

Appendix F

Consultation Materials for the Initial Corridor Alternatives

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Ogoki Post - Marten Falls First Nation #65

Larissa Mikkelsen

Conversation Starter · Just now

Please see the notice below for updated information on ongoing Marten Falls Community Access Road Project field studies. If you have any questions, contact info@martenfallsaccessroad.ca

FIELD STUDIES FOR THE ALL SEASON COMMUNITY ACCESS ROAD AND WAWANG'WAJING ROAD

TYPES OF FIELD STUDIES:

Field study crews will be in the community and surrounding areas for the following types of field programs: Aquatics (Fisheries and Surface Water), Cultural Heritage (Archaeology and Built Heritage), Geotechnical and Engineering, Noise and Air, and Terrestrial (Vegetation and Wildlife).

Details:

- Field studies may require the use of a helicopter, float plane or aircraft to get aerial photos, and to access sites for sample collection or visual surveys.
- Drilling equipment or hand tools (for example augers or shovels) will be used to collect samples.
- Equipment will be set-up in the study area to monitor air quality and noise, and wildlife, bird and bat activity. These devices will be collected at the end of the field survey and the data analyzed.

Timing:

Field studies are anticipated to take place from July to December 2019, with the majority happening in August and September 2019. Each field program is anticipated to range in length from a few days to several weeks. The field study dates listed below are approximate and subject to change — dates may shift due to weather and/or availability of transportation, accommodations or personnel.

- July to October 2019: Terrestrial (Vegetation and Wildlife)
- August to October 2019:
 - Aquatics (Fisheries and Surface Water)
 - Cultural Heritage

Considerations for Field Studies

If you have questions at any time about the field work or the Marten Falls First Nation Community Access Road, you can contact the Project Team with questions or comments:

Lawrence Baxter
Stenoir, Community Advisor

Clinic # 349-... See More

GROUP TYPE
General

LOCATION
Ogoki, Ontario

This location is set based on your group's name

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Larissa Mikkelsen

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Considerations for Field Studies

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SUGGESTED MEMBERS

Friends

- Charlene Marie [Invite Member](#)
- Wendy Le [Invite Member](#)
- Laura Taylor [Invite Member](#)

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DESCRIPTION
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GROUP TYPE
General

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Aroland First Nation Comments Received / Responses on the Draft ToR

ID #	Commenter	Concern	Response	Proposed ToR Section
190	Aroland First Nation	<p>3.2 Federal Environmental Assessment Requirements "The Government of Canada conducts Impact Assessments (IAs) under the Impact Assessment Act 2019"</p> <p>Please change section heading to "Federal Impact Assessment Requirements"</p>	<p>The suggested edit to the heading of Section 3.2 has been revised as suggested.</p>	ToR Section 3.2
191	Aroland First Nation	<p>3.3 Canada Ontario Agreement on Environmental Assessment Co-operation</p> <p>AFN prefers that both Canada and Ontario conduct separate impact assessments under respective Environmental Assessment and Impact Assessment legislation. As MFFN notes in the draft ToR, Aboriginal and Treaty Rights are guaranteed under section 35 of the Constitution Act, which includes recognition of existing Aboriginal and Treaty Rights to hunt, trap, fish, gather and manage the lands for all First Nation, Inuit and Metis people of Canada. As part of these rights, the Government of Canada has the Duty to Consult Indigenous communities for this Project. The Government of Ontario has sub-national, and different, relationship with AFN. The Government of Canada's Impact Assessment Act contains specific provisions with respect to section 35 of the Constitution Act for the Impact Assessments it conducts. The Government of Ontario's Environmental Assessment Act does not contain such specific provisions.</p> <p>MFFN should proceed with a federal Impact Assessment and a parallel Ontario Environmental Assessment. Where practical, MFFN should consider opportunities to coordinate EA and IA documentation as noted in comments below</p>	<p>MFFN will be proceeding with a federal Impact Assessment and an Ontario Environmental Assessment. However, as outlined in the Cooperation Plan for the Marten Falls Community Access Road Project Impact Assessment, dated February 24, 2020 and prepared by the Impact Assessment Agency of Canada (The Agency) with input from the Ontario Ministry of the Environment, Conservation and Parks (MECP) "A coordinated federal and provincial assessment process should result in one body of proponent documentation related to the assessment, which is known as the Impact Statement for the Agency, and as the Environmental Assessment report for MECP. This Cooperation Plan recognizes that the alignment of respective timelines does not supersede the legislative obligations prescribed in the Impact Assessment Act and Ontario's Environmental Assessment Act, as well as the completeness of any information submitted by the proponent."</p> <p>The Cooperation Plan for the Marten Falls Community Access Road Project Impact Assessment is available on the Impact Assessment Agency of Canada's website.</p>	ToR Section 3.3
192	Aroland First Nation	<p>3.4 Preparation of the Environmental Assessment</p> <p>AFN has no objections to the EA being prepared in accordance with subsections 6.1 (3) and 6(2)(c) of the EAA.</p>	<p>Thank you for your comment.</p>	-
193	Aroland First Nation	<p>3.4.1 Environmental Assessment and Project Management Principles</p> <p>Project management principles speak to "sound scientific, engineering, and planning practices and processes, and on input obtained through consultation activities" but do not speak to Indigenous science and Indigenous knowledge.</p> <p>According to the Canadian Impact Assessment Agency, in its document Let's talk Indigenous Knowledge: Indigenous Knowledge Policy Framework for Proposed Project Reviews and Regulatory Decisions https://www.canada.ca/en/services/environment/conservation/assessments/environmental -</p>	<p>The project management principles included in Section 3.4.1 are a reflection of those included in the MECP document Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario, and therefore has not been edited. However, the Project Team acknowledges that Indigenous Knowledge is a critical component of the EA process and therefore does not preclude Indigenous knowledge as an information source for the EA. Section 8.4 of the ToR highlights the importance of Indigenous knowledge and how MFFN plans to integrate it into the EA. Section 8.4 has been moved and now placed directly following Section 3.4.1 (as Section 3.4.2) to highlight the importance of</p>	ToR Section 3.4.2

ID #	Commenter	Concern	Response	Proposed ToR Section
		<p>reviews/environmental-assessment processes/discussion-paper-developmentindigenous-knowledge- policyframework.html#toc1:</p> <p>“Indigenous knowledge has made, and continues to make, valuable contributions to environmental, regulatory, and other processes across the country. Indigenous knowledge has also been the focus of growing international discourse. In recognition of the unique perspectives and value of Indigenous knowledge, governments across the world have integrated Indigenous knowledge into decision-making. Indigenous knowledge has also been addressed by a number of international agencies, including the United Nations in the United Nations Declaration on the Rights of Indigenous Peoples, which recognizes “that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment. Indigenous knowledge improves [impact assessment] decision-making and strengthens the rigour of project reviews and regulatory decisions. Indigenous knowledge enables [government] organizations to have a more complete understanding of Indigenous world views, Indigenous cultures, the environment, and the social, health and economic conditions of Indigenous peoples. It enhances the understanding of the potential impacts of projects, and its consideration, as demonstrated in past projects, has led to improved project design. Indigenous knowledge can also strengthen mitigation and accommodation measures and conditions of approval to be met by proponents and contribute to more effective long-term monitoring of project impacts on Indigenous peoples, and more broadly.”</p> <p>AFN submits that MFFN should adopt the following additional project management principles:</p> <ul style="list-style-type: none"> – Indigenous knowledge should ultimately be reflected in decision-making in a transparent manner; • Indigenous knowledge, when provided confidentially, should be protected from unauthorized disclosure and inappropriate use; • Indigenous knowledge should be considered on equal footing with western science; and, • Indigenous ways of knowing and cultural context should be reflected in assessments and regulatory processes. 	<p>Indigenous Knowledge in the EA process.</p>	

ID #	Commenter	Concern	Response	Proposed ToR Section
194	Aroland First Nation	<p>3.4.1 Environmental Assessment and Project Management Principles</p> <p>The project management principles include: “Minimize potential harm and enhance benefits to the environment by recommending impact management measures and opportunities to enhance societal benefits.” However, the project management principles do not reference the federal Impact Assessment principle to assess how the project may contribute to the social and economic wellbeing</p> <p>AFN submits that MFFN should align this principle with the federal Impact Assessment principle:</p> <p>“Minimize potential harm, enhance benefits to the environment, and enhance social and economic wellbeing by recommending impact management measures and opportunities to enhance societal benefits with respect to both positive impacts and negative impacts.”</p>	<p>The Project will meet the requirements of both the Ontario Environmental Assessment Act and the federal Impact Assessment Act. However, the ToR is prepared to meet provincial requirements and therefore may not reflect all federal requirements.</p> <p>Section 7.1.2 of the ToR includes the full definition of environment as included in the Environmental Assessment Act. The Ontario Environmental Assessment Act defines the environment to mean in part "the social, economic and cultural conditions that influence the life of humans or a community," which addresses concerns regarding the Project's assessment of its contribution to social and economic wellbeing. Further, the preliminary potential effects listed in Table 7-6 in Section 7.2 of the ToR includes effects on social (includes well-being) and the economy.</p>	<p>ToR Section 7.1.2 and Section 7.2, Table 7-6</p>
195	Aroland First Nation	<p>3.4.1 Environmental Assessment and Project Management Principles</p> <p>The project management principles make no mention of monitoring, follow-up and compliance aspects of the EA. AFN submits that MFFN should include an additional principle:</p> <p>“MFFN will work collaboratively Indigenous peoples and Indigenous communities to enhance monitoring, follow-up, and compliance.”</p>	<p>The project management principles included in Section 3.4.1 are a reflection of those included in the MECP document Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario, and therefore will not be edited.</p> <p>However, MFFN agrees it is important to work collaboratively with Indigenous peoples and Indigenous communities to enhance monitoring, follow-up and compliance, and foresees this as part of the consultation undertaken for the EA. Section 9.2 of the ToR outlines the Projects' environmental monitoring commitments, which includes the follow-up and compliance aspects of the EA, and Table 4-2 of the Consultation Plan includes consultation activities aimed at receiving input on the impact management measures and monitoring measures. The ToR also identifies MFFN's plan that Indigenous knowledge will help determine appropriate impact management measures and monitoring methods (Section 3.4.2).</p> <p>Table 4-2 of the Consultation Plan has been updated to clarify input will be sought on impact management and monitoring.</p>	<p>Appendix B: Consultation Plan, Section 4.1.6</p>

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196	Aroland First Nation	<p>"3.4.1 Environmental Assessment and Project Management Principles"</p> <p>The project management principles make no mention of Gender-based analysis plus (GBA+). According to the Canadian Impact Assessment Agency in its document "Gender- Based Analysis Plus in Impact Assessment" https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/gender-based-analysis-plus-impact-assessment-fact-sheet.html:</p> <p>"Gender-based analysis plus (GBA+) is an analytical framework that asks important questions about how designated projects may affect diverse groups. It considers the potential for disproportionate effects based on sex and gender, as the name suggests, in addition to the potential for disproportionate effects on groups represented by the "+" component of "GBA+", which may include groups identified by age, place of residence, ethnicity, socio-economic status, employment status or disability. GBA+ provides a framework and analytical tools to guide an impact assessment of a project, with the intent of identifying those effects that may disproportionately affect any groups identified in respect of a specific project. It informs decision-making by seeking to answer what is known about possible project impacts and transparently outline to the public and decision makers what is not known."</p> <p>AFN submits that MFFN should include an additional principle: MFFN will apply Gender-based analysis plus (GBA+) to the EA to consider the potential for disproportionate effects based on sex and gender, and including groups identified by age, place of residence, ethnicity, socio-economic status, employment status or disability.</p>	<p>A GBA+ framework will be utilized for the federal Impact Assessment that is also to be completed for the Project to consider gender and other identity factors.</p> <p>The project management principles included in Section 3.4.1 are a reflection of those included in the MECP document Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario, and therefore will not be edited.</p>	-
197	Aroland First Nation	<p>"3.4.1 Environmental Assessment and Project Management Principles"</p> <p>The project management principles make no mention of the precautionary principle is referenced in the Mandate of the federal Impact Assessment Act and will thus apply to this project.</p> <p>AFN submits that MFFN should include the precautionary principle in line with the federal Impact Assessment:</p> <p>"Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation, and as such the EA will clearly describe and document all uncertainties and assumptions underpinning an analysis."</p>	<p>The Project will meet the requirements of both the Ontario Environmental Assessment Act and the federal Impact Assessment Act. However, the ToR was prepared to meet provincial requirements and therefore may not reflect all federal requirements.</p> <p>The project management principles included in Section 3.4.1 are a reflection of those included in the MECP document Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario, and therefore has not be edited.</p> <p>The spirit of the precautionary principle is reflected in the ToR. Specifically that uncertainty in the assessment will be reduced by making conservative assumptions (Section 8). The EA will clearly describe and document all uncertainties and assumptions made in the assessment.</p>	ToR Section 8

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198	Aroland First Nation	<p>4. Purpose of the Study</p> <p>The Project is proposed to provide reliable all- season multi-purpose ground access between MFFN and the provincial highway network.</p> <p>However, the proposed Project with a 100 metre (m) wide ROW cleared to a width of 60 m will also create a new corridor right-of-way which can enable future parallel linear infrastructure such as telecommunication services, electrical transmission line services, and energy transportation pipelines. Potential future parallel linear infrastructure will provide substantial opportunities enhance social and economic well-being (see above comment on principles).</p> <p>AFN submits that the Purpose of the Project be amended:</p> <p>“The Project is proposed to provide reliable all-season multi-purpose ground access between MFFN and the provincial highway network, and establish a corridor right- of-way that will enable future parallel linear infrastructure.”</p>	<p>MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure, such as telecommunication services, electrical transmission line services and energy transportation pipelines as suggested, paralleling the CAR in the future. Although a 100 m wide right-of-way is proposed, the purpose of the Project remains limited to providing "reliable all-season multi-purpose ground access between MFFN and the provincial highway network". Therefore, the Project is not being planned or designed to accommodate for other infrastructure.</p> <p>With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the CAR; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment.</p>	ToR Section 7.2
199	Aroland First Nation	<p>4. Purpose of the Study</p> <p>"AFN has no objections to the Project supporting a multi-purpose road built to meet industrial use specifications, provided that the Project study includes meaningful assessment of opportunities enhance social and economic" well-being (see above comments on potential future parallel linear infrastructure and principles).</p> <p>AFN submits that in order for the Project to support a multi- purpose road built to meet industrial use specifications, it should also explicitly support enable future parallel linear infrastructure and opportunities enhance social and economic well-being made possible by such parallel linear infrastructure.</p>	<p>MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure paralleling the CAR in the future. Although the road is proposed to be built to meet industrial use specifications with 100 m wide right-of-way, the purpose of the Project remains limited to providing "reliable all-season multi- purpose ground access between MFFN and the provincial highway network". The CAR is being developed with the expectation that, should approvals be granted, it would be built regardless of industry and linear development in the region. Therefore, the Project is not being planned or designed to accommodate for other infrastructure.</p> <p>With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the Project; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment, which would consider potential benefits on social and economic well-being.</p>	ToR Section 7.2

ID #	Commenter	Concern	Response	Proposed ToR Section
200	Aroland First Nation	<p>4. Purpose of the Study</p> <p>"MFFN states that the "EA will confirm the preferred route, identify the potential effects of the Project and recommend impact management measures to avoid, eliminate or minimize potential environmental effects.""</p> <p>AFN submits that this statement be amended:</p> <p>"The EA will confirm the preferred route, identify the potential effects of the Project, identify and recommend impact management measures to avoid, eliminate or minimize potential environmental effects, and identify opportunities enhance social and economic well-being."</p>	<p>Section 3.4.1 of the Terms of Reference states that the project management principles of the Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario will be incorporated throughout the environmental assessment (EA). Enhancing societal benefits to the environment is one of these principles. The environment, as defined by the Ontario Environmental Assessment Act and being used for the Project, includes "the social, economic and cultural conditions that influence the life of humans or a community".</p> <p>The preliminary potential effects listed in Table 7-6 of the ToR includes effects on social well-being and the economy. Section 7.2 of the ToR has been updated to clarify that potential effects on the environment includes both positive and negative effects to show that opportunities to enhance societal benefits, including those related to social well-being and the economy, will be part of the EA. The ToR will also be updated to indicate that opportunities to enhance benefits to the environment will be identified when recommending impact management measures in the EA.</p>	ToR Sections 3.4.1 and 7.2
201	Aroland First Nation	<p>5.1 Rationale for the Proposed Undertaking</p> <p>This section makes no mention of MFFN's deficits with respect to low-cost energy services/energy reliability, and telecommunication services – services that could be enabled through parallel linear infrastructure within a 100 m wide ROW cleared to a width of 60 m.</p> <p>AFN submits that MFFN should adjust the Rationale for the Proposed Undertaking to include recognition of the significant deficits experienced by the MFFN with respect to low-cost energy services/energy reliability, and telecommunication services, while also revising the Purpose of the Project as discussed above.</p>	<p>MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure, such as telecommunication services, electrical transmission line services and energy transportation pipelines as suggested, paralleling the CAR in the future. Although a 100 m wide right-of-way is proposed, the purpose of the Project remains limited to providing "reliable all-season multi-purpose ground access between MFFN and the provincial highway network". Therefore, the Project is not being planned or designed to accommodate for other infrastructure.</p> <p>With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the CAR; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment.</p>	ToR Section 7.2

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202	Aroland First Nation	<p>5.2 Description of the Undertaking</p> <p>"MFFN states that options for road ownership, maintenance activities and liability are being considered in discussion with the Province. The existing Painter Lake Road that connects to the proposed undertaking, together with a substantial portion of the southern portions of the proposed undertaking, are within AFN's traditional territory. As such, MFFN should also be discussing options for road ownership maintenance activities and liability in discussion with AFN. MFFN should also be discussing, with AFN, options for accessing crushed rock and granular materials through rock quarries and borrow areas within AFN's traditional territory. As well, MFFN should also" be discussing options, with AFN, for ancillary infrastructure including but not limited to temporary access roads and temporary construction camps within AFN's traditional territory.</p> <p>AFN submits that MFFN should consider options for road ownership, maintenance activities and liability in discussion with AFN, as well as with the Province – and consider tripartite discussions for the same. Similarly, AFN should be discussing, with AFN, options for accessing crushed rock and granular materials through rock quarries and borrow areas within AFN's traditional territory, and options for ancillary infrastructure including but not limited to temporary access roads, temporary construction camps, and staging areas within AFN's traditional territory.</p>	<p>Decisions regarding road ownership, maintenance and liability have not yet been determined. Conversations with the Province are ongoing and updates will be provided as they are available.</p> <p>The Terms of Reference sections 6 and 8 have been updated to clarify that ancillary infrastructure components of the Project, such as aggregate sites will be described and assessed in the EA. As such there will be opportunities to provide input on them at key milestones per Table 4-2 of the Consultation Plan.</p> <p>The design and location of ancillary infrastructure (i.e., temporary infrastructure required for construction) will be informed by consultation with Indigenous communities and Indigenous Knowledge shared.</p>	ToR Section 6 and Section 8
203	Aroland First Nation	<p>"5.2 Description of the Undertaking</p> <p>5.2.1 Project components" Project components are not currently anticipated to include use of the ROW for parallel linear infrastructure.</p> <p>Project components should also include options and opportunities for accommodating future parallel linear infrastructure.</p>	<p>MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure, such as telecommunication services, electrical transmission line services and energy transportation pipelines as suggested, paralleling the CAR in the future. Although a 100 m wide right-of-way is proposed, the purpose of the Project remains limited to providing "reliable all-season multi-purpose ground access between MFFN and the provincial highway network". Therefore, the Project is not being planned or designed to accommodate for other infrastructure.</p> <p>With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the CAR; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment.</p>	ToR Section 7.2

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204	Aroland First Nation	<p>5.2.2 Project Activities</p> <p>MFFN states that “Domestic waste generated during construction will be collected in appropriate on-site containment and disposed of at approved waste facilities. The closest waste management site to the Project is to the immediate southwest of the intersection of Anaconda and Ogaki Road, approximately 11 km northwest of Aroland First Nation.” AFN has significant concerns about negative impacts of additional waste being placed in waste management sites within its traditional territory. MFFN should be aware that the Ministry of Natural Resources is considering closure of landfills it owns and operates in the region, and that the Municipality of Greenstone has initiated an Ontario Environmental Assessment study to review alternative options for municipal solid waste management within the Municipality, the need for which is directly related to the closure of several rural Ministry of Natural Resources-owned landfill sites and the limited remaining lifespan of the existing Geraldton Ward landfill site.</p> <p>MFFN’s EA should consider alternative methods for the disposal of domestic waste generated during construction, and engage in waste disposal discussions with AFN and the Municipality of Greenstone.</p>	<p>MFFN appreciates the information provided and will engage in waste disposal discussions with AFN and the Municipality of Greenstone to understand what waste disposal options will be available to the Project. Should it be necessary, MFFN will engage other municipalities regarding waste disposal options.</p>	ToR Section 9.1.1
205	Aroland First Nation	<p>6.2 Approach to Considering "Alternatives To"</p> <p>The “Do Nothing” alternative should include discussion of economic and social development related to other linear infrastructure that is economically prohibitive without the existence of a primary ROW.</p> <p>AFN submits that MFFN should include discussion of the absence of other linear infrastructure with regard to the “Do Nothing” alternative.</p>	<p>MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. The Project is not being planned or designed to accommodate for other infrastructure. However, MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure, such as telecommunication services, electrical transmission line services and energy transportation pipelines as suggested, paralleling the CAR in the future.</p> <p>With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the CAR; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment.</p>	ToR Section 7.2

ID #	Commenter	Concern	Response	Proposed ToR Section
206	Aroland First Nation	<p>6.2 Approach to Considering "Alternatives To"</p> <p>MFFN notes that it "is possible that a supply road would be constructed from a point along the CAR to the mining claims north of MFFN, including the Ring of Fire. Provincial interest is for one road to be built to serve both community access and industrial supply needs (i.e., multi-functional use); therefore, the proposed CAR may be used by private, "commercial and industrial interests." AFN has significant concerns about a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire. AFN agrees that not proceeding with the Project does not address the problem of unreliable community access to MFFN. AFN does not agree with the statement that the "Do Nothing" alternative eliminates or reduces industrial opportunities and resulting benefits to MFFN and others in the region with respect to access to mining claims north of MFFN and the Ring of Fire.</p> <p>Mineral exploration entities and mining companies are currently accessing claims north of MFFN and the Ring of Fire. Further, AFN would be significantly impacted by a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire. AFN submits that any consideration of an undertaking for a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire be subject to an Provincial environmental assessment and a federal Impact Assessment that includes AFN as a proponent so that AFN can meaningfully assess impacts and benefits, and determine if it is able to provide its consent for such an undertaking.</p> <p>AFN submits that the Do Nothing alternative should be confined to unreliable community access to MFFN: how not proceeding with the Project does not address the problem of unreliable community access to MFFN." Any discussion of a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire must note for the record AFN's concern that its rights and interests would be significantly, permanently and irreversibly impacted by such a supply road, and that consideration by any party, including MFFN or the Province, of an undertaking for such a supply road be subject to a Provincial environmental assessment and a federal Impact Assessment that includes AFN as a proponent so that AFN can meaningfully assess impacts and benefits, and determine if it is able to provide its consent for such an undertaking.</p>	<p>MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. The CAR is being developed with the expectation that, should approvals be granted, it would be built regardless of whether an industrial supply road or development in the Ring of Fire occurs.</p> <p>On March 2, 2020, the Government of Ontario, Marten Falls First Nation and Webequie First Nation announced their agreement to advance planning and development of a proposed Northern Road Link. The proposed Northern Road Link would provide reliable, all-season road access to potential mine sites in the Ring of Fire region. The requirement for an environmental assessment (EA) specific to the proposed Northern Road Link will be confirmed by the joint proponent of MFFN and Webequie First Nation in consultation with the provincial and federal government. This is a new proponent and is separate from the proponent of the CAR Project, where only Marten Falls is the proponent.</p> <p>An EA for the proposed Northern Road Link would be undertaken separately and independently from this Project and would be subject to approvals separate from this Project. The discussion around "a supply road being constructed from a point along the CAR to the mining claims north of MFFN and the Ring of Fire" has been removed from Section 6.2.</p>	ToR Section 6.2

ID #	Commenter	Concern	Response	Proposed ToR Section
207	Aroland First Nation	<p>6.3.1 Identification of Alternative Methods</p> <p>"MFFN references "Feedback received during winter and spring 2019 consultations confirmed that Alternative 2 and Alternative 3 are not considered to be reasonable alternatives for the Project based on the concerns raised by MFFN community members and Chief and Council." Prior to Alternative 2 and Alternative 3 being screened out of the EA as Alternative Methods, MFFN should undertake more extensive consultation with potentially impacted parties, including AFN.</p> <p>MFFN notes in the supporting documentation - Marten Falls First Nation Supporting Document – Draft Alternatives Development Community Access Road, November, 2019 -" that consultation with AFN on "potential routes" consisted of: "A meeting was held with the Aroland First Nation Chief and Council and the community to introduce the Project and ToR process. The community meeting provided an update on the Project, including a look at potential routes and outlining items to be presented in the ToR. Preceding the community meeting was a meeting with Aroland Chief and Council." The Supporting Document makes no mention of any specific input or comments from AFN. This minimal consultation activity is not sufficient to enable AFN to properly assess Alternative Methods for potential routes for the CAR.</p> <p>MFFN should undertake more extensive consultation with AFN on all four route alternatives, including Alternative 2 and Alternative 3, prior to screening them out of the EA as Alternative Methods. This consultation should include AFN Indigenous Knowledge.</p>	<p>During early stages of the EA process, four routes were shared through consultation as potential alternatives that would be reviewed to confirm the reasonable range of alternative methods for assessment and evaluation in the EA. The history and development of alternative routes for the Project provided in the Alternative Development Report describes how the alternative routes for the Project evolved through previously completed studies and the community-led process. A screening of alternative routes was not undertaken as part of the identification of the reasonable range of alternative methods for the EA.</p> <p>MFFN undertook a detailed review of the four routes to identify alternative routes that are considered reasonable for the Project. A reasonable range of alternatives, per the Code of Practice for Preparing and Reviewing of Terms of Reference for Environmental Assessments in Ontario must be appropriate to the proponent doing the study. Through the community-led process it was determined that it is not appropriate to MFFN to construct a CAR that creates a large bridge crossing close to the community or a CAR that may result in industrial traffic through the community. MFFN Chief and Council passed a Band Council Resolution in July 2019 to only consider Alternative 1 and Alternative 4 in the EA process by supporting feedback received from MFFN community as part of the community-led process to advance decisions on the Project.</p> <p>The meeting with Aroland First Nation occurred in May 2019, prior to the signing of the Band Council Resolution. As noted, the meeting included potential routes and not confirmed alternative routes for the EA. The decision to not consider Alternative 2 and Alternative 3 in the EA process was not based on a screening of alternatives but on the community-led process for planning of the Project. MFFN is unable to accommodate Aroland First Nation's request to undertake more extensive consultation on all four potential routes shared in May 2019 because Alternative 2 and Alternative 3 are not considered to be reasonable for the Project.</p>	ToR Section 6.3.1

ID #	Commenter	Concern	Response	Proposed ToR Section
208	Aroland First Nation	<p>6.3.1 Identification of Alternative Methods</p> <p>Alternative methods are limited to two route alternatives. Along with including all four route alternatives as alternative methods, the EA should consider additional alternative methods, including:</p> <ul style="list-style-type: none"> – Alternative methods for enabling the ROW to include future parallel linear infrastructure such as telecommunication services, electrical transmission line services, and energy transportation pipelines – Alternative methods for accessing crushed rock and granular materials through rock quarries and borrow areas – Alternative methods for connecting the CAR to the Ontario provincial highway network – Alternative methods for the disposal of domestic waste generated during construction 	<p>Linear Infrastructure: MFFN is proposing an all-season Community Access Road (CAR) that will connect the MFFN community to the Ontario provincial highway network. MFFN agrees that a potential benefit of the Project is opportunities arising from the possibility of linear infrastructure paralleling the CAR in the future. However, the Project is not being planned or designed to accommodate for other infrastructure because the purpose of the Project remains limited to providing "reliable all-season multi-purpose ground access between MFFN and the provincial highway network". With the exception of the broadband project, MFFN is not aware of any proposals for other linear infrastructure developments in proximity to the CAR; however, if information is publicly available for a reasonably foreseeable project paralleling the CAR, it would be considered in the cumulative effects assessment.</p> <p>Ancillary Infrastructure (i.e., temporary infrastructure required for construction): Sections 6 and 8 of the Terms of Reference (ToR) have been updated to clarify that the alternatives assessment and effects assessment will include temporary infrastructure components of the Project, such as aggregate sites.</p> <p>Provincial Highway Connection: The Project is being developed on the basis of utilizing existing roads as much as possible</p>	ToR Sections 6, 8, and 5.2.2
209	Aroland First Nation	<p>7.1.1 Study Area</p> <p>The Study Area does not allow for assessment of alternative methods of connecting the CAR to the Ontario provincial highway network. The draft ToR does not consider the feasibility of connecting the CAR to the provincial highway network at Painter Lake, or the feasibility of other locations and approaches to connecting the CAR to the provincial highway network.</p> <p>AFN submits that the Study Area should be enlarged to enable consideration of alternative methods of connecting the CAR to the Ontario provincial highway network.</p>	<p>The Project is being developed on the basis of utilizing existing roads as much as possible to minimize Project footprint environmental effects. The Painter Lake/Anaconda Road system provides the closest all-season road connection point to the provincial highway network. We are aware that Aroland First Nation is undertaking their own study to determine what upgrades may be required to the Painter Lake/Anaconda Roads to accommodate the use of these roads for construction of and access to the CAR. If Aroland First Nation feels that more substantial upgrades and/or new alignment sections are required to address community concerns then we encourage your community to discuss this with the Province.</p>	-
210	Aroland First Nation	<p>"7.1.2 Environmental Features"</p> <p>Table 7-1 "Environmental Disciplines to be Considered during the Environmental Assessment" does not include gender-based analysis plus (GBA+)</p> <p>AFN submits that Table 7-1 should include gender-based analysis plus (GBA+)</p>	<p>A GBA+ framework will be utilized for the federal Impact Assessment that is also to be completed for the Project to consider gender and other identity factors.</p>	-

ID #	Commenter	Concern	Response	Proposed ToR Section
211	Aroland First Nation	<p>"7.1.4 Description of the Existing Environment 8.4 Incorporation of Indigenous Knowledge in Environmental Assessment"</p> <p>MFFN is aware that AFN is seeking an agreement with MFFN that includes sharing Indigenous Knowledge. Once this agreement is executed, the MFFN and AFN will be able to share Indigenous Knowledge while respecting rights and interests.</p> <p>Given AFN's unique location in relation to the Project, including a substantial area of traditional territory that will be overprinted by the Project, and connections to the Anaconda and Painter Lake roads that are wholly within AFN's traditional territory, AFN submits that the assessment and evaluation of effects of alternative methods should not commence until AFN's Indigenous Knowledge is available following execution of an agreement with MFFN that includes sharing Indigenous Knowledge and sufficient time and resources are available for AFN to meaningfully and effectively collect Indigenous Knowledge specific to those alternative methods. The ToR should explicitly acknowledge that AFN's Indigenous Knowledge should be available to inform:</p> <ul style="list-style-type: none"> – selection of sensitive receptors – selection of valued components (VCs) – selection of criteria and indicators to be used to assess and evaluate net effects – assessment of alternative methods – assessment of the potential effects of the Project, including effects on traditional and cultural uses and the subsequent potential effect on spirituality and health – EA outcomes and accommodations for collaborative Indigenous stewardship that allows for a more inclusive and holistic approach to environmental management and monitoring – appropriate impact management measures, including site-specific measure for sensitive areas, including avoidance where possible so the CAR can be designed, constructed and operated in a manner that meets the needs of AFN land users and harvesters who use and have in-depth knowledge of the land – impact management strategies that include opportunities to support, retain and enhance Indigenous Knowledge during planning, construction, and operation of the CAR – environmental commitments – environmental monitoring – follow-up programs 	<p>The Project Team has been in communication with Aroland First Nation regarding the Sharing Agreement. The Project Team looks forward to receiving the next round of edits of the Sharing Agreement from Aroland First Nation. The Project Team will continue to collaborate with Aroland First Nation to finalize the Sharing Agreement and to solicit and utilize Aroland's Indigenous Knowledge as outlined in the terms of the Indigenous Knowledge Sharing agreement. <i>Section 3.4.2 - Incorporation of Indigenous Knowledge in the EA</i> outlines the approach to working with potentially affected Indigenous Communities, including Aroland First Nation, to inform and confirm the proposed criteria and indicators, inform the existing environment conditions, identify and predict potential effects, and help determine appropriate impact management measures and monitoring methods.</p>	ToR Section 3.4.2

ID #	Commenter	Concern	Response	Proposed ToR Section
212	Aroland First Nation	<p>7.1.4 Description of the Existing Environment</p> <p>The description of the existing environment does not include an expanded Study Area inclusive of alternative methods of connecting the CAR to the Ontario provincial highway network.</p> <p>AFN submits that the description of the existing environment be enlarged to include an expanded Study Area inclusive of alternative methods of connecting the CAR to the Ontario provincial highway network.</p>	<p>The Project is being developed on the basis of utilizing existing roads as much as possible to minimize Project footprint environmental effects. The Painter Lake / Anaconda Road system provides the closest all-season road connection point to the provincial highway network. We are aware that Aroland First Nation is undertaking their own study to determine what upgrades may be required to the Painter Lake / Anaconda Roads to accommodate the use of these roads for construction of and access to the CAR. If Aroland First Nation feels that more substantial upgrades and / or new alignment sections are required to address community concerns then we encourage your community to discuss this with the Province.</p>	-
213	Aroland First Nation	<p>"7.1.4 Description of the Existing Environment 8.4 Incorporation of Indigenous Knowledge in Environmental Assessment"</p> <p>The determination of sensitive receptors should be informed by AFN Indigenous Knowledge.</p> <p>AFN submits that the determination of sensitive receptors should be informed by AFN Indigenous Knowledge.</p>	<p>The Project Team looks forward to receiving Aroland First Nation's Indigenous Knowledge to help determine sensitive receptors.</p>	-
214	Aroland First Nation	<p>7.2.5 Groundwater</p> <p>Construction activities, and the operation of the CAR, may have impacts on spring water sources that have benefits to Indigenous peoples, and may have spiritual value.</p> <p>AFN submits that the potential effects on groundwater should include impacts on spring water sources that may have benefits to Indigenous peoples and may have spiritual value.</p>	<p>The EA will consider potential impacts on spring water sources that may have benefit to Indigenous peoples and may have spiritual value.</p>	ToR Section 7.2.1
215	Aroland First Nation	<p>7.2.6 Vegetation</p> <p>Potential effects to vegetation and ecological communities during the operation of CAR may include spread of invasive species due to increased recreational use and vehicle traffic, which can have subsequent effects on wildlife and wildlife habitat.</p> <p>AFN submits that the potential effects on vegetation during operation of the CAR should include the potential spread of invasive species due to recreational use and vehicle traffic during operation.</p>	<p>Invasive species are considered in the ToR in Section 7.2.7, Section 7.2.8, and Section 7.2.9. In the EA, effects from invasive species will be considered for vegetation as well as for other disciplines (e.g., Vegetation and Fish and Fish Habitat).</p>	ToR Sections 7.2.7, 7.2.8 and 7.2.9
216	Aroland First Nation	<p>7.2.7 Wildlife</p> <p>Potential effects to wildlife may include increased predation, and ease of targeting by hunters, during operation of the CAR due to significantly increased sight-lines along linear corridors.</p> <p>AFN submits that the potential effects on wildlife should include increased predation, and ease of targeting by hunters, during operation of the CAR due to significantly increased sight-lines along linear corridors.</p>	<p>The potential effect of increased pressure on wildlife populations from recreational and traditional resource use will be assessed in the EA.</p> <p>The potential effect of increased predation on wildlife populations, including species at risk, will be considered in the EA.</p>	ToR Section 7.2.8

Aroland First Nation Comments Received / Responses on the Draft ToR

ID #	Commenter	Concern	Response	Proposed ToR Section
217	Aroland First Nation	<p>7.2.7 Wildlife</p> <p>Potential effects to wildlife during the operation of the CAR and construction may include an increase in human-wildlife conflict through introduction of trash/litter to the landscape and potential feeding of wildlife. Potential effects to wildlife during operation of the CAR may include reduction in habitat quality due to increased lights and noise associated with increased recreational use and vehicle traffic.</p> <p>AFFN submits that the potential effects on wildlife during both the construction and operation of the CAR should include increase in human-wildlife conflict due to the introduction of trash/litter to the landscape and potential feeding of wildlife. AFFN submits that the potential effect on wildlife during the operation of the CAR include reduction in habitat quality due to increased lights and noise associated with increased recreational use and vehicle activity.</p>	<p>Indirect effects to wildlife during the construction, maintenance and operation of the CAR, including effects from light, noise, human activity, vehicle collisions, recreational and traditional resource use, will be considered in the EA.</p> <p>Proper waste management during construction and potential impact management measures during construction, such as periodic cleaning of the ROW during operation, will be identified in the EA.</p>	ToR Section 7.2.8
218	Aroland First Nation	<p>7.2.8 Fish and Fish Habitat</p> <p>MFFN has not consulted with AFN regarding the location of access road watercourse crossings.</p> <p>In conjunction with assessing alternative methods, MFFN should ensure that AFN is consulted on all watercourse locations for either alternative to make sure culturally sensitive or important locations are not impacted by bridge or culvert construction.</p>	<p>The Project is in the early phases of Project planning and detailed design has not commenced. The MFFN Project Team will consult with potentially affected Indigenous communities on watercourse crossings. The MFFN Project Team has initiated an Indigenous Knowledge Program to assist with collecting and utilizing important Indigenous Knowledge in Project planning, routing and design. It is anticipated that information brought forward through the Indigenous Knowledge Program will help to inform the planning and design of watercourse crossings.</p>	-
219	Aroland First Nation	<p>7.2.8 Fish and Fish Habitat</p> <p>The text in this section uses outdated regulatory language (i.e., CRA fisheries) with respect to the Fisheries Act.</p> <p>MFFN must revise the text to reflect the amended Fisheries Act (i.e., HADD) and ensure that fish habitat in the Study Area is classified and documented accordingly.</p>	<p>Section 7.2.9 (previously Section 7.2.8) has been revised to reflect the recent changes to the Fisheries Act.</p>	ToR Section 7.2.9
220	Aroland First Nation	<p>7.2.8 Fish and Fish Habitat</p> <p>MFFN lists approximately 20 fish species, including the species “targeted by communities inhabiting the region and by local and fly-in charter angling and hunter tourist outfitters.” It is not clear this included AFN.</p> <p>MFFN must identify and include species of importance to AFN and ensure they are afforded a level of high significance and prioritized in the assessment.</p>	<p>The fish species listed in the Draft ToR include those known or suspected to occur within the Project Area, and was based on information obtained from various sources, including Indigenous Knowledge collected for the purposes of this project.</p> <p>The MFFN Project team respectfully requests information from Aroland First Nation regarding species of importance. <i>Section 3.4.2 - Incorporation of Indigenous Knowledge and Indigenous Land and Resources Use</i> in the EA outlines the approach to working with potentially affected Indigenous Communities, including Aroland First Nation, to inform and confirm the proposed criteria and indicators, inform the existing baseline conditions, identify and predict potential effects, and help determine appropriate impact management measures and monitoring methods.</p>	ToR Section 3.4.2

ID #	Commenter	Concern	Response	Proposed ToR Section
221	Aroland First Nation	<p>7.2.8 Fish and Fish Habitat</p> <p>MFFN indicates that “As a result of the broad scale, the field program will involve both an aerial and ground-based survey approach to characterize existing baseline conditions at waterbody crossings within the study area.” The description does not mention which season the field program will occur and whether AFN will be involved in the data collection.</p> <p>MFFN must first complete an early spring rapid-assessment survey to document flow conditions and the potential for seasonal fish habitat in conjunction with assessing alternative methods. In addition, MFFN must follow up in the summer to confirm permanent fish habitat and sample those locations in consultation and assistance by AFN community members.</p>	<p>ToR section 9.1.1 includes a commitment to prepare work plans at the onset of the environmental assessment, including an opportunity for technical review by applicable agencies. Indigenous communities will be notified of future field surveys based on the work plans, and any opportunities for participation, in advance of field program commencement.</p>	ToR Section 9.1.1
222	Aroland First Nation	<p>7.2.8 Fish and Fish Habitat</p> <p>MFFN states that “the ground-based field surveys will be used to obtain site-specific field data at a subset of waterbody crossings to verify or augment the results and assumptions from the desktop analysis.” This approach introduces the potential for information gaps and missed constraints and opportunities due to fish and fish habitat.</p> <p>After a thorough desktop analysis and Indigenous consultation is complete, MFFN should conduct rapid assessment surveys in the spring to fine-tune the location and number of watercourse crossings containing fish habitat. The MTO Environmental Guide for Fish and Fish Habitat should then be used to document habitat conditions at each crossing confirmed or highly likely to provide fish habitat. Spring and fall sampling should be completed where no recent fisheries information is available.</p>	<p>ToR section 9.1.1 includes a commitment to prepare work plans at the onset of the environmental assessment, including an opportunity for technical review by applicable agencies. The EA will identify the field studies conducted in support of this EA.</p>	ToR Section 9.1.1
223	Aroland First Nation	<p>7.2.10 Indigenous Knowledge and Land Use</p> <p>AFN continues to undertake Community Based Land Use Plan (CBLUP) activities and is working to finalize its CBLUP.</p> <p>For the record, AFN continues to undertake CBLUP activities and is working to finalize its CBLUP as initiated under the Far North Act.</p>	<p>We appreciate you providing a status of the CBLUP activities currently underway by Aroland First Nation.</p>	-
224	Aroland First Nation	<p>"7.2.11 Socio- Economic and Built Environment 8.3 Assess and Evaluate Net Effects"</p> <p>AFN expects significant potential impacts from the CAR if the CAR connects to the Ontario provincial highway network at Painter Lake. Traffic to and from the CAR will pass directly by Aroland First Nation’s reserve community, and through a significant portion of Aroland’s traditional territory. The potential direct changes and</p>	<p>MFFN looks forward to engaging with AFN and receiving input on potential negative and positive effects of the Project on AFN to inform the assessment and evaluation of net effects in the ToR. As outlined in Table 4-2 of Appendix B, the EA Consultation Plan, MFFN plans to consult with Indigenous communities throughout the EA process to receive targeted input on such items as evaluation criteria and potential effects.</p>	Appendix A: Criteria and Indicators for Alternatives Evaluation

ID #	Commenter	Concern	Response	Proposed ToR Section
		<p>impacts that may be experienced by Aroland First Nation are not described in this section of the ToR. The exploration of these potential changes should be part of MFFN's consultation plan with AFN.</p> <p>AFN submits that many of the effects of the Project, if the if the CAR connects to the Ontario provincial highway network at Painter Lake, driving traffic to and from a road that bisects and runs adjacent to AFN's reserve, will result in direct effects on AFN community members, and AFN rights and interests. This perspective should inform the assessment and evaluation of net effects in the ToR.</p> <p>AFN submits that potential impacts form the CAR, if the CAR connects to the Ontario provincial highway network at Painter Lake, be subject to specific consultation activities with AFN to include, but not be limited to, potential negative and positive effects on AFN:</p> <ul style="list-style-type: none"> -traffic -access to AFN's traditional territory -strain on public safety services -changes to population -changes to hunting/harvesting -changes to diet -effects on human health -changes to protected area lands -changes to recreation and commercial land uses -changes to access and use of traditional teaching sites -changes to industry and resource extraction activities such as mining, aggregate, forestry, linear infrastructure and energy projects -changes to the regional economy -changes to the local economy -changes to the cost of living in the community -changes to regional access to education, training, recreation, and health services 	<p>MFFN appreciates the input on potential negative and positive effects of the Project and confirms that potential effects listed will be considered in the EA. For clarification, in the list below the Environmental Discipline and criteria included in Appendix A that align with the effect AFN noted has been provided.</p> <p><u>Social Discipline</u></p> <ul style="list-style-type: none"> -traffic: considered under Transportation criteria -strain on public safety services: Community Services and Infrastructure criteria -changes to population: Populations and Demographics criteria -changes to regional access to education, training, recreation, and health services: Community Services and infrastructure criteria <p><u>Human Health and Community Safety</u></p> <ul style="list-style-type: none"> -changes to diet: Diet criteria -effects on human health: all criteria under the Human Health and Community Safety discipline <u>Indigenous Rights and Interests Discipline</u> -access to AFN's traditional territory: Ability to Exercise Aboriginal and Treaty Rights -changes to hunting/harvesting: Ability to Exercise Aboriginal and Treaty Rights -changes to access and use of traditional teaching sites: Availability and Access to Sites and Areas for Cultural Practices <u>Land and Resource Use Discipline</u> -changes to protected area lands: Parks and Protected Areas criteria -changes to industry and resource extraction activities such as mining, aggregate: Extractive Industry criteria -changes to industry and resource extraction activities such as forestry: Forestry Industry criteria - changes to industry and resource extraction activities such as linear infrastructure and energy projects: Energy and Linear Infrastructure criteria <p><u>Recreation and Tourism Discipline</u></p> <ul style="list-style-type: none"> -changes to recreation and commercial land uses: Recreation and Tourism criteria <u>Economy Discipline</u> -changes to the regional economy: Regional Economy criteria -changes to the local economy: Regional Economy criteria -changes to the cost of living in the community: Regional Economy criteria 	

ID #	Commenter	Concern	Response	Proposed ToR Section
225	Aroland First Nation	<p>7.2.12 Cultural Heritage Resources</p> <p>AFN expects specific and confidential consultation on cultural heritage resources informed by AFN Indigenous Knowledge. AFN submits that identification of AFN cultural heritage resources be informed by AFN Indigenous Knowledge and specific and confidential consultation activities.</p>	<p>An Indigenous Knowledge Program has been initiated for the Project and will consider Aroland First Nation's Indigenous Knowledge in the EA. Information on cultural heritage resources will be kept in confidence as per an Indigenous Sharing Agreement. The Cultural Heritage Resources team will engage and consult with Aroland First Nation to better understand cultural heritage resources within the study area of the Project.</p>	ToR Section 3.4.2.1
226	Aroland First Nation	<p>8.2 Proposed Criteria and Indicators</p> <p>Invasive species could provide an indicator of the status of the Wetland Ecosystems, Upland Ecosystems, Designated Areas and Critical landform / Vegetation Associations. Size in concert with distribution could provide a more fulsome indicator of the status of the Wetland Ecosystems, Upland Ecosystems, Designated Areas and Critical landform / Vegetation Associations.</p> <p>Direct (e.g. vehicle collisions) and indirect (e.g. population isolation) impacts of the project on SAR wildlife should be considered an indicator. Indigenous Knowledge could provide further information on the indicators for moose and caribou. Indigenous Knowledge could provide further information on the species of fish to be considered. AFN expects this project will impacts its communities' rights and interests; as such, AFN requires a detailed Indigenous Knowledge Land Use and Occupancy Study, Socio- Economic and Built Environment Impact Assessment, and Cultural Heritage Resource assessments to adequately assess how AFN may be affected and determine mitigation/accommodation measures.</p> <p>For groundwater indicators, include spring water sources</p> <p>For vegetation, include presence of invasive species in each category</p> <p>For vegetation, expand on the "Distribution" "indicator to Distribution and Size For wildlife include, direct and indirect impacts of the project on wildlife SAR For ungulates, include Indigenous Knowledge</p> <p>For fish and fish habitat, ensure fish species important to Indigenous communities are included</p> <p>For Indigenous Knowledge and Land use - Traditional Use of Land and Resources and Aboriginal and Treaty Rights, in addition to what is listed in the Draft ToR, include:</p> <ul style="list-style-type: none"> o Number and value of fish spawning o Number and value of mammal habitat o Number and value of mammal migration o Number and value of bird habitat o Number and value of bird migration stopovers 	<p>MFFN appreciates Aroland First Nation's input on the potential indicators to be included in the EA. Many if not most of the suggested indicators were included in the list of criteria and indicators, as outlined in Appendix A of the Draft ToR. Please note that Appendix A has been revised to include Indigenous Knowledge as data source for ungulates. Please also note that many of the suggested indicators Aroland First Nation has provided for Indigenous Knowledge and Land Use are captured in other discipline areas (e.g., wildlife, vegetation).</p> <p>In addition, as noted in Section 3.4.2.1 of the ToR, an Indigenous Knowledge Program has been initiated for the Project, which will include Project-specific Indigenous Knowledge Studies (which include Indigenous land and resource use).</p> <p>Information collected and shared with MFFN through this program will be used to inform criteria and indicators, as well as identify specific features and species of value to Indigenous communities including Aroland Frist Nation.</p>	ToR Section 3.2.4.1, Appendix A: Criteria and Indicators for Alternatives Evaluation,

ID #	Commenter	Concern	Response	Proposed ToR Section
		<ul style="list-style-type: none"> o Number and value of reptile/amphibian habitat o Number and value of plant habitat o Number and value of mineral licks o Number and value of species at risk o Number and value of spring water sources valued by Indigenous people o Number and value of boat launches o Number and value of commercial harvesting locations o Number and value of historical village/archaeological locations o Number and value of historic trails locations o Number and value of changes noticed to the environment o Number and value of teaching sites valued by Indigenous people for transferring knowledge between generations o Number and value of meeting sites valued by Indigenous people for cultural, recreational and social purposes <p>For all Human Health criteria include information available from First Nation governments</p> <p>For Human Health – Diet, include a specific country foods study undertaken in collaboration with AFN For Cultural Heritage landscapes, include data from provincial and federal databases</p> <p>For archaeological resources:</p> <ul style="list-style-type: none"> o Include an investigation of historic shorelines o Include an investigation of pictographs and petroglyphs o Include an investigation of all sites identified as indicating archaeological potential as identified in the Standards and Guidelines for Consultant Archaeologists (2011) o Do not use the alternative standards and guidelines for assessing archaeology in Northern Ontario. Because less is known about the archaeology of the north, additional rigor should be undertaken, not less – the regular Standards and Guidelines for Consultant Archaeologists (2011) should be employed for this project. 		
227	Aroland First Nation	<p>"8.4 Incorporation of Indigenous Knowledge in Environmental Assessment"</p> <p>Section 8.4 should be revised to incorporate the above comments and AFN submissions. Section 8.4 should be revised to incorporate the above comments and AFN submissions.</p>	<p>MFFN has responded to all AFN comments and incorporated edits throughout the document as indicated in the comment responses. Edits were not limited to Section 8.4 (now Section 3.4.2).</p>	ToR and Appendices

ID #	Commenter	Concern	Response	Proposed ToR Section
228	Aroland First Nation	<p>9.1 Environmental Commitments</p> <p>For the Project to proceed through AFN's traditional territory, AFN will need to provide its consent.</p> <p>Section 9.1 should include reference to environmental commitments and accommodations developed between MFFN and AFN should AFN provide its consent for the Project to proceed.</p>	<p>MFFN is the proponent for this Project and is directing the EA decision-making process but commits to full engagement and consultation with all interested communities, including Aroland First Nation, to support the environmental, social and economic sustainability of the Project.</p> <p>Where appropriate, questions, comments and concerns received on the Project have been incorporated into the applicable sections of the ToR. All comments received and responses to each are included in the Record of Consultation (Appendix C). Appendix C also identifies where within the ToR each comment has been addressed. Where questions, comments or concerns could not be addressed within the ToR, a commitment for the EA has been made. These commitments are listed in Section 9.1.1 of the ToR.</p>	ToR Section 9.1
229	Aroland First Nation	<p>9.2 Environmental Monitoring</p> <p>For the Project to proceed through AFN's traditional territory, AFN will need to provide its consent.</p> <p>Section 9.2 should include reference to environmental monitoring commitments and accommodations developed between MFFN and AFN should AFN provide its consent for the Project to proceed.</p>	<p>MFFN agrees it is important to work collaboratively with Indigenous peoples and Indigenous communities to identify environmental monitoring commitments, and foresees this as part of the consultation undertaken for the EA. Section 9.2 of the ToR outlines the Project's environmental monitoring commitments and Table 4-2 of the Consultation Plan includes consultation activities aimed at receiving input on impact management measures and monitoring measures. The ToR also identifies MFFN's plan that Indigenous knowledge will help determine appropriate impact management measures and monitoring methods (Section 3.4.2). No change is proposed to the ToR as the commitment to identify environmental monitoring commitments with Indigenous communities is captured in the documentation.</p>	ToR Sections 3.4.2 and 9.2, Appendix B: Consultation Plan
230	Aroland First Nation	<p>10.1 Principles of Consultation</p> <p>AFN accepts and acknowledges the Guiding Principles for Project-related consultation activities described in Figure 10-1 – Guiding Principles.</p> <p>AFN commends MFFN on the adoption of the Guiding Principles for Project-related consultation activities described in Figure 10-1 – Guiding Principles.</p> <p>Given the significant impacts the Project may have on AFN, AFN encourages MFFN to develop a methodology for recording consultation activities with AFN, documenting comments and inputs with AFN, and verifying together with AFN the application of the Guiding Principles the Nishnawbe Aski Nation's Consultation Policy, and opportunities for input described in section 10.1, to this consultation.</p> <p>AFN further submits that a joint statement of adherence, agreed to</p>	<p>The MFFN Project Team is recording/documenting all input received, providing responses where applicable and then circulating the record to Aroland First Nation for review and their confirmation. This commitment is included in Section 11.9 of the Proposed ToR.</p>	ToR Section 11.9

Aroland First Nation Comments Received / Responses on the Draft ToR

ID #	Commenter	Concern	Response	Proposed ToR Section
		by AFN and MFFN, be included in the ToR as a consultation deliverable that will be appended to the EA.		
231	Aroland First Nation	<p>10.2.2 Indigenous Communities Engagement MFFN notes that “The Province of Ontario (MECP and ENDM) and MFFN are entering into an agreement through a Memorandum of Understanding (MOU) to share responsibility of the procedural aspects of Ontario’s Duty to Consult, in the context of the EA for the Project. This MOU will define the roles and responsibilities of both parties in regard to the engagement of interested Indigenous communities. The roles and responsibilities of Marten Falls agreed to in the MOU will be included in the Proposed ToR, if the MOU is finalized at that time.”</p> <p>AFN submits that the ToR should include consultation from both MFFN and the Province of Ontario, with AFN, on the MOU for sharing responsibility of the procedural aspects of Ontario’s Duty to Consult from MFFN and the Province of Ontario.</p>	<p>The MOU between the Province and Marten Falls has been signed. No consultation on the content of the MOU is being undertaken or required as this is an agreement between the Province and Marten Falls. Aroland First Nation is encouraged to speak to the Province should the community have questions regarding Ontario’s duty to consult with First Nations.</p>	ToR Section 11.2
232	Aroland First Nation	<p>10.2.2 Indigenous Communities Engagement</p> <p>The consultation record for the draft ToR does not include a record of comments from First Nations, and does not include traceable information on how those comments impacted the draft ToR.</p> <p>MFFN should provide a detailed record of consultation leading up to the draft ToR, including consultation on alternative methods regarding routes, and provide traceable information on how those comments impacted the draft ToR.</p>	<p>The MFFN Project Team will consider how to best document and summarize information received through consultation in a comprehensive and clear way. Input that can be shared publicly will be contained as part of the Record of Consultation for the Proposed ToR.</p>	ToR Section 10.2
233	Aroland First Nation	<p>Table 10-3: Consultation with Neighbouring Indigenous Communities</p> <p>MFFN asserts that AFN attendees at the May 23, 2019 with Aroland First Nation Chief and Council and community said that “the community expressed support for the MFFN CAR”. For the record, AFN Chief and Council has not expressed formal support for the CAR, and any statements to that effect from specific Aroland community members at the May 23, 2019 engagement are not to be considered official statements from Aroland First Nation or its leadership.</p> <p>Aroland Chief and Council expressed concern that MFFN and the Province of Ontario are having discussions regarding a supply road would be constructed from a point along the CAR to the mining claims north of MFFN, including the Ring of Fire, that AFN is not being included in these discussions, and that AFN must be included in these discussions given the significant impacts on AFN that would follow such a project.</p> <p>Please revise table 10-3 accordingly.</p>	<p>Table 10-3 of the ToR and the Supporting Document has been edited to indicate that although some community members expressed support for the Project, no formal support from Chief and Council was expressed. The other concerns mentioned in the comment have also been added to the documentation.</p> <p>On March 2, 2020, the Government of Ontario, Marten Falls First Nation and Webequie First Nation announced their agreement to advance planning and development of a proposed Northern Road Link. The proposed Northern Road Link would provide reliable, all-season road access to potential mine sites in the Ring of Fire region. Consultation specific to the proposed Northern Road Link is outside the scope of what MFFN is responsible for responding to as the proponent for the Community Access Road Project.</p>	ToR Section 7.2, Section 10.2.2.2, Supporting Document

ID #	Commenter	Concern	Response	Proposed ToR Section
234	Aroland First Nation	<p>"10.2.4 Government Agencies 11.4 Government Agencies 11.4.1 Government Review Team" First Nations are governments. The heading for sections 10.2.4, 11.4 and 11.4.1 should be revised as "Crown Government Agencies" or "Federal, Provincial and Municipal Government Agencies"</p>	<p>The headings of Sections 10.2.4 and 11.4 have been updated accordingly.</p>	<p>ToR Sections 10.2.4 and 11.4</p>
235	Aroland First Nation	<p>11. Consultation Plan for the Environmental Assessment See above comments on consultation with AFN, Indigenous Knowledge, CBLUP, and consent. AFN and MFFN have agreed to develop and execute a binding agreement that will include reference to consultation with AFN, Indigenous Knowledge, and consent with respect to the Project. The ToR should acknowledge that consultation with AFN, including Indigenous Knowledge, CBLUP, and approaches to consent will be included in a binding agreement between AFN and MFFN.</p>	<p>The Project Team has been in communication with Aroland First Nation regarding the Sharing Agreement. The Project Team looks forward to receiving the next round of edits of the Sharing Agreement from Aroland First Nation. The Project Team will continue to collaborate with Aroland First Nation to finalize the Sharing Agreement and to solicit and utilize Aroland's Indigenous Knowledge as outlined in the terms of the Indigenous Knowledge Sharing agreement. <i>Section 3.4.2 - Incorporation of Indigenous Knowledge in the EA</i> outlines the approach to working with potentially affected Indigenous Communities, including Aroland First Nation, to inform and confirm the proposed criteria and indicators, inform the existing environment conditions, identify and predict potential effects, and help determine appropriate impact management measures and monitoring methods.</p>	<p>ToR Section 3.4.2</p>
236	Aroland First Nation	<p>11.5 Consultation Activities During the EA AFN supports the milestone-based approach to guiding the timing and focus of consultation and engagement efforts, however, with respect to comments provided above regarding alternative methods, the following milestones will need revision: Evaluation of routing alternatives; Identification of preferred alternative; AFN submits that the following milestones: Evaluation of routing alternatives; Identification of preferred alternative be revised as: Evaluation of alternative methods Identification of preferred alternatives</p>	<p>The key milestones for consultation during the EA have been modified from the Draft Terms of Reference. The milestones related to this comment are now "Effects Assessment Methods" and "Identification of Preferred Alternatives". The alternatives assessment and effects assessment will include temporary infrastructure components.</p>	<p>ToR Sections 8 and 11.6</p>



Marten Falls Community Access Road

Meeting with Geraldton Area Natural Resources Advisory Committee (GANRAC)

May 22, 2019

Overview of Consultation Activity: Summary Report

Timing & Location

Date: May 22, 2019 (6:00 pm to 7:00 pm)

Location: Community Forest - Geraldton, Ontario

Attendees:

Geraldton Area Natural Resources Advisory
Committee (GANRAC) Members
Paul McInnis – ENDM, Indigenous Liaison

Bob Baxter - MFFN Community Member Advisor
Don McKinnon – Consultation / EA Lead
Adam Wright – Consultation / EA

This Summary Report has been prepared to provide Marten Falls First Nation and other relevant parties with a snapshot of the feedback captured at the GANRAC meeting held on May 22, 2019.

Introduction / Purpose

Bob Baxter introduced the presentation and indicated MFFN interest in the project. Presentation provided by the Project team followed by a Q&A session. After presentation, prior to Q&A, Bob provided more background, the requirements for the road, how communities and the general public could benefit from the new proposed road. Bob shared that the struggles faced by MFFN a remote FN is very similar to what Longlac, Geraldton and Nakina has faced through history with the ups and downs of the natural resource sector. He explained that by uniting together and helping one another it would make a stronger region, area and place where everyone youth will want to stay and grow their families.

Approximately **20 individuals** attended the meeting with the following representation: MNRF, General Public, Greenstone Metis, Bear Management & Baitfish, Trapping, Forest Industry, Management (Company reps, NEDAK reps, Pulp & Sawmill reps), Mining (Greenstone Gold), Fishing and Hunting Interest, Naturalist, Municipality of Greenstone, Crown Land Use Recreation, Remote Tourism, Chamber of Commerce, Road Access Tourism and Cottaging.





Highlights of Participant Feedback

- GANRAC thanked MFFN for making the effort to come and talk directly to the group
- GANRAC will be sharing its membership list with MFFN Project team (Adam, Dillon) so further discussions can occur one-on-one.
- GANRAC indicated they are very supportive of the project, look forward to future updates and if they can assist moving forward the MFFN should reach out and they can assist as required.
- One-on-One feedback after, members mentioned how impressed they were with the presentations, impressed with all the work that has gone into the project already by Councillor Baxter and other MFFN members and that MFFN even considered reaching out to GANRAC since most projects rarely do.

Questions Raised:

- Fishing/Hunting rep asked if the road would be open for the public more within the context of being able to hunt and fish in the area or would the road be closed, similar to the Ogoki Forest Road that only allows use by First Nations (Hunting-Fishing) and industrial access?
 - Dillon-MFFN asked that ENDM (Paul) assist with response. Paul indicated that currently there is an access control in place, under the Public Lands Act at Terrier Lake Road which limited access to the area beyond that point from early May to late October but the MNRF Forester present could provide more detail. Paul also noted that as part of the EA process and other discussion, items related to access control, ownership, road use were being discussed and considered and input from the public would be beneficial to the discussion.
- General Public Rep (retired MNRF Biologist) asked about the rail proposal, how that fits into the project and whether it is being considered.
 - Project Team indicated that as mentioned in the presentation, the EA is currently focused on the Community Access Road however MFFN is interested and doing studies on routing options that extend to the Ring of Fire.
 - ENDM (Paul) was then asked to provide a response. Paul indicated that to the best of his knowledge Ontario currently has not received any formal proposal for a proposed rail option. Indicated that different companies, organizations and groups can suggest different concepts/ideas but a proposal needs to be shared and/or provided.

Potential Action Items

- Follow up with GANRAC to get membership contact list and
 - Add these contacts to the Project Contact list.
- Send follow up information as Project progresses. Determine potential for a future meeting as the EA progresses.





Marten Falls First Nation Community Access Road Meeting with Webequie First Nation August 7, 2019

Date: August 7, 2019

(10:00 am to 12:00 pm – Chief and Council Meeting; 12:00 pm – 2:30 pm – Community Open House)

Location: Eabametoong First Nation (EFN)

The following documents the meetings held with Marten Falls First Nation (MFFN) and EFN community members at the EFN Community Open House.

Introduction / Purpose

The purpose of the EFN meeting was to introduce the Community Access Road, gather comments, ideas, input and community values related to the Community Access Road and present next steps and future engagement activities. The presentation content included an outline of the Environmental Assessment (EA) and Terms of Reference (ToR) process and communicated the viability of the two (2) Eastern corridors. Through this meeting, MFFN and the Project Team also aimed to identify EFN's interests in the project and to work toward a mutually beneficial agreement.

Community Open House

Following a meeting with Chief and Council, a meeting with the EFN community took place. Advance notification of the meeting was provided to the community.

Chief Harvey delivered opening remarks and introduced the project and the Project Team. Chief Bruce then explained why the Project Team was there and what they aimed to cover through the community meeting. He noted that for future meetings, the Project Team would move forward with a relationship agreement so that MFFN works together with neighbouring First Nation communities, especially Eabametoong as the communities share the river, have shared history and a shared family lineage. Chief Bruce also mentioned the upcoming election in Marten Falls (September 24th, 2019) and that the community is excited for change. He then explained that he has been working on resource projects over the past 10 years, including managing the Ogoki Forest, and has a goal to manage MFFN's own resources and territory. He noted that the Community Access Road will provide access from Marten Falls to the highway. Chief Bruce then introduced Don McKinnon as the Consultation / EA Lead and presenter for the meeting and noted a community translator was also available.





Presentation

A presentation was delivered to the community by Don McKinnon, Consultation / EA Lead. Following the presentation, community members were provided with the opportunity to speak directly with members of the MFFN Project Team and review the display boards and roll-out maps.

Question & Answer

Key items of interest raised by community members are included in the summary of the question and answer period below. Note that all questions are labeled with a 'Q', comments with a 'C' and answers with an 'A'. All questions were answered by Qasim Saddique, MFFN Advisor.

Q1: Can we discuss one poster at a time? Projects in First Nation communities move rapidly, and the technical aspects are difficult to grasp. We need to have an understanding of what we will do.

A1: We are at the beginning stages of the project and therefore no decisions have been made. We are here to present an introduction to the project. If you have a particular way that you would like to be engaged and consulted with throughout the process, please let us know.

C1: As this is the introduction and the first time that people in the Eabametoong community have seen the information, it might be worthwhile having other opportunities to provide feedback. Perhaps communicate the information at an individual level and then circle back to the group so we can all hear the questions and answers.

The group decided to break-out to read the display boards, look at the maps and ask questions on an individual level. MFFN Project Team members walked around the room and wrote down questions to bring forward and answer in a group setting afterwards.

Q2: Would the Project Team complete a strategic comprehensive EA on the next phase?

A2: We do not have a project for the Ring of Fire. At this stage, we are conducting an Individual EA, which is the most comprehensive EA in Ontario available to us. We will be conducting many studies that will address potential concerns. If there is anything that concerns you, please let us know so we can continue the discussion and try to mitigate concerns where possible.

C2: I want to see the community understand this information. They do not understand what is happening and without that they cannot provide input. Perhaps consider hosting focus group style meetings as well.

Q3: Have you considered conducting a Regional Strategic EA with regard to Webequie and Aroland's access road to the Ring of Fire? It impacts more than one project because of the mining companies and the lack of existing infrastructure.





A3: The Individual EA is the most comprehensive EA in Ontario available to us. A Strategic EA presumes the road between the Webequie project and the Community Access Road. There is no agreement for a Provincial EA, therefore it would be entirely separate. There is possibility for a Provincial EA in the future, but the Community Access Road will not have regional impacts.

Q4: What can you tell us about Phase 2? Where are you with Phase 2 of the plan?

A4: There is currently no agreement in place between Marten Falls First Nation and the Province of Ontario for Phase 2. We are here to focus on the Community Access Road.

Q5: What is considered a strong EA? Are all the communities involved?

A5: There are a total of 22 surrounding communities with potential interest in the Community Access Road and MFFN has a strong desire to engage with all interested communities. This is the most robust EA process we can conduct by reaching out to those whom are most directly impacted by this project (e.g., Fort Hope is interested in the project). While we have tried to connect with all 22 communities, there are some that are not interested in the project.

Q6: Has the Community-Based Land Use Plan been approved?

A6: It has been approved by the Province of Ontario and is expected to be completed by December 2020.

Meeting Adjournment

At approximately 2:30 p.m., Chief Harvey provided closing remarks and adjourned the meeting.

Action Items

1. Marten Falls First Nation and Project Team to consider to the development of a protocol agreement between Eabametoong First Nation and Marten Falls First Nation.





FIELD STUDIES STARTING FOR THE MARTEN FALLS FIRST NATION ALL SEASON COMMUNITY ACCESS ROAD AND WAWANG'WAJING ROAD

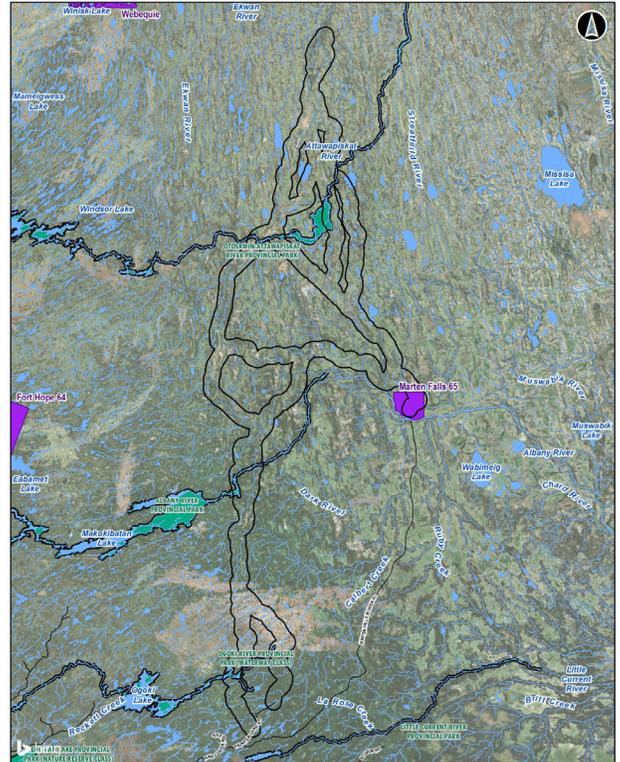
WHAT'S HAPPENING?

Breeding Bird, Bat and Wildlife Surveys are starting for the All Season Community Access Road and WaWang'wajing Road

June to Fall, 2019

Details about the Field Studies:

- » Studies include Breeding Bird, Bat and Wildlife Surveys
- » Work will begin in the south and then move north
- » The study area will be accessed by helicopter between 6:00 am and 5:00 pm
- » From helicopter landing sites, the study team will walk to the survey locations
- » Breeding Bird, Bat and Wildlife Surveys will be done by listening and looking for birds and wildlife and recording observations
- » Acoustic monitoring devices and remote wildlife cameras will be placed along different routes in June to capture evidence of wildlife. The devices will be picked up by the study team in Fall, 2019



Corridors for Field Studies



CONTACT INFORMATION

You are welcome to contact the Project Team at any time during the process with questions or comments:

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Marten Falls First Nation

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NRL
Northern Road Link

