describe the community's specific objectives for consultation, or any unique features of the impact assessment and consultation process pertaining to that community for the Project.

The Agency developed a separate <u>Public Participation Plan</u>³ to describe how the Agency plans to engage with the public during the impact assessment process.

¹ https://www.justice.gc.ca/eng/csj-sjc/principles-principes.html

² https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/policy-indigenous-participation-ia.html

³ http://iaac-aeic.gc.ca/050/evaluations/document/152056?culture=en-CA

2. Description of the Proposed Project

Marten Falls First Nation and Webequie First Nation are proposing the construction and operation, including maintenance, of an all-season multi-use road located in northern Ontario. As proposed, the Project would be about 117 to 164 kilometres long and cross the Attawapiskat River. It would connect the proposed Marten Falls Community Access Road and the proposed Webequie Supply Road. The Project would become part of a future all-season road network connecting mineral development activities in the Ring of Fire area to the provincial highway system at Nakina, Ontario.

For more information on the impact assessment of the Northern Road Link Project or to view the information and comments received to date, visit the Canadian Impact Assessment Registry website (the Registry) at https://iaac-aeic.gc.ca/050/evaluations/proj/84331.

3. Objectives of Indigenous Engagement and Partnership

Impact Assessment Agency of Canada's objectives:

- Conduct Crown consultation on the potential positive and adverse effects of the Project and adverse impacts of the Project on the exercise of Aboriginal and/or Treaty rights of the Indigenous Peoples of Canada recognized and affirmed in section 35 of the Constitution Act, 1982 (Aboriginal or Treaty rights);
- Provide opportunities to work with Indigenous communities on methodologies or processes to assess the impact of the Project on Aboriginal or Treaty rights;
- Engage with Indigenous communities on key documents (such as the proponent's Impact
 Statement and the Agency's Impact Assessment Report) and regarding Indigenous Knowledge
 they may wish to apply when considering potential effects and impacts of the Project and
 impacts on the exercise of Aboriginal or Treaty rights, by adhering to the Indigenous
 Knowledge Policy Framework⁴ and guidance documents;
- Include community input and Indigenous Knowledge, if provided, in the assessment of potential
 effects and impacts of the Project and potential impacts on the exercise of Aboriginal or Treaty
 rights, and explain how the input and Indigenous Knowledge were considered or used in the
 assessment; and
- Ensure engagement is consistent with the Government of Canada's commitment to implement the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration) as a comprehensive international human rights instrument and Canada's roadmap for reconciliation. The Declaration also emphasizes the need to work together in partnership and respect, as articulated through the principle of free, prior and informed consent. This principle reflects

⁴ https://www.canada.ca/en/impact-assessment-agency/programs/aboriginal-consultation-federal-environmental-assessment/indigenous-knowledge-policy-framework-initiative/indigenous-knowledge-policy-framework-project-reviews-regulatory-decisions.html

working together in good faith on decisions that impact Indigenous Peoples, with the intention to achieve consensus.

Objectives identified by Indigenous communities during the planning phase:

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

- Consultation should be ongoing throughout the impact assessment process, and must meaningfully respond to all concerns raised by Indigenous communities. Additional objectives that would add to the meaningfulness of consultation include:
 - Respecting the diverse and preferred approaches of Indigenous community representatives to consult their members or citizens;
 - Providing support to Indigenous communities regarding their engagement with community members or citizens, to facilitate the community's understanding of the impact assessment process and the Project;
 - Working towards consultation that is early, flexible and prepares Indigenous communities to engage with their members or citizens regarding the Project;
 - Accessing financial support to enable participation in the impact assessment process;
 - Working with the Agency to invite diverse subgroups within Indigenous communities to participate in the impact assessment process;
 - Conducting where possible, in-person meetings and open houses within communities where the Agency attends and responds to questions from community members about the impact assessment process;
 - Recognizing the challenges of multiple assessments occurring at the same time, where
 possible, discuss multiple road projects with the Agency at project assessment meetings
 and being open to meeting with multiple Indigenous communities at once;
- Consultation needs to respect the consultation protocols already established by Indigenous communities;
- Indigenous Knowledge needs to be considered on equitable footing with western scientific information in decision-making processes related to the Project;
- There must be respect for, and adherence to, established processes and protocols developed by Indigenous communities that govern the sharing and use of Indigenous Knowledge;
- Opportunities should be provided for Indigenous communities to verify procedural records of consultation and engagement throughout the impact assessment process; and
- Evidence that project design is informed by input from Indigenous communities.

4. Indigenous Communities

The Agency identified the following lists of communities that may be potentially impacted by the Project. This includes communities where the Project may adversely impact the exercise of Aboriginal

or Treaty rights of Indigenous peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982,* and also Indigenous peoples with asserted rights where an assessment of effects under section 22 of the IAA may be required. This list is based on information available in the Government of Canada's Aboriginal and Treaty Rights Information System, as well as information shared by Indigenous communities during initial meetings and throughout the Planning Phase.

Although the impact assessment process is not a rights-determination process, the Agency acknowledges that the content and extent of the duty to consult and, where appropriate, accommodate varies according to the nature of the rights (established or potential) and the severity of the Project's potential impact on these rights. The Agency's assessment of the extent of the duty to consult and, where appropriate, accommodate is at its preliminary phase. The Agency wishes to complete this exercise in collaboration with Indigenous communities during the Impact Statement Phase.

The Government of Canada is committed to renewing its relationship with Indigenous peoples, which is based on the recognition of rights, respect, cooperation and partnership. Through this IEPP, the Agency supports this commitment. In addition to the IEPP, the Agency plans to engage Indigenous organizations that have indicated an interest in the impact assessment process using the engagement tools and methods outlined in the Public Participation Plan.

4.1 List of Indigenous communities

During the comment period on the draft IEPP from June 21, 2023, to July 21, 2023, the Agency will consult with Indigenous communities listed⁵ below to understand their concerns and potential impacts

Animbiigoo Zaagi'igan Anishinaabek	Ginoogaming First Nation	Métis Nation of Ontario
Aroland First Nation	Kasabonika Lake First Nation	Neskantaga First Nation
Attawapiskat First Nation	Kashechewan First Nation	Nibinamik First Nation
Constance Lake First Nation	Kitchenuhmaykoosib Inninuwug	Webequie First Nation
Eabametoong First Nation	Long Lake #58 First Nation	Weenusk First Nation
Fort Albany First Nation	Marten Falls First Nation	

of the Project on their exercise of potential or established Aboriginal or Treaty rights. The Agency will also seek to understand which communities might have an interest in the Project and potential concerns and impacts pursuant to an assessment of effects under section 22 of the IAA.

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⁵ The list of Indigenous communities identified here may change as knowledge of the effects and potential impacts of the Project is gained, or if the Project or its components are modified during the impact assessment process. The Agency may modify this list based on additional information gathered during the impact assessment process.

5. Engagement and Consultation Tools and Methods

The following is a list of tools and methods identified by the Agency and Indigenous communities to ensure meaningful consultation throughout the impact assessment process:

- Providing funding under the <u>Participant Funding Program</u>⁶ to support Indigenous communities with participation in the impact assessment process;
- Providing clear and timely information on available funding, impact assessment process timelines, and the workload expected of Indigenous communities to ensure meaningful participation consultation;
- Communicating with Indigenous communities in an ongoing, open, and transparent manner;
- Considering cultural needs including seasonal issues (e.g., harvesting and hunting periods), cultural protocols (e.g., offerings, such as tobacco) and spirituality (opening prayers) when scheduling consultation activities;
- Following community consultation policies or protocols in consultation activities, to the extent possible;
- Establishing clear processes for identifying and designing accommodation measures, as applicable;
- Holding technical meetings with Indigenous communities and the proponent and/or expert authorities to support Indigenous communities' technical review of key documents and participation throughout the impact assessment process, while considering timelines and capacity of Indigenous communities;
- Offering to collaborate on the assessment of impacts on the exercise of Aboriginal or Treaty rights;
- Providing reasonable time for in-community visits, as appropriate;
- Establishing requirements for diverse participation (e.g., accessibility of meeting locations, timing of meetings, transportation);
- Providing individualized and/or group training on the impact assessment process and <u>how to</u> effectively participate in the process⁷;
- Providing translators and/or interpreters to support meetings between Indigenous communities and the Agency; and
- Providing summaries of key documents, fact sheets, infographics, PowerPoint tools, booklets, and audio-visual materials in plain language and in an accessible format.

In addition, the Agency will explore opportunities for:

- Translating key high-level summary documents into Indigenous languages, where requested and reasonably possible;
- Accommodating communication and consultation processes according to the communities' schedule, where possible; and

⁶ <u>https://www.canada.ca/en/impact-assessment-agency/services/public-participation/funding-programs.html</u>
⁷ https://iaac-aeic.gc.ca/014/index-eng.aspx

 Workshop formats to discuss key documents during the impact assessment process, where appropriate.

6. Engagement and Consultation Approach

The table below (Table 1) provides a description of the main phases in the impact assessment process and an explanation as to how the Agency, on behalf of the federal Crown, proposes to engage and consult with Indigenous communities during each phase. Table 1 describes objectives of each phase and engagement methods proposed throughout the impact assessment process.

The Agency commenced its engagement and consultation efforts on the Project prior to the planning phase. This pre-planning phase was used to ensure Indigenous communities were informed and aware of the impact assessment process and to validate the potential interest of the Indigenous communities on the preliminary Crown's list that was developed for initial outreach.

During the planning phase, and prior to the determination that an impact assessment was required, the Agency consulted with Indigenous communities on the proponent's Initial Project Description and prepared the Summary of Issues. Subsequently, the Agency provided the Summary of Issues to the proponent for preparation of the Detailed Project Description, including a response to the Summary of Issues. The Agency included the key issues identified by Indigenous communities in the Summary of Issues, and directed the proponent to refer back to the Indigenous community submissions to ensure they use the appropriate context and intent of the comments in their response.

Specific Indigenous communities to whom the Crown owes a duty to consult and who wish to work with the Agency to identify consultation activities beyond those included within this IEPP are welcome to express their interest in an Indigenous community-specific consultation work plan during the Impact Statement Phase. The Agency will work with Indigenous communities to develop community-specific consultation work plans, as needed.



Expected Agency activities	Expected Indigenous communities' participation/activities	Engagement and consultation method
	Phase 1: Planning	
Objectives		
 Increase Indigenous communities' aware Obtain comments and feedback on document and Partnership Plan (IEPP) and Tailored Share information on the impact assessing 	y to support participation during the planning phase eness of the impact assessment process and meaningful participation iments related to the planning phase such as the Initial Project Description (Guidelines) enem process and on opportunities for participation	on cription and to inform the development of the Indigenous Engageme
Timeline: 180 days (excluding any time limit susp From February 21, 2023 to March 23, 20	·	

- participation
- The Agency invited Indigenous communities to identify potential impacts of the Project to Aboriginal and/or Treaty rights and identify locations of each valued component to inform the planning phase documents and the impact statement phase. Agency responded to any inquiries, sent letters / emails informing Indigenous communities of the upcoming Project, and posted key documents on the Registry website
- Agency provided online training on the impact assessment process

- impacts of the Project to Aboriginal and/or Treaty rights | •
- Indigenous communities applied for available grant funding during the first comment period of the planning phase to support participation
- Indigenous communities participated in meetings to discuss and inform key planning documents
- Indigenous communities will advise the Agency of their interest in receiving available grant funding for the second comment period of the planning phase to support participation
- From June 21, 2023 to July 21, 2023, Indigenous communities will have the opportunity to participate in the second comment period, participate in meetings

Follow-up to confirm receipt of materials



Expected Agency activities	Expected Indigenous communities' participation/activities	Engagement and consultation method
 From June 21, 2023 to July 21, 2023, Agency invites comments on the draft Guidelines and the draft IEPP, including the identification of any existing regional studies or plans that could inform the assessment of the Project, and will make grant funding available for the second comment period of the planning phase Agency will host virtual meetings (and offer inperson meetings) with Indigenous communities to support their understanding of the impact assessment process and to seek their engagement in development of the draft Guidelines and the draft IEPP 	with the Agency, and comment on the draft Guidelines and draft IEPP Indigenous communities will express to the proponent any interest in supporting studies conducted by potentially affected Indigenous communities	
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Phase 2 – Impact Statement

Objectives:

- > Increase Indigenous communities' awareness and understanding of the impact assessment process
- > Provide Indigenous communities funding to support participation for the remainder of the impact assessment process
- > Encourage Indigenous communities to share Indigenous Knowledge and information with the proponent, to inform the development of the proponent's Impact Statement
- > Obtain comments / views on the proponent's Impact Statement
- Notify communities of key steps in the impact assessment process, such as the receipt of the Impact Statement and the comment period on the Impact Statement
- > Identify potential impacts on the exercise of Aboriginal or Treaty rights and avoidance, mitigation or accommodation measures in collaboration with Indigenous communities

Timeline: Up to 3 years (excluding any time limit extension)

- Agency shares how feedback has been reflected or not in the Guidelines and IEPP with rationale
- Agency makes participant funding available for the remainder of the impact assessment process
- Agency administers participant funding throughout the impact assessment process
- Agency works with Indigenous communities to implement the IEPP, including community-specific
- Indigenous communities apply for funding to participate in the remaining phases of the impact assessment process
- Indigenous communities present comments on consultation and engagement approaches, as applicable, and the ways they wish to participate in the impact assessment process
- Indigenous communities who have identified potential impacts on their exercise of Aboriginal or Treaty rights

- Emails and/or calls
- Online comments
- Meetings, information sessions and/or workshops
- Posting of relevant documents and notices on the Registry website
- Notify via email of relevant documents and notices on the Registry website to Indigenous communities indicated in subsections 4.1 and 4.2



Expected Agency activities	Expected Indigenous communities' participation/activities	Engagement and consultation method
 adjustments for communities listed in subsection 4.1, as applicable, and has dialogue with interested Indigenous communities to finalize approach to the assessment of impacts on their exercise of Aboriginal or Treaty rights Agency provides Indigenous communities with guidance on how to protect confidential information Agency posts the proponent's Impact Statement on the Registry website and sends notification emails to Indigenous communities Agency seeks the views of Indigenous communities on the Project's potential impacts on the exercise of their rights and discusses with Indigenous communities whether the proponent has adequately identified mitigation and/or accommodation measures, as appropriate, in its Impact Statement Agency works collaboratively with interested Indigenous communities listed in subsection 4.1 on the analysis for the assessment of impacts on the exercise of Aboriginal or Treaty rights. Agency holds a comment period on the Impact Statement. The comments will assist in determining whether the Impact Statement contains all the information and studies requested in the Guidelines Agency issues requests to the proponent for information or studies required to satisfy the Guidelines 	 work with the Agency, if interested, in the approach to complete the assessment of potential project impacts Indigenous communities share Indigenous Knowledge with the proponent, where applicable, for integration into the proponent's Impact Statement Indigenous communities share their points of view on the Project's potential impacts on the exercise of their Aboriginal or Treaty rights with the proponent to inform the Impact Statement and with the Agency to support the Agency's review of the Impact Statement Indigenous communities collaborate with the proponent to collect relevant information about the Project's potential positive and adverse effects (direct and incidental), as well as discuss mitigation and monitoring measures to address possible adverse effects, with the proponent, to inform the proponent's Impact Statement Indigenous communities submit opinions or comments to the Agency on the proponent's Impact Statement 	Follow-up to confirm receipt of materials
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Phase 3 – Impact Assessment

Objectives

- Increase Indigenous communities' awareness and understanding of the impact assessment process
 Develop and consult on Agency's preliminary analysis and conclusions related to potential project impacts on Indigenous communities
- > Obtain comments / views on the Agency's draft Impact Assessment Report and draft potential conditions
- > Where there is interest, collaborate with identified Indigenous communities on the assessment of potential project impacts on the exercise of their Aboriginal or Treaty rights



Expected Agency activities	Expected Indigenous communities' participation/activities	Engagement and consultation method
Timeline: Up to 300 days (excluding any timeline extension)		
 Agency continues to administer participant funding throughout the impact assessment process to those Indigenous communities that have not accepted funding Agency continues to work collaboratively with interested Indigenous communities listed in subsection 4.1, as necessary to complete the assessment of impacts on the exercise of Aboriginal or Treaty rights Agency works with Indigenous communities to validate the Agency's preliminary analysis and conclusions related to potential project impacts on Indigenous communities and on the exercise of their Aboriginal or Treaty rights. Agency posts draft Impact Assessment Report and draft potential conditions on the Registry website and sends notification emails to Indigenous communities Agency holds a comment period on the draft Impact Assessment Report and draft potential conditions. The comments will assist in finalizing the Agency's recommendation to the Minister of Environment and Climate Change 	 Indigenous communities collaborate on or validate the Agency's preliminary analysis and conclusions related to potential project impacts on Indigenous communities and on the exercise of their Aboriginal or Treaty rights Indigenous communities present their points of view to the Agency on the adequacy of the consultation throughout the impact assessment process Indigenous communities submit opinions or comments on the Agency's draft Impact Assessment Report and draft potential conditions 	 Emails and/or calls Online comments Meetings, information sessions and/or workshops Posting of relevant documents and notices on the Registry website Notify via email of relevant documents and notices or the Registry website to Indigenous communities indicated in sections 4.1 and 4.2 Follow-up to confirm receipt of materials
	Phase 4 – Decision	
Objectives		
	ne public about the Decision Statement issued by the Minister ding reasons for the public interest determination and the cond	litions, where applicable
Timeline : Up to 30 days if the determination is made by the N	Minister, or up to 90 days if the Minister refers the determination	n to Governor in Council (excluding any time limit extension
Agency posts on the Registry website the Minister's Decision Statement, including the reasons for the public	Indigenous communities learn about Minister's decision and about next steps post-impact assessment decision	 Posting of relevant documents and notices on the Registry website Notifications sent by email



IMPACT ASSESSMENT AGENCY OF CANADA

Expected Agency activities	Expected Indigenous communities' participation/activities	Engagement and consultation method
 interest determination and potential conditions, where applicable Agency has ongoing dialogue with Indigenous communities, briefs them on the Decision Statement and provides them with opportunities to learn about next steps post-impact assessment decision 		Follow-up to confirm receipt of email

Phase 5 - Post-Decision

Objectives: if the Project is approved

- > Post-decision follow-up, monitoring activities and results from follow-up program on the Registry website
- > Obtain comments on potential amendments to the Decision Statement, should an amendment be required

Timeline: Begins after the Decision Statement is issued to the proponent and is ongoing

- Agency conducts compliance and enforcement
 activities consistent with the Compliance Promotion and
 Enforcement Policy for designated projects subject to
 the Impact Assessment Act and posts results as per
 section 152 of the IAA on the Registry website
- Agency consults on potential amendments to the Decision Statement, should an amendment be required
- Submit comments to the Agency on potential amendments to the Decision Statement, should an amendment be required
- If the public has reason to believe that there has been a contravention of the IAA, please report it to the Agency at: enforcement-applicationdelaloi@iaac-aeic.gc.ca. All other inquiries about post-decision activities should be directed to postdecision@iaac-aeic.gc.ca.
- Emails
- Online comments
- Posting of relevant documents and notices on the Registry website

7. Participant Funding

During the planning phase, Indigenous communities received grant funding to support their comments on the Initial Project Description. Grant funding was also available to support the review and comment on the draft Guidelines and the draft IEPP.

Funding is also available to support Indigenous communities to participate throughout the remainder of the impact assessment process. The opportunity to submit applications for funding will be made available to Indigenous communities during the Impact Statement Phase. These participant-funding opportunities will support Indigenous communities in activities such as: commenting on the proponent's Impact Statement and the Agency's draft Impact Assessment Report and potential conditions.

For information about the activities that are eligible for funding or how to apply for funding, please see the Participant Funding Program National Program Guidelines at the following page:

https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/participant-funding-program-national-program-guidelines.html.

8. Federal Authorities' Roles and Responsibilities

The <u>Permitting Plan</u> issued at the end of the planning phase describes the permits and authorizations that may be required for the Project to proceed.

Federal authorities identified in the Permitting Plan⁸ as well as those with additional expert advice⁹ will engage as needed with the Agency, proponent, Indigenous communities and other parties to clarify information requirements related to its specialist or expert information and knowledge. Throughout the impact assessment process, federal authorities may also review and analyze the proponent's Impact Statement; support and participate in the Agency's Crown consultation activities; and support the Agency and Indigenous communities in understanding, assessing and addressing impacts on the exercise of Aboriginal or Treaty rights.

The Agency, on behalf of the Government of Canada, will lead Crown consultations for the impact assessment and will form the federal review team described above.

⁸ Environment and Climate Change Canada, Fisheries and Oceans Canada, Transport Canada

⁹ Employment and Social Development Canada, Federal Economic Development Agency for Northern Ontario, Health Canada, Indigenous Services Canada, Natural Resources Canada, Women and Gender Equality Canada

9. How to Submit Comments

Comments can be submitted at any time during the impact assessment process by using the "Submit a comment" feature on the Project's page on the Registry website (<u>Reference Number 84331</u>). Attachments can also be uploaded using this function.

If you have any difficulties with the submission process, please contact the Agency using the contact information below. Comments may also be submitted through other means, including by email to NorthernRoad-RouteDuNord@iaac-aeic.gc.ca.

Comments and other documents received by the Agency will form part of the project file and will be posted on the Registry website. <u>The Agency's Submission Policy</u>¹⁰ determines what information can be shared publicly and what information should remain private. For more information on how we protect your privacy, please refer to the <u>Agency's Privacy Notice</u>¹¹. If you do not want your comment to be posted on the Registry website, please contact the Agency before submitting your comment.

Indigenous Knowledge shared in confidence is protected from disclosure under section 119 of the IAA, except if written consent is provided, or if the information is publicly available. In addition, Indigenous Knowledge shared in confidence could be shared with certain parties if disclosure is necessary for procedural fairness and natural justice or for use in legal proceedings. This ensures that interested persons have a fair opportunity to participate in processes that would likely affect their interests, and that they have access to all necessary information and evidence relied on by the decision-maker.

Should you wish to provide any comments or documents that contain confidential or sensitive information that should be protected from release to the public, please contact the Northern Road Link Project Team (contact below) **before** submitting the information. This will ensure that your submission is handled appropriately. Note, the Agency will consult with you prior to disclosing Indigenous Knowledge shared in confidence under an exception.

If you have questions or need information, please contact:

Northern Road Link Project Impact Assessment Agency of Canada Ontario Regional Office

Email: NorthernRoad-RouteDuNord@iaac-aeic.gc.ca

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¹⁰ https://iaac-aeic.gc.ca/050/evaluations/participation/conditions?culture=en-CA

¹¹ https://iaac-aeic.gc.ca/050/evaluations/protection?culture=en-CA