

# Appendix **D**

## Government Agencies



## **D1 Provincial Agencies**



## D1.1 Notices





# NEWS

Office of the Premier

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## Moving Forward with Road Access to the Ring of Fire

*Ontario and First Nations Working Together to Create Jobs and Prosperity for the North*

NEWS

March 2, 2020

TORONTO – The Government of Ontario, Marten Falls First Nation and Webequie First Nation are taking a major step forward in unlocking jobs and opportunity in Northern Ontario’s Ring of Fire region by entering into a historic agreement to advance the planning and development of a proposed Northern Road Link.

Premier Doug Ford and Greg Rickford, Minister of Energy, Northern Development and Mines and Minister of Indigenous Affairs, were joined by Chief Bruce Achneepineskum of Marten Falls First Nation and Chief Cornelius Wabasse of Webequie First Nation at the Prospectors and Developers Association of Canada (PDAC) convention today for a signing ceremony.

The government is delivering on its promise to move forward with the development of the Ring of Fire with willing partners, including Indigenous groups and Northern communities.

“After 15 years of delay by the previous government, we said we would build a road to the Ring of Fire, and we are working with our incredible partners in the Marten Falls First Nation and Webequie First Nation to do just that and make sure we do it right,” said Premier Ford. “Together, we can bring jobs and prosperity to communities across the Far North. Promises made, promises kept.”

Today’s signing marks a new partnership between the government, Marten Falls First Nation and Webequie First Nation to advance planning of critical road infrastructure that would provide reliable, all-season road access to potential mine sites and connect First Nation communities to Ontario’s provincial highway network.

“Our government is proud to partner with Marten Falls and Webequie First Nations to support the development of reliable, all-season road infrastructure and move forward with our shared goal of bringing economic prosperity to the region,” said Minister Rickford. “Together, with First Nations partners, we are creating a clear path forward to unlock unprecedented social and economic prosperity in the Far North.”

The all-season road project would also improve access to health and social services and put in place improved infrastructure, such as high-speed Internet and reliable cellular service, for the First Nations and other communities nearby.

“We look forward to working together with Ontario to ensure the sustainable development of our ancestral territories,” said Chief Bruce Achneepineskum, Marten Falls First Nation. “Marten Falls

First Nation takes seriously our right to make decisions for the betterment of our community. We are moving ahead with this agreement so all communities in the region can connect to the next phase, which is to secure and bring good-paying jobs in mining, construction and other skilled trades to our communities.”

“Webequie First Nation supports responsible development in our territory,” said Chief Cornelius Wabasse, Webequie First Nation. “We have been working together with Ontario for many years to reach this point. We believe that road development will help bring prosperity to communities across the region and better infrastructure – both on and off-reserve. We understand that road development will impact our traditional territories but believe this is a positive step forward to unlocking new opportunities that will benefit all surrounding First Nation communities.”

### Quick Facts

- The Northern Road Link would connect to the proposed Marten Falls Community Access Road at the south end and to the proposed Webequie Supply Road at the north end.
- The agreement outlines Ontario’s support for respective First Nations to advance environmental assessments for their all-season road projects and to initiate the planning and development of the proposed Northern Road Link.
- Both First Nations are firm in their resolve to meet all regulatory requirements and fulfil their role as environmental stewards. The use of traditional knowledge will guide business and environmental decision making. Ontario continues to be committed to meeting its duty to consult for all road infrastructure development.
- Current estimates on the Ring of Fire, located approximately 500 kilometres northeast of Thunder Bay and covering about 5,000 square kilometres, suggest multi-generational potential for chromite production, as well as production of nickel, copper and platinum.
- In October 2019, Ontario [announced an investment of \\$30 million](#) in the Matawa broadband project to provide modern and scalable telecommunication services to five Matawa-member communities: Nibinamik, Neskantaga, Eabametoong, Marten Falls and Webequie First Nations.
- Modern broadband infrastructure will provide these communities with improved access to social, health, education and training resources as well as support economic development opportunities, including Ring of Fire development.

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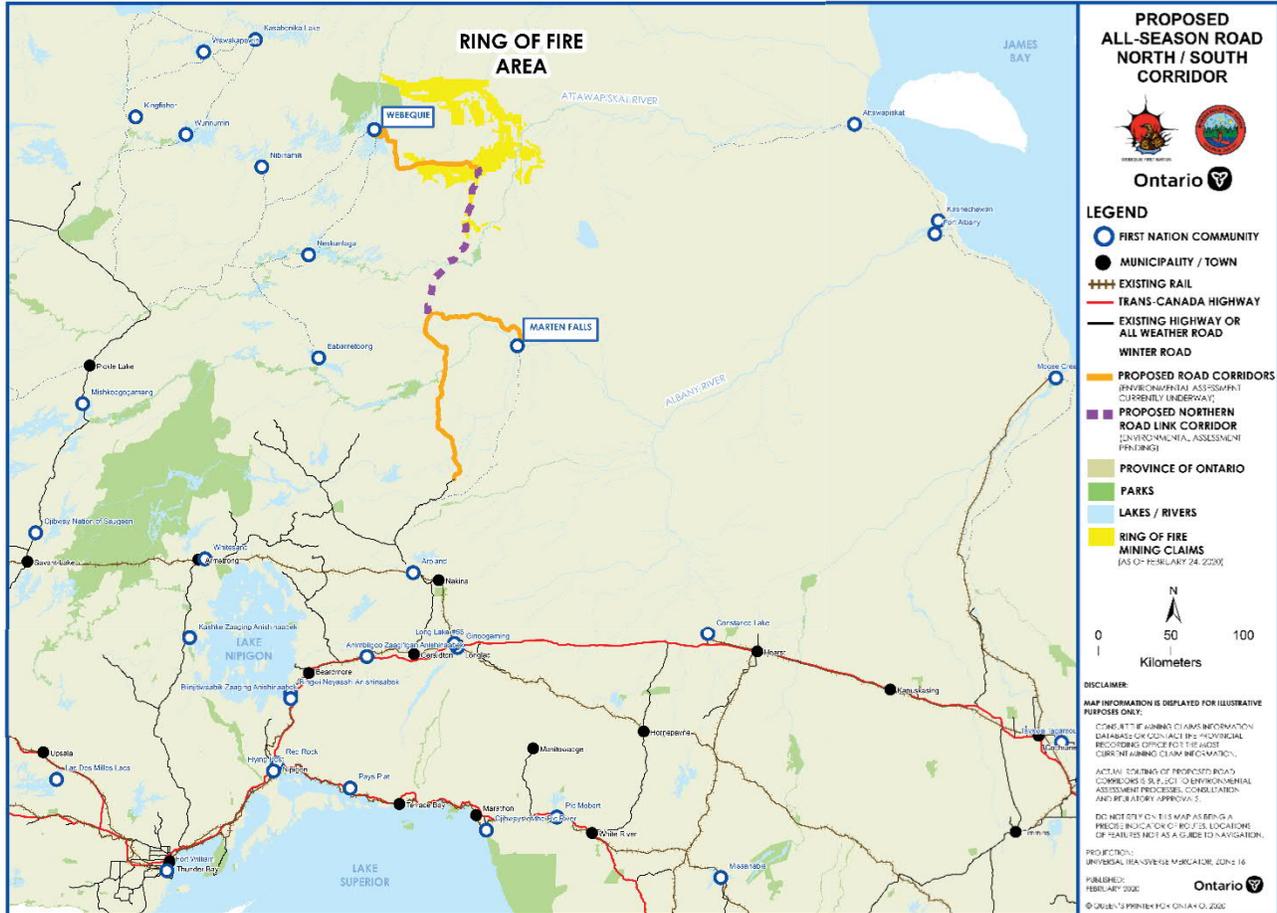


Moving Forward with Road Access to Ring of Fire

BACKGROUNDER

March 2, 2020

Map of proposed road infrastructure in the Ring of Fire region:



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## **D1.2 Letters**



## **D1.2.1 Ministry of the Environment, Conservation and Parks**



Species at Risk Branch

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May 28, 2019

## MEMORANDUM

TO: Qasim Saddique  
Project Director  
Marten Falls Project Team

FROM: Nikki Boucher  
A/Species at Risk Specialist  
Species at Risk Branch

RE: **Request for advice regarding Species at Risk criteria for consideration of alternatives for the Marten Falls Supply Road Environmental Assessment**

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As per your request, assembled below you will find information to inform the development of criteria to support the assessment of project alternatives with respect to impacts to species at risk and their protected habitats.

## **Ontario's Framework for Caribou Conservation; Available Caribou Information and Data Sources**

### **Legislative Basis for the Protection of Caribou**

Ontario's *Endangered Species Act, 2007* (ESA) identifies and provides protection to species at risk (SAR). Caribou (*Rangifer tarandus*) (Boreal population), is listed as a threatened species on the Species at Risk in Ontario (SARO) List (O.Reg 230/08 under the ESA). As a threatened species, caribou receive both species protection under Section 9 and general habitat protection under Section 10 of the ESA.

In Ontario, the majority of caribou are broadly distributed across the boreal forest, with the exception of animals occupying the Lake Superior shoreline and a number of adjacent islands. The continuous distribution of caribou within Ontario is divided into a number of ranges. Ranges serve as the ecological and spatial basis for evaluating

caribou population and habitat states and managing cumulative effects at the landscape scale. Caribou depend directly and indirectly on the entire range as habitat.

All proposed activities occurring in the continuous and discontinuous distribution of caribou must undergo an assessment to determine if the activity is likely to kill, harm or harass caribou or damage or destroy caribou habitat.

### **Policy Framework for Caribou**

Ontario's Woodland Caribou Conservation Plan (CCP), which is the province's Government Response Statement for this species, outlines the government's goal for the recovery of caribou, provides broad policy direction and identifies actions the Ontario government intends to take to conserve and recover caribou in Ontario.

Ontario's caribou conservation goal, as stated in the CCP, is *"to maintain self-sustaining, genetically-connected local populations of Woodland Caribou (forest dwelling boreal population) where they currently exist, improve security and connections among isolated mainland local population, and facilitate the return of caribou to strategic areas near their current extent of occurrence"*.

The CCP identifies "local population ranges" as the appropriate biological scale at which to plan and make resource management decisions consistent with caribou conservation and prescribes adoption of a Range Management Approach as the primary method that sets the spatial and ecological context for planning and management decisions within an adaptive management framework.

The Range Management Policy in Support of Woodland Caribou Conservation and Recovery (Range Management Policy or RMP) provides direction to conserve and recover caribou in Ontario through the development and implementation of a Range Management Approach. The objective of the Range Management Policy is *"to maintain or move towards a sufficient range condition in all caribou ranges in Ontario"*. The RMP has three principles:

- Principle 1 – Cumulative Disturbance: Ranges will be managed such that the amount of cumulative disturbance remains or moves towards a level that supports a self-sustaining caribou population.
- Principle 2 – Habitat Amount and Arrangement: The amount and arrangement of habitat within a range will be managed consistent with the level that has been estimated to occur in natural landscapes.
- Principle 3 – Sub-range Habitat Features: Within a range, forest composition, pattern and structure will be managed to promote the maintenance of the ecological function of sub-range habitat features for caribou in the context of range condition.

Section 6.3 of the Range Management Policy provides direction on integrating range condition into activity review and assessment in the context of species and habitat protection under the ESA, which informs planning and decision-making.

The Delineation of Woodland Caribou Range in Ontario documents the delineation of 14 ranges within Continuous Distribution, and the delineation of the Discontinuous Distribution in Ontario. It includes detailed description of the specific range boundaries.

The Integrated Assessment Protocol for Woodland Caribou Ranges in Ontario describes the process for conducting an Integrated Range Assessment and the preparation of and Integrated Range Assessment Report.

An Integrated Range Assessment Report (IRAR) has been completed for each of the seven southern caribou ranges in the Continuous Distribution (with the exception of the Lake Superior Coast Range) and one report for the six ranges in the Far North of Ontario. These reports document the data, analyses, interpretation and results from each of the Integrated Range Assessments, and document range condition for each range. In addition to range condition, IRARs contain important historical, contextual and ecological knowledge relevant to the management of the range, as well as what has influenced caribou population size and distribution on the range.

The General Habitat Description for the Forest-dwelling Woodland Caribou (*Rangifer tarandus caribou*) (GHD) is a technical document that provides greater clarity on the area of habitat protected for caribou based on the general habitat definition found in the ESA. The GHD describes the entire range as habitat and categorizes the range into sub-range habitat features including high use areas, seasonal ranges and remaining areas within the range, as per the policy *Categorizing and Protecting Habitat under the Endangered Species Act*. Habitat categorization provides a framework for identifying which areas of habitat a species may be able to tolerate more or less changes to as outlined in said policy.

The Best Management Practices for Woodland Caribou in Ontario Series describes techniques, methods or processes that can be applied to avoid or mitigate adverse effects and reduce threats to caribou when planning or undertaking activities within a range, and contribute to achieving the objective of the Range Management Policy. (Note – reference can be made to specific Best Management Practices documents that relate to the project – e.g. renewable energy and transmission lines).

### **Caribou Information Sources**

The Woodland Caribou (*Rangifer tarandus caribou*) in the Far North of Ontario: Background Information in Support of Land Use Planning reports the findings of a multi-year study on the distribution, movement, population dynamics and habitat use patterns of forest-dwelling and forest-tundra caribou in the Far North of Ontario.

The Province has collected caribou data to support population, range, and habitat monitoring; management planning, landscape evaluation and modelling; and policy and legislative development, and to complete Integrated Range Assessments and determine range condition. This caribou data is accessible through Land Information Ontario (LIO) with the appropriate data-sharing agreements. Mapping data from some types of

anthropogenic and natural disturbance area also available through LIO. The following layers contain caribou data and data layers useful in defining caribou habitat should be accessed and considered when developing the environmental assessment:

- Species Search Area data
- Species Monitored Subject Tracking Point data
- Species Observations, Provincially Tracked data
- Species Occurrence, Locally Derived data (including caribou Nursery Areas, Winter Use Areas and Travel Corridors)

Range boundaries have been delineated and are publicly available through LIO as well.

The Integrated Range Assessment Protocol for Caribou Conservation in Ontario Appendix A: Habitat State across Woodland Caribou Ranges in Ontario – Mapping Process Documentation provides a detailed list of the data (including source) and methods used to map anthropogenic and natural disturbances and caribou habitat (e.g., refuge habitat, winter habitat) as they relate to the Federal and Provincial science used in the Integrated Range Assessments.

A Resource Selection Probability Function (RSPF) has been prepared by the province to identify predicted high and low-use areas for caribou. The results can be made available to proponents upon request. The citation for this work is:

Hornseth M.L. and Rempel R.S. 2015. Seasonal resource selection of woodland caribou (*Rangifer tarandus caribou*) across a gradient of anthropogenic disturbance. Canadian Journal of Zoology.

Occupancy models have been published for moose, caribou and wolves. These show the probability of occupancy of these species across the Far North. The citation for the occupancy model is:

Poley, L.G., B.A. Pond, J.A. Schaefer, G.S. Brown, J.C. Ray and D.S. Johnson. 2014. Occupancy patterns of large mammals in the Far North of Ontario under imperfect detection and spatial autocorrelation. Journal of Biogeography 41:122-132.

The Province has developed a draft standard methodology for mapping sub-range habitat features for caribou (Category 1, 2, and 3) as described in the GHD. To ensure consistency in application of mapping standards across the province, the province will produce general habitat mapping for caribou upon request from proponents. In order to perform this mapping up-to-date shapefiles of the project area where the activity and alternatives are proposed are required, as well as shapefiles of the study area(s) used by the proponent when conducting their Environmental Assessment. The project area should include all associated infrastructure that will remove forest cover or have the potential to cause sensory disturbance to caribou. The proponent is responsible for the interpretation of how their project will impact caribou habitat. Under the ESA, MECP will determine if caribou habitat is likely to be damaged or destroyed or if caribou are likely to be killed, harmed, or harassed as a result of the project.

Ontario's Caribou Screening Tool (CST) is a decision-support tool to track ongoing cumulative disturbance on caribou ranges within the southern continuous ranges. CST is currently not applicable in the Far North caribou ranges and the discontinuous and coastal ranges. The CST reports on how an activity affects cumulative disturbance and habitat amounts as compared to the Simulated Range of Natural Variation (SRNV) and describes the activity location relative to caribou values (e.g., Nursery Areas, Winter Observations, etc.). Proponents will need to provide up-to-date shapefiles of their preferred and alternative locations of the project/activity to be used as an input to CST. The Province will provide CST reports to proponents for use while conducting their environmental assessment. CST outputs are not considered a decision tool, but rather are required as part of the complete documentation submitted for the assessment of impacts to caribou.

Existing resource management plans and land use plans may include approved direction related to provision of caribou habitat that should be considered during the EA:

- Forest Management Plans can be accessed at:  
<http://www.efmp.lrc.gov.on.ca/eFMP/home.do>
- The Cervid Ecological Framework (CEF) is available online:  
<https://www.ontario.ca/document/cervid-ecological-framework>
- Area specific Crown land use policies can be found in the Crown Land Use Policy Atlas, accessible at:  
<https://www.ontario.ca/page/crown-land-use-policy-atlas>
- Provincial Park and Conservation Reserve direction can be accessed here:  
<https://www.ontario.ca/page/provincial-parks-and-conservation-reserves-planning>
- Far North CBLUPs can be accessed here:  
<https://www.ontario.ca/page/land-use-planning-process-far-north#section-2>

## **Other (Non-Caribou) Species at Risk Policy, Information, and Data Sources**

### **Policy**

Categorizing and Protecting Habitat under the *Endangered Species Act*

[https://files.ontario.ca/environment-and-energy/species-at-risk/stdprod\\_085648.pdf](https://files.ontario.ca/environment-and-energy/species-at-risk/stdprod_085648.pdf)

This policy document focuses specifically on the implementation of subsection 10(1) of the ESA which states that “No person shall damage or destroy habitat of a species that is listed on the Species at Risk in Ontario list as an endangered or threatened species”. It provides guidance on the terms “damage” and “destroy” within the context of subsection 10(1) of the Act, identifies a set of principles and considerations that will be considered by MECP in determining whether a proposed activity will damage or destroy habitat, and explains how habitat protected under the ESA will be categorized based on the species’ anticipated tolerance to disturbance.

Policy Guidance on Harm and Harass under the *Endangered Species Act*

<https://www.ontario.ca/document/policy-guidance-harm-and-harass-under-endangered-species-act>

This policy document focuses specifically on the implementation of clause 9(1)(a) of the ESA which states that “No person shall kill, harm, harass, capture or take a living member of a species that is listed on the Species at Risk in Ontario list as an extirpated, endangered or threatened species”. It provides guidance on the terms “kill” and “harass” within the context of clause 9(1)(a) of the ESA, identifies a set of principles and considerations that will be used by MECP when assessing an authorization, or a proponent should refer to when submitting a notice of activity under the Act to determine whether a proposed activity is likely to kill, harm or harass a living member of a protected species, and explains the biological factors and activity details informing these decisions.

### Government Response Statements

Found (where one exists) on the individual species’ webpage:

<https://www.ontario.ca/page/species-risk>

A statement summarizing the government’s intended actions and priorities in response to the species’ recovery strategy. The response statement is the government’s policy response to the scientific advice provided in the recovery strategy. All recommendations provided in the recovery strategy are considered and the response statement identifies those that are considered to be appropriate and necessary for the protection and recovery of the species. In addition to the strategy, the response statement is based on input from stakeholders, other jurisdictions, Indigenous communities and members of the public. It reflects the best available traditional, local and scientific knowledge at the time and may be adapted if new information becomes available. In implementing the actions in the response statement, the ESA allows the Ministry to determine what is feasible, taking into account social and economic factors.

### **Information**

General information on species at risk can be found on MECP’s website by searching species name: <https://www.ontario.ca/page/species-risk>. The following documents can also be found (where one exists) on the individual species’ webpage:

### General Habitat Descriptions

Species-specific technical documents that provide greater clarity on the area of habitat protected for a species based on the general habitat definition found in the *Endangered Species Act, 2007*. General habitat protection does not include an area where the species formerly occurred or has the potential to be reintroduced unless existing members of the species depend on that area to carry out their life processes. A general habitat description also indicates how the species’ habitat has been categorized, as per the policy “Categorizing and Protecting Habitat Under the *Endangered Species Act*”, and is based on the best scientific information available.

### Recovery Strategies

Under the ESA a recovery strategy provides the best available scientific knowledge on what is required to achieve recovery of a species. A recovery strategy outlines the

habitat needs and the threats to the survival and recovery of the species. It also makes recommendations on the objectives for protection and recovery, the approaches to achieve those objectives, and the area that should be considered in the development of a habitat regulation.

## **Data**

The Natural Heritage Information Centre (NHIC) is Ontario's conservation data centre, responsible for tracking the province's biodiversity including housing species at risk observations and data. Coarse scale SAR information can be obtained via the Ministry of Natural Resources and Forestry's Make-A-Map online mapping application: [http://www.gisapplication.lrc.gov.on.ca/mamnh/Index.html?site=MNR\\_NHLUPS\\_NaturalHeritage&viewer=NaturalHeritage&locale=en-US](http://www.gisapplication.lrc.gov.on.ca/mamnh/Index.html?site=MNR_NHLUPS_NaturalHeritage&viewer=NaturalHeritage&locale=en-US). In addition, detailed site-specific species at risk observation information can be requested directly from, and provided by, NHIC ([NHICrequests@ontario.ca](mailto:NHICrequests@ontario.ca)). Obtaining this detailed information requires demonstrating a "need-to-know", undertaking NHIC's data-sensitivity training and entering into a data-sharing agreement.

## **Description of and Rationale for Alternatives**

The *Environmental Assessment Act* requires that proponents consider a reasonable range of alternatives, including examining "alternatives to" the undertaking and "alternative methods" of conducting the undertaking. "Alternatives to" the undertaking are functionally different ways of approaching and dealing with the defined problem or opportunity, whereas "alternative methods" of carrying out the proposed undertaking are different ways of doing the same activity (e.g. consideration of different routing for linear features).

All alternatives and rationales should consider provincially threatened or endangered species and their respective habitats. With respect to caribou, where different ranges are affected, the range condition will be used as a criterion in the comparative assessment.

In the identification of alternative methods, the Environmental Assessment should document consideration of methods including an assessment of potential impacts to species at risk and their respective habitats and identify methods that can avoid or minimize potential impacts to individuals of the species and all categories of protected habitat to the extent possible.

In the identification of alternative methods, consideration should be given with appropriate documentation, to methods that may align with other planned, approved, or existing disturbances to minimize the overall disturbance footprint on the caribou range as well as other protected habitats.

General Habitat Description mapping can be used to conduct "constraint mapping" to identify alternatives to or alternative methods to help avoid and/or minimize potential impacts to species at risk habitat.

Through the identification and documentation of alternative methods in the EA document, it is recommended that the proponent also strive to clearly demonstrate that *reasonable alternatives* as per the *Endangered Species Act* have been considered and fully evaluated including an avoidance alternative that would not adversely affect species at risk or their habitats. Please see the following for additional information:

- “Endangered Species Act Submission Standards for Activity Review and 17(2)(c) Overall Benefit Permits” <https://www.ontario.ca/page/endangered-species-act-submission-standards>; and
- “Guide for the Avoidance Alternatives Form for Activities that may require an Overall Benefit Permit under 17(2)(c) of the *Endangered Species Act*”: <http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/MinistryResults?Openform&SRT=T&MAX=5&ENV=WWE&STR=1&TAB=PROFILE&MIN=018&BRN=21&PRG=31>.

### **Assessment and Evaluation of Alternatives for Caribou and its Habitat**

The following criteria and indicators are recommended, at a minimum, for inclusion in the EA to address MECP’s legislative and policy framework with respect to caribou and its habitat. They will be considered in MECP’s review of the EA and may be required for any subsequent ESA permits/authorizations. Criteria and indicators must be applied consistently for the preferred option and all alternatives. The following table is a summary of criteria and indicators that should be applied for the project, recognizing that the relative importance and weighting of each will vary and should be considered in the context of the project. A detailed discussion of information sources, discussion and analysis is required, and rationale for inclusion of the criteria and indicators follow below.

Criteria	Indicators	Information Source(s)	Rationale for Inclusion	Discussion/Analysis
Caribou (Habitat Protection)	Range Condition	<ul style="list-style-type: none"> <li>Integrated Range Assessment Reports</li> </ul>	Caribou rely directly and indirectly on the entire range to carry out their life processes. Range condition informs the relative tolerance of the range to alteration and the determination of the risk a particular activity would pose for caribou and informs the relative significance of sub-range habitat features. Generally, where range condition is sufficient, there will be increased tolerance to alteration in all 3 habitat categories and an increased likelihood that alteration may occur while complying with the ESA. MECP considers range condition during activity review and assessment and decision-making in caribou continuous distribution.	Qualitative assessment describing why an activity is proposed to occur in a given range where the condition may not be sufficient to sustain caribou or may be uncertain to sustain caribou. Where feasible, consideration should be given to conducting activities in caribou ranges which are sufficient to sustain caribou. If it is not feasible to conduct the activity in a range sufficient to sustain caribou, the proponent should provide rationale as to why this type of alternative cannot occur.
	Cumulative Disturbance at Range Level	<ul style="list-style-type: none"> <li>Ontario's Caribou Screening Tool</li> <li>Integrated Range Assessment Reports</li> </ul>	Principle 1 of the Range Management Policy directs that caribou ranges will be managed such that the amount of cumulative disturbance remains at or moves toward a level that supports a self-sustaining caribou population. As cumulative disturbance increases, the likelihood of the caribou population persisting decreases.	Quantitative assessment describing change in overall cumulative disturbance at the range level as a result of the activity. Description of how the activity is likely to influence maintaining or moving towards a level of cumulative disturbance that will support a self-sustaining population of caribou, and description of how change in disturbance caused by activity may potentially impact caribou population size and trend at the range level.
	Alignment with Existing or Proposed Disturbance	<ul style="list-style-type: none"> <li>Ontario's Caribou Screening Tool</li> <li>Integrated Range Assessment Reports</li> </ul>	Principle 1 of the Range Management Policy directs that caribou ranges will be managed such that the amount of cumulative disturbance remains at or moves towards a level that supports a self-	Quantitative assessment describing the amount of overlap between the proposal and existing and planned disturbances. Referring to CST report(s) for the proposal, determine

		<ul style="list-style-type: none"> <li>• Best Management Practices</li> </ul>	<p>sustaining caribou population. Aligning new activities with existing disturbance presents opportunities to minimize the overall cumulative disturbance at the range level. When planning activities, proponents should consider opportunities to align their activities with other existing and proposed activities to reduce the overall anthropogenic disturbance footprint at the range level.</p> <p>Proponents should consider an alternative which aligns with existing or planned disturbance to the extent possible.</p>	<p>the amount of overlap with known disturbance on the range. Assess and compare how each alternative changes the cumulative disturbance footprint on the range and discuss the relationship between changes to the level of range disturbance for each alternative and how the change in disturbance may potentially impact caribou population size and trend on the range. Assessment should include description of why it is or is not feasible to align with existing disturbance.</p>
	Habitat Amount and Arrangement	<ul style="list-style-type: none"> <li>• Ontario's Caribou Screening Tool</li> <li>• Integrated Range Assessment Reports</li> </ul>	<p>Principle 2 of the RMP directs the amount and arrangement of habitat within a range will be managed consistent with the level that has been estimated to occur in natural landscapes using the Simulated Ranges of Natural Variation (SRNV). Maintaining or moving towards the estimated amount of habitat that is within the middle fiftieth percentile of the SRNV and the arrangement of habitat with a mean patch size in the 60% and greater proportion classes is assumed to provide a habitat condition that avoids conditions that may increase risk to caribou.</p>	<p>Using habitat statistics found in Ontario' Caribou Screening Tool reports, the proponent should describe how their proposed activity changes the amount and arrangement of suitable winter and refuge habitat at the range level, and how this change may impact caribou population size and trend.</p>
	Category 1: High Use Area – Nursery Areas Habitat directly impacted	<ul style="list-style-type: none"> <li>• General Habitat Description (GHD)</li> <li>• GHD Mapping</li> <li>• LIO</li> <li>• Best Management Practices</li> </ul>	<p>Principle 3 of the Range Management Policy directs that within a range, forest composition, pattern and structure will be managed to promote the maintenance of the ecological function of sub-range habitat features for caribou in the context of the range condition. Nursery Area habitat is an important habitat feature that directly supports reproduction in</p>	<p>Proponent should use the GHD mapping and information available through LIO to determine the number of and total amount of nursery habitat which will overlap with the project area (ie. amount of this habitat that will be lost should the proposal proceed in that location). A quantitative comparison of the amount of nursery habitat impacted</p>

			<p>caribou populations and in some cases may be limited at the range level. Category 1: Nursery habitat is anticipated to have the low tolerance to alteration before the function or usefulness in supporting caribou is compromised.</p>	<p>compared to the total amount of nursery habitat available on the range and in the vicinity of the project should be included. A qualitative discussion of the significance of that nursery habitat impacted by the project to the range should be included, as should a discussion of the anticipated impacts to the function/usefulness of the nursery habitat immediately and in the future and potential impacts to caribou population size and trend as a result of impacts to this habitat. Alternatives which would avoid these features to the extent possible should be considered.</p>
	<p>Category 1: High Use Area – Winter Use Areas directly impacted</p>	<ul style="list-style-type: none"> <li>• General Habitat Description (GHD)</li> <li>• GHD Mapping</li> <li>• LIO</li> <li>• Best Management Practices</li> </ul>	<p>Principle 3 of the Range Management Policy directs that within a range, forest composition, pattern and structure will be managed to promote the maintenance of the ecological function of sub-range habitat features for caribou in the context of the range condition. Winter use areas are important habitat features that support caribou survival through the winter months by providing ground lichen for winter forage. Category 1: Winter Use Area habitat is anticipated to have the low tolerance to alteration before the function or usefulness in supporting caribou is compromised.</p>	<p>Proponent should use the GHD mapping to determine the number of and total amount of winter use area habitat which will overlap with the project area (ie. amount of this habitat that will be lost should the proposal proceed in that location). A quantitative comparison of the amount of winter use area habitat impacted compared to the total amount of winter use area habitat available on the range and in the vicinity of the project should be included. A qualitative discussion of the significance of that winter use area habitat impacted by the project to the range should be included, as should a discussion of the anticipated impacts to the function/usefulness of the winter use area habitat immediately and in the future and</p>

				potential impacts to caribou population size and trend as a result of impacts to this habitat. Alternatives which would avoid these features to the extent possible should be considered.
	Category 1: High Use Area – Travel Corridors directly impacted	<ul style="list-style-type: none"> <li>• General Habitat Description (GHD)</li> <li>• GHD Mapping</li> <li>• Best Management Practices</li> </ul>	Principle 3 of the Range Management Policy directs that within a range, forest composition, pattern and structure will be managed to promote the maintenance of the ecological function of sub-range habitat features for caribou in the context of the range condition. Travel Corridors are important habitat features that caribou use to move between Nursery Areas and Winter Use Areas. Category 1: Travel Corridor habitat is anticipated to have the low tolerance to alteration before the function or usefulness in supporting caribou is compromised.	Proponent should use the GHD mapping to determine the number of and total amount of travel corridors which will overlap with the project area (ie. amount of this habitat that will be lost should the proposal proceed in that location). A quantitative comparison of the amount of travel corridor habitat impacted compared to the total amount of travel corridor habitat available on the range and in the vicinity of the project should be included. A qualitative discussion of the significance of the travel corridor habitat impacted by the project to the range should be included, as should a discussion of the anticipated impacts to the function/usefulness of the travel corridor habitat immediately and in the future and potential impacts to caribou population size and trend as a result of impacts to this habitat. This should also present information about the associated nursery area and winter habitat that the travel corridor connects, and the anticipated indirect impacts to this habitat if the function/usefulness of the travel corridor changes. Alternatives which

				would avoid these features to the extent possible should be considered.
Category 2: Seasonal Ranges directly impacted	<ul style="list-style-type: none"> <li>• General Habitat Description (GHD)</li> <li>• GHD Mapping</li> <li>• Best Management Practices</li> </ul>	Principle 3 of the Range Management Policy directs that within a range, forest composition, pattern and structure will be managed to promote the maintenance of the ecological function of sub-range habitat features for caribou in the context of the range condition. Seasonal Ranges are areas of currently available habitat which are used by caribou year-round. Category 1 habitat is generally nested within Seasonal ranges and is dependent on the refuge function provided at a larger spatial scale. Seasonal Ranges may also provide connectivity between Category 1 habitat areas. Seasonal Ranges are anticipated to have a moderate tolerance to alteration.	Proponent should use GHD mapping to quantify the total amount of Category 2 habitat which will be directly impacted by the proposal. This should be compared to the total amount of Category 2 habitat available on the range and in the vicinity of the project. The proponent should qualitatively describe anticipated changes to function and usefulness of the Category 2 habitat to the species, including potential changes to forest structure and composition, effects cause by habitat fragmentation (including impacts to connectivity of Category 1 habitat), and effects caused by habitat conversion to habitat that supports alternate prey species (e.g. moose, deer) and/or predators (e.g. wolves, bears) and results in habitat that is no longer suitable for caribou. A quantitative and qualitative analysis of how the project may affect availability of biophysical features and forest composition (i.e., age class, spatial arrangement and species) needed to sustain Category 2 habitat) and how the activity may reduce refuge or forage values within the Category 2 habitat should be presented.	
Category 3: Remaining Areas in the Range impacted	<ul style="list-style-type: none"> <li>• General Habitat Description (GHD)</li> <li>• GHD Mapping</li> </ul>	Principle 3 of the Range Management Policy directs that	: Proponent should use GHD mapping to quantify the total amount of Category 3 habitat which will be	

		<ul style="list-style-type: none"> <li>• Best Management Practices</li> </ul>	<p>within a range, forest composition, pattern and structure will be managed to promote the maintenance of the ecological function of sub-range habitat features for caribou in the context of the range condition. Category 3 habitat support caribou indirectly by maintaining the overall refuge function within the range. These areas are generally not currently occupied for long periods of time however caribou may travel through them. It is anticipated that Category 3 Habitat will become used in the future as either Category 1 or Category 2 Habitat when forest cover matures and connectivity is restored. Category 3 Habitat is important with respect to providing for habitat in the future, however, it generally has a higher tolerance when compared to other sub-range habitat features.</p>	<p>directly impacted by the proposal. This should be compared to the total amount of Category 3 habitat available on the 'range and in the vicinity of the project. The EA should provide a description of how the activity may impact the function/usefulness of Category 3 habitat by describing how the future maturation to Category 1 or 2 habitat may be prevented or slowed by the activity, how changes to physical features and composition and distribution of forest cover may result in loss of areas for foraging and/or reproduction and rearing in the future, and how fragmentation of the Category 3 habitat may impact connectivity between adjacent existing Category 1 and Category 2 habitat.</p>
	<p>Number of Category 1 Habitat (Nursery Areas, Winter Use Areas, Travel Corridors) found within 10 km of the proposal</p>	<ul style="list-style-type: none"> <li>• Ontario's Caribou Screening Tool</li> <li>• GHD Mapping</li> <li>• LIO</li> <li>• MECP</li> </ul>	<p>Caribou may avoid suitable Category 1 locations due to sensory disturbance from development and recreational activities when selecting Nursery Areas, Winter Use Areas and/or Travel Corridors. Activities within 10 km of these features may therefore indirectly impact the use and function of these sites for caribou.</p>	<p>Proponent should analyze the number of Nursery Areas, Winter User Areas and Travel Corridors within 10 km of their proposal and describe the anticipated impacts to function/usefulness of these features as a result of the project. A discussion of the significance of these features immediately and in the future and potential impacts to caribou population size and trend as a result of impacts to this habitat should be presented, as well as the availability of Nursery Areas, Winter Use Areas and Travel Corridors on the Range should be addressed.</p>

<p>Caribou (Species Protection)</p>	<p>Incidental mortality due to anthropogenic impacts (e.g. vehicular collisions, increased hunting pressure)</p>	<ul style="list-style-type: none"> <li>• LIO (e.g. caribou occurrence data)</li> <li>• project location mapping</li> </ul>	<p>Traffic from vehicles using new or existing transportation corridors which support the construction and/or operation of the project may increase risk of road mortality for caribou. Increased access (e.g. new roads, trails) or easier accessibility (e.g. travel through cleared areas under transmission corridors) may increase hunting pressure on caribou and result in higher levels of mortality as an indirect result of the project.</p>	<p>Using caribou observation information and describing any new transportation corridors (roads, trails) associated with the project or anticipated increased use of existing roads/trails, the proponent should describe any potential increases in caribou mortality due to vehicular collisions or increased hunting pressure that may occur as a result of the project. A description of any anticipated impacts to population size and trend due to increased anthropogenic pressures should be included.</p>
	<p>Indirect mortality due to increase alternate prey sources (moos and deer) leading to increased predation (wolves, bears, etc.) and increased potential for spread of disease (e.g. brainworm)</p>	<ul style="list-style-type: none"> <li>• CEF</li> <li>• Caribou/Wolf/Moose Occupancy Model (Polley et al.)</li> <li>• LIO</li> <li>• Caribou Conservation Plan</li> <li>• Moose Aerial Inventory data</li> </ul>	<p>Disturbed areas can provide favourable conditions for conversion of caribou habitat to habitat which supports increased browse for moose and deer, and subsequent increase in wolf/bear populations as prey levels increase. Wolves and bears may then prey on caribou remaining in these areas. Increased influx of alternate ungulates (e.g. deer, moose) increases the potential for transmission of diseases such as brainworm to caribou. Additionally, increased linear features on the landscape (e.g. roads, transmission corridors) may act as travel corridors for prey species allowing or more efficient travel across the landscape.</p>	<p>Should include a description of how the activity may increase potential predator activity by discussing how the activity may result in conversion of habitat that is more productive for predators (bears and wolves) therefore resulting in higher population densities of these species. Should describe how the activity may contribute to enhanced predator efficiency or increased predator encounters. Should describe how increased predator activity may result in direct mortality or changes to recruitment due to changes in predation pressure. Should describe any anticipated impacts to population size or trend as a result of increased predation. Should describe how activity may increase access to potential habitat for alternative ungulates (e.g. deer, moose) which may act as</p>

				disease vectors to caribou and how potential increased presence of disease may impact caribou populations.
	Indirect impacts due to sensory disturbance (e.g. light, sound, vibration, olfactory)	<ul style="list-style-type: none"> <li>• LIO</li> <li>• General Habitat Description (GHD)</li> <li>• GHD mapping</li> </ul>	Adverse effects to caribou may result from sensory disturbances such as light, sound and vibrations associated with proposals. Caribou may avoid sub-range habitat features due to sensory disturbance from activities which may adversely affect their ability to perform one or more of their life processes and may impact their movement and distribution across the range. Caribou are particularly sensitive to sensory disturbances during certain times of the year, as outlined in the GHD.	Using caribou observation information and considering types of sensory disturbances that may be associated with their activity and the timing of their activity, the proponent should qualitatively describe the anticipated impacts to caribou due to sensory disturbance. This should include changes to physiology, behaviour, and any potential impact that may impair the species ability to carry out its life processes (e.g. calving, foraging, travelling, nursing young).

In addition to the above-listed criteria for Caribou and their habitat, the following should also be considered when evaluating alternatives for other provincially threatened or endangered species and their respective protected habitats:

- **Criteria: Species Habitat**  
Indicator: Impacts to Category 1, 2, and/or 3 habitats  
Information Sources: GHD, LIO  
Rationale: Category 1 habitats have the lowest tolerance to alteration, Category 2 habitats have a moderate tolerance to alteration, and Category 3 habitats have the highest tolerance to alteration. Both direct (e.g. habitat removal) and indirect (e.g. habitat fragmentation) impacts should be assessed for each alternative.
- **Criteria: Species Individuals**  
Indicator: Impacts to individuals of the species  
Information Sources: LIO  
Rationale: Both direct (e.g. unavoidable killing) and indirect (e.g. increased threats to mortality) impacts to individuals of the species should be assessed for each alternative

## **Impact Management**

For each potential impact to species at risk or their habitat, measures will have to be identified to first avoid any adverse effects and in cases where there are no practical or feasible alternatives, identify measures that minimize or mitigate the adverse effects. Such measures may be general, site-specific, or activity-specific in nature. For caribou, the province has developed Best Management Practices (BMPs) for some sectors to provide guidance to avoid, minimize or mitigate adverse effects to the species and their habitat. Where possible, it is always preferential to avoid, given that if any adverse impacts exist, the associated activities would require authorization under the ESA.

Proponents should describe the effect that is being addressed, the measures being proposed (what will be implemented, when, where and how actions will be applied), and the anticipated net effects after measures are applied to caribou and caribou habitat. Proponents should also describe how they plan to monitor effectiveness of the impact management measures and steps they plan to take should the impact management measures be found to be ineffective.

## **Net Effects**

Net effects remaining after the application of the impact management measures will be documented. The determination of net effects must be conducted for each alternative and a discussion of the net effects and comparison of the net effects for each alternative should be included.

## **Advantages and Disadvantages**

The advantages and disadvantages of each alternative method with respect to net

effects to caribou and caribou habitat for the lifecycle of the project should be documented. The proponent should consider the potential need for ESA authorizations and associated costs when assessing advantages and disadvantages associated with each alternative. High costs associated with ESA permitting requirements may be disadvantageous to some proponents.

### **Identification of the Undertaking**

The proponent must identify their preferred alternative (the undertaking) and provide detailed rationale for selection of that alternative. MECP recognizes that the preferred alternative may not be the best alternative for species at risk, but detailed rationale regarding why the best alternative for species at risk was not selected should be included in this part of the EA.

### **EA Documentation**

Evaluation of impacts to species at risk and their habitats, as described above, should be thoroughly documented in the main EA document, as well as any relevant technical appendices. For ease of agency review, MECP would suggest that a separate chapter of the EA be dedicated to the assessment of these impacts. Appropriately developed EA documentation may support meeting some of the requirements of the ESA authorization process.

### **Commitments and Monitoring**

MECP recommends that the EA contain commitments to monitoring to verify the expected effects of the proposed undertaking on species at risk and their habitat and to determine if additional impact mitigation measures or adjustments to any measures are required. Monitoring methodology for these species and their habitat should be included in the monitoring plan developed as part of the EA. If impact management measures are proposed, monitoring of the effectiveness of these measures should be included in the monitoring plan. The monitoring plan should include steps the proponent will take if impact management measures are not effective (e.g. application of additional impact management measures, changing how and where the activity will be performed, etc.).

### **ESA Authorizations**

If MECP determines a contravention of the ESA is likely to occur as a result of the activity and proponents are unable to avoid the contravention, an authorization under the ESA will be required for the activity to proceed. During the EA process, it is in the proponent's best interest to be aware of the requirements of the ESA authorization process and information required by MECP to determine if a contravention of the ESA will occur as a result of their activity.

The proponent should endeavour to avoid or minimize adverse impacts to species at risk during the planning of their project during the Environmental Assessment. It

should be noted that requirements for overall benefit authorizations under section 17(2)(c) of the ESA are scaled and assessed on a contextual basis (e.g. species by species and activity by activity) and that activities with greater adverse impacts will be required to demonstrate greater overall benefit to the species which are impacted.

MECP strongly encourages proponents to familiarize themselves with ESA authorization process requirements and prepare documentation as part of their EA that would support fulfilling these requirements. MECP will only consider issuance of an ESA authorization if the proponent is able to clearly demonstrate that they have met their *Environmental Assessment Act* requirements. Consideration of ESA permitting requirements during the preparation of EA documentation can assist proponents in avoiding duplication of efforts and avoid the need to conduct additional studies to inform ESA permitting thereby saving time in the issuance of an authorization under the ESA once the EAA approval is obtained. Proponents can contact MECP to discuss how to best coordinate study and documentation requirements from both processes.



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Nikki Boucher

c: Chief Bruce Achneepineskum, Marten Falls First Nation

Ministry of the Environment,  
Conservation and Parks

Ministère de l'Environnement, de la  
Protection de la nature et des Parcs

Environmental Assessment and  
Permissions Branch

Direction des évaluations et  
des permissions environnementales

1<sup>st</sup> Floor  
135 St. Clair Avenue W  
Toronto ON M4V 1P5  
Tel.: 416 314-8001  
Fax.: 416 314-8452

Rez-de-chaussée  
135, avenue St. Clair Ouest  
Toronto ON M4V 1P5  
Tél. : 416 314-8001  
Télééc. : 416 314-8452

May 29, 2019

## MEMORANDUM

TO: Qasim Saddique, Project Director, Marten Falls Project Team

FROM: Agni Papageorgiou  
Special Project Officer  
Environmental Assessment and Permissions Branch

RE: Approach to Alternatives in Terms of Reference  
Marten Falls All Season Community Access Road

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Thank you for the opportunity to provide early feedback on Marten Falls First Nation's approach to screening alternatives at the Terms of Reference stage.

### Request from Marten Falls

On April 10, 2019, the Marten Falls First Nation Project Team (Project Team) requested that the Ministry of the Environment, Conservation and Parks (the ministry) and the Ministry of Natural Resources and Forestry (MNR) provide feedback on what criteria would be essential and/or helpful to use in screening alternatives at the Terms of Reference stage, including an explanation of why. The Project Team resubmitted its May 10, 2017 Project Proposal document and suggested that the ministry and MNR review those comments previously submitted on the Project Proposal as the ministries prepare the requested feedback.

### Response from the Ministry

Ontario's Environmental Assessment Act (the Act) requires proponents to assess effects of alternatives using the broad definition of the environment. The Act allows for

what is commonly referred to as 'focusing' of an EA and the Code of Practice for Preparing and Submitting Terms of Reference, 2014, provides guidance around this.

In its April 10, 2019 request, Marten Falls identified that it intends to apply the screening questions outlined in the Code of Practice to identify a range of route corridor alternatives, and following that, conduct a further evaluation of alternatives based on criteria, including the five criteria outlined in the May 2017 Project Proposal:

1. Avoid areas of muskeg and bog deposits;
2. >200 m from the Ogoki River and >1 km from the Albany River, except for watercourse crossing location;
3. Minimize the number and size of watercourse crossings;
4. Maximize high ground location; and
5. Shortest length to the community.

In the ToR document, the ministry expects that the rationale for the identification of the route corridors will be clearly explained and include the results of the screening questions outlined in the Code of Practice.

In addition, the ministry expects that the screening of the identified alternatives also include criteria that allow for consideration of a broader range of environmental factors, including natural, social, economic, cultural, and built components. At this stage in the process, it is up to the proponent to develop these criteria based on the nature of its undertaking and in consultation with Aboriginal communities and stakeholders. As stated in the Code of Practice, screening criteria need to include consideration of key environmental factors such as the potential impacts to the natural environment, potential cultural and socio-economic impacts and impacts to Aboriginal and treaty rights. Consultation with all interested Aboriginal communities and stakeholders should be carried out during the decision-making process and during the preparation of the ToR.

The ministry also notes that the initial screening of the route corridors documented in the Project Proposal includes consultation with Marten Falls community members and that the Central Route was selected as the preferred option. In addition, screening of these alternatives should include consultation with government reviewers, Aboriginal communities and interested persons on the criteria and weighting applied in the screening. If proceeding with a focused approach in the ToR, the screening should be presented as supporting documentation to the ToR. This supporting documentation will be reviewed for a transparent and logical description of the methodology, and sources used to focus alternatives, including a description of the criteria used and any weighting that was applied, and how consultation influenced the screening. If there is insufficient rationale in the ToR and supporting documentation to support focusing the EA on two route corridors, the ministry will expect that the ToR carry forward all of the identified alternative route corridors for assessment in the EA.

The Project Team is reminded that a "do nothing alternative" must be included in the analysis and carried forward to the EA phase. The "do nothing alternative" acts as a baseline or starting point for the proponent to compare the effects and benefits of the

proposed project and can provide a reference point to measure the extent the alternatives address the problem.

To better support Marten Falls in completing its screening and preliminary evaluation of alternatives, the ministry has attached comments from:

- the ministry's Species at Risk Branch;
- the MNRF; and
- the Ministry of Energy, Northern Development and Mines (ENDM).

Please note that given the recent shift of the Species at Risk mandate from MNRF to the ministry, MNRF and the ministry's Species at Risk Branch have revisited the comments previously provided by MNRF on the May 10, 2017 Project Proposal. The Project Team is encouraged to review the other initial comments provided on the May 10, 2017 Project Proposal for applicability as it revises its analysis. The ministry expects that any previous comments that were applicable will be addressed in the analysis presented as supporting documentation to the ToR.

Should you have any questions or require further information, please do not hesitate to contact me at 416-314-8214 or by email at [agni.papageorgiou@ontario.ca](mailto:agni.papageorgiou@ontario.ca).

Regards,



Agni Papageorgiou  
Special Project Officer

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Attachments – comments from the ministry's Species at Risk Branch, MNRF, and ENDM

- c: Chief Bruce Achneepineskum, Marten Falls First Nation  
Ariane Heisey, Ministry of Energy, Northern Development and Mines



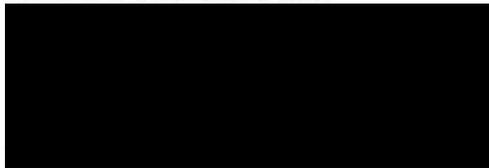
Ontario Parks  
Northwest Zone  
Suite 221d  
435 James Street South  
Thunder Bay, ON  
P7E 6S7

Telephone: 807-475-1497  
Facsimile: 807-475-1499  
[www.OntarioParks.com](http://www.OntarioParks.com)

## Letter of Authorization to Conduct Research in a Provincial Park or Conservation Reserve

Date: August 16<sup>th</sup>, 2019

Issued to: James Burchfield  
Golder Associates Ltd.



Authorization Valid: August 16<sup>th</sup> - September 30<sup>th</sup>, 2019

Project Title: Marten Falls All Weather Road Baseline Conditions

This authorization is valid in the following provincial parks. You must contact the designated Ontario Parks staff persons prior to entering the park and initiating your research.

Protected Area	Designated Contact	Phone	Email
Ogoki River and Albany River Provincial Parks	Shannon Lawr (Park Superintendent)	807-475-1634	<a href="mailto:Shannon.Lawr@ontario.ca">Shannon.Lawr@ontario.ca</a>

This authorization letter will serve for park access and identification while conducting your research for the following persons:

Principal Investigator: James Burchfield

Persons Assisting: Luke Owens, Terrestrial Ecologist; Fergus Nicoll, Terrestrial and Wetlands Technical Specialist; Graeme Saukko-Sved, Natural Resources

Technician, Jack Moonias, Assistant Field Technician, Rob Moonias, Assistant Field Technician

Contributors: None

This authorization to conduct research is subject to the following terms and conditions.

### **Project Specific Conditions**

1. It is advised that local Indigenous communities be notified of your research intentions. If the communities have concerns, then the researcher will inform Ontario Parks. Opportunities for collaboration, partnerships and information sharing are encouraged including possible study site location alternatives if cultural values are negatively impacted.

### **General Conditions**

2. Contact the designated Ontario Parks staff persons listed above **at least one week prior** to your requested visit to the provincial park to conduct your research.
3. The MECP, including Ontario Parks, reserves the right to suspend, cancel, restrict the scope, or impose additional terms and conditions at any time during the research project.
4. It is the responsibility of the principal investigator to secure and maintain in good standing any other required authorizations and permits prior to initiating field research.
5. The principal investigator is responsible for all members of their field research team. All related field persons must also observe all conditions of this authorization.
6. Research authorization cannot be transferred to a third party without the prior written consent of MECP.
7. The principal investigator and/or their field persons are not authorized to construct any facility, building or other devices unless as specifically authorized in the Project Specific Conditions above or other formal agreement with the MECP.
8. Activities must be carried out under the requirements of the Provincial Parks and Conservation Reserves Act and Regulations.

### **While conducting research the principle investigator and field person will**

9. Carry a legible copy of this authorization letter on their persons while conducting research in the protected area(s). All field persons must be in possession of a valid authorization letter before the field work commences and at other periods as stated in the authorization letter.
10. Conduct the research activities in a manner that protects the health and safety of researchers, other visitors, and Ontario Parks staff. If there are any questions regarding health and safety concerns, please contact the designated protected area contact person to discuss the project prior to commencing field work.
11. Clean, and if necessary, sterilize equipment (e.g. vehicles, boats, sampling gear, etc.) and personal gear to prevent the introduction and spread of aquatic or terrestrial alien/invasive species or disease prior to and after sampling within protected areas, including waterbodies and watercourses. Species specific information and best practices are available at <http://www.invadingspecies.com> .
12. Leave no garbage or other materials on site and take care to avoid any impacts to natural or cultural values.
13. Remove all field markers (e.g., flagging tape) at the end of the project. If permanent plot markers are required, then approval of plot marking technique must be obtained from the park superintendent.
14. Fill and restore all sample pits, excavations, and holes (e.g., soil augers) to as natural a state as possible.
15. Domestic animals (e.g., dogs) may not accompany researchers in the protected area. Any exceptions must be discussed with the designated contact prior to arrival at the protected area.
16. All activities must be carried out in such a way that the rights, privileges, privacy and enjoyment of other visitors are not infringed upon during the course of research activities.
17. Any visitors encountered in the field while research activities are being carried out will be informed of the nature of the research project.

### **Collection Conditions**

18. The collection of any cultural or additional natural materials is prohibited. If you encounter any natural or cultural materials during your work in the

protected area that may be previously unknown, you will notify the protected area contact indicated above, within 24 hours.

## Reporting Requirements

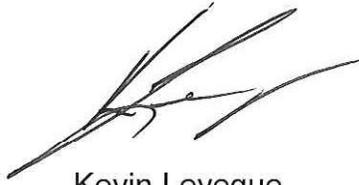
19. A digital copy of all reports, publications and theses will be provided to Steve Kingston, Zone Ecologist (see contact information below) for distribution to the Park Superintendent, the Northwest Zone Manager and the Protected Areas Section ([pasience@ontario.ca](mailto:pasience@ontario.ca)). A report will be submitted by December 31<sup>st</sup>, 2019.
20. A digital copy of raw data collected including: date, locations (UTM coordinates – northing, easting and datum), species, observers, and any other comments should be forwarded to Steve Kingston, Zone Ecologist and the Protected Areas Section ([pasience@ontario.ca](mailto:pasience@ontario.ca)), upon completion of the field season for inclusion in the Ontario Parks Inventorying and Monitoring Database. If you would like another arrangement for sending your raw data, please contact Steve Kingston.
  - The requirement to provide raw or summary data and reports annually as outlined is a condition of continued work in subsequent field seasons, and for future research projects by the applicant including new personnel working under the principle investigator.
  - All location information will be submitted in NAD 83 UTM.
21. Any relevant Species at Risk data will be submitted to the [Natural Heritage Information Centre, MNRF, Peterborough](#), with a copy to [pasience@ontario.ca](mailto:pasience@ontario.ca). Species at Risk data must be kept confidential and must not be communicated with persons outside the Natural Heritage Information Centre.

Research projects may require additional permits or approvals (e.g., MNRF Wildlife Scientific Collector Authorization, *Endangered Species Act*, 2007 permit, etc.). Principal investigators and authorized field personnel must follow the terms and conditions of every permit or authorization required for the research project.

Permission to conduct your research is valid until September 30, 2019. Permission to continue the research project for additional time may be granted upon submission of a written request and receipt of a progress report.

I trust that this will meet your needs and look forward to the results of your work.

Authorized by



Kevin Leveque  
Northwest Zone Manager  
Ontario Parks

cc:

<p>Shannon Lawr Park Superintendent 435 James Street South Suite 221d Thunder Bay, ON P7E 6S7 (807) 475-1634 <a href="mailto:shannon.lawr@ontario.ca">shannon.lawr@ontario.ca</a></p>	<p>Scott Delyea PA Science Administrator Protected Areas Section MECP 300 Water Street Peterborough, ON K9J 3C7 (705) 755-5418 <a href="mailto:pascience@ontario.ca">pascience@ontario.ca</a></p>	<p>Steve Kingston Northwest Zone Ecologist Ontario Parks 435 James Street South Suite 221d Thunder Bay, ON P7E 6S7 (807) 475-1761 <a href="mailto:steve.kingston@ontario.ca">steve.kingston@ontario.ca</a></p>
<p>Christine Hague A/Northwest Assistant Zone Ecologist Ontario Parks 435 James Street South Suite 221d Thunder Bay, ON P7E 6S7 (807) 475-1525 <a href="mailto:christine.hague@ontario.ca">christine.hague@ontario.ca</a></p>		

-----Original Message-----

From: James Burchfield [REDACTED]  
Sent: June 10, 2019 3:09 PM  
To: Protected Area Science (MECP) <[PASCIENCE@ontario.ca](mailto:PASCIENCE@ontario.ca)>  
Subject: Ontario Parks Research Application - James Burchfield

Applicant Name: James Burchfield

Affiliation: Golder Associates Ltd.

Email Address: [REDACTED]

Business Address: 910 Alloy Dr., Thunder Bay, ON P7B

6A4

Business Phone: 807-355-3379

Business Fax:

Home Address:

Home Phone:

Home Fax:

Project Title: Marten Falls All Weather Road Baseline

Conditions

Project Location: Ogoki Lake Provincial Park, Albany River Provincial Park

Project Details: The objective of the study is to perform baseline natural sciences surveys along a 5 kilometre wide corridor surrounding two proposed alternative routes for the Marten Falls First Nation Community Access road. This work will be used to quantify the terrestrial ecology of several locations along the corridors and identify sensitive areas and potential impacts of the work. As part of this project, sites have been selected in Ogoki Lake Provincial Park and the Albany River Provincial Park.

General Outline: The primary objective is to quantify the baseline conditions along each of these two corridors and consists of the following components and timing windows:

- breeding bird point count surveys: June 1 to July 10 (northern Ontario) and June 1 to July 17th (Hudson Bay Lowlands)
- marsh bird call back surveys: May 20-July 5
- bank swallow and barn swallow visual habitat assessments: ideally in the breeding season (June 1-July 10)
- eastern whip-poor-will surveys: June 10-June 24th (for 10 days)
- bat maternity roost monitoring surveys: June 1-June 30 (for 10 days)
- remote camera surveys: no timing window
- vegetation surveys: growing season July/August

□ aerial reconnaissance survey: no timing window however leaf off/no snow conditions is preferred for wildlife and wildlife habitat visibility

## Procedures: 2.0 FIELD SURVEYS

The proposed work will involve aerial and visual surveys from the ground, acoustic surveys, and the placement of passive monitoring devices throughout the survey timing window including bat and bird acoustic monitors and remote cameras. Procedures are detailed below.

### 2.1 Avian Surveys

#### 2.1.1 Breeding Bird Point Counts

According to the Atlas of the Breeding Birds of Ontario the window for standard breeding bird surveys (e.g. point counts) in northern Ontario is June 1 to July 10 and in the Hudson Bay Lowlands is June 1 to July 17th.

Breeding bird surveys will be performed using a point count methodology and will be conducted in a single round of surveys in June 2019. Survey stations will consist of a 50 m radius circular plot with an additional 50 m radius buffer (i.e., a total 100 m radius surveyed). Any birds observed outside of 100 m will also be noted where possible. Survey station centroids will be established with a minimum separation distance of 250 m. Breeding bird surveys will begin as soon as possible after sunrise (because of safety issues with flying a helicopter in low light conditions, pre-dawn surveys are not possible) and will end no later than 10:00 a.m. Point counts will be surveyed for 10 minutes at each survey station. Surveys will not be completed during periods of high winds or inclement weather that would interfere with the survey.

Survey station selection for breeding bird surveys involved assessment of the study area for the two western routes against background data available for breeding birds from previous studies and several spatial criteria.

Previous breeding bird survey locations in the study area (Noront, 2010 and 2011; Zoetica, 2018) were plotted and used to identify areas for which little or no data has been gathered (i.e. "gaps"). Within these "gap" areas, a desktop review of aerial imagery was performed to identify potentially suitable helicopter landing locations (e.g., open habitats). Then three to four preliminary breeding bird survey stations were plotted in the vicinity of each potential landing location, within a variety of habitat types wherever possible. Note that in the field, survey station locations may be revised from the pre-selected locations, if required, based on the conditions observed. Two observers will survey approximately two stations at each helicopter landing location (for an approximate total of four per landing location).

The data collected during the 2019 breeding bird point counts will be used to supplement the data collected by Zoetica during the 2018 breeding birds surveys (Zoetica 2018) and compared to the breeding bird point count data from the Cliffs Environmental Assessment (EA) (Noront, 2010 and 2011) to describe the baseline characterization of the song bird breeding population for the Project EA.

#### 2.1.2 Marsh Bird Call Back Surveys

Marsh bird surveys are to be conducted between May 20th and July 5th (BSC 2003). If suitable marsh bird habitats are encountered during the breeding bird point count surveys described above, a marsh bird survey station will be established (i.e. in marsh bird habitats near suitable point count locations). The presence of suitable habitat will be determined based on the professional opinion of the survey crew. At each identified station, call playback surveys will be conducted to detect secretive marsh birds, using protocols modified from Bird Studies Canada (BSC) (2003) for marsh bird monitoring.

The surveys will consist of a 10-minute detection period consisting of 5 minutes of listening followed by 5 minutes of playback for targeted species.

For each species, 30 seconds of calls will be played, followed by 30 seconds of listening. Calls will be broadcast in the following order: yellow rail, sora, Virginia rail, American bittern, and pied-billed grebe. Observers will record all birds detected within a 100 m radius, including fly-overs by the targeted species.

#### 2.1.3 Bank Swallow and Barn Swallow

Bank swallow (*Riparia riparia*) and barn swallow (*Hirundo rustica*) are both listed as Threatened on the Species at Risk in Ontario (SARO) and receive individual and habitat protection under Ontario's Endangered Species Act (ESA).

Targeted surveys for barn swallow and bank swallow will consist of a habitat reconnaissance from the air, followed by ground based visual surveys of habitat that is determined to hold potential for nesting of barn or bank swallow. Initially, aerial photography was used to identify features (e.g., man-made structures, riverbanks) in the study area that could support nests for these species. These potential features as well as other potential habitats identified in the field from the air or on the ground will be further investigated for the presence of nesting barn swallow or bank swallow.

Potentially suitable habitats that are identified from the air will be surveyed on the ground, wherever access permits (i.e. within proximity to safe helicopter landing location). Surveys will consist of the surveyor visually inspecting the habitat from a distance with binoculars to search for individuals of these species and listening for their calls, followed by closer inspection of the area for nests or other signs, where accessible.

#### 2.1.4 Eastern Whip-poor-will

Eastern whip-poor-will is listed as threatened under the ESA and both individuals and habitat are offered protection under the Act. Whip-poor-will is a nocturnal species that utilizes open/sparse forested habitat. Suitable habitat for this species was initially identified through a review of aerial imagery. These stations may be further refined in the field based on visual observation of the habitat on the ground or from the helicopter.

This survey program is based on the MNRF Draft Survey Protocol for Eastern Whip-poor-will (*Caprimulgus vociferus*) in Ontario (December 2014). Eastern whip-poor-will surveys shall be completed in Ontario between late-May and early-July, when the face of the moon is at least 50% illuminated and is above the horizon as per the protocol. Intensity and duration of calling vary seasonally, and vocalizations have been shown to decline in July as compared to June.

Given the remoteness of the study area, and because of safety issues with flying a helicopter in low light conditions, surveys will be performed by acoustic monitoring devices only. The devices will be deployed during the day and programmed to record acoustic calls at night during the June lunar period (June 10 24 is the 2019 period with >50% moon face). The acoustic devices will be collected during the second field event in July or August.

The number of detectors deployed will depend on the habitats encountered but will be limited to 8 acoustic detectors. Acoustic data will be collected for at least 10 nights. The detectors will have two microphones attached so that direction of the calls can be determined. The data will be retrieved from sound recordings and analyzed to establish the presence or absence of eastern whip-poor-will breeding habitat in the study area.

Where EWPW acoustic devices are deployed near wetlands (i.e. amphibian breeding habitat) the acoustic devices will also record calling frogs and as such when recordings are analysed, the identification of frog calls will also be determined in order to compile incidental amphibian breeding data.

## 2.2 Bat Maternity Roost Monitoring

Little brown myotis (*Myotis lucifugus*) and northern myotis (*Myotis septentrionalis*) are both designated as Endangered on the SARO list and receive species and habit protection under the ESA. The proposed bat field study program consists of two components: (1) aerial habitat reconnaissance, and (2) acoustic monitoring during the maternity roosting season. The bat maternity roosting period is in the month of June (OMNR 2011).

MNRF identifies bat maternity and day roost habitat based on the presence of certain ecosites where Forest Resource Inventory (FRI) data is available and PLC 2000 land cover forested areas (including wetlands) where FRI data is not available. No FRI data is available at this time for the study area, therefore, a combination of review of aerial imagery and PLC2000 landcover types was performed to search for potentially suitable habitat types.

As per previous MNRF direction, the following PLC2000 landcover types were used to identify potential SAR bat maternity roost habitat, in addition to review of aerial imagery:

- Deciduous, Mixed, Coniferous Forest, and,
- Deciduous, Mixed, Coniferous Swamp.

As the PLC2000 habitat types contain some inaccuracies (H. Bears, pers. comm. 2019), the preliminary bat acoustic station locations will be assessed from the air (aerial reconnaissance) prior to landing the helicopter and deploying the acoustic devices. The final bat acoustic station locations will be identified in the field based on suitable habitat and proximity to safe helicopter landing locations. Note that there are a few preliminary bat acoustic stations proposed within the Albany River Provincial Park as per MNRF comment on the Project (2017). A Research Authorization to conduct surveys within a Provincial Park will be sought from the Ministry of Environment, Conservation and Parks (MECP) for this study.

Wildlife Acoustics Song Meter SM4BAT FS acoustic monitors will be deployed at a maximum of 16 stations within the study area in suitable habitats to record bat activity during the maternity roosting period (June 1 to June 30) to determine if SAR bats are present in these communities. The acoustic detectors will be set to record from 30 minutes before sunset to 30 minutes after sunrise for a period of at least 10 days. The detectors will be set up in the maternity roosting window and collected during the second field event in July or August.

The data will be analyzed and auto-classified using SonoBat 4.2.2 nnE. The Sonobat program is specifically intended for discrimination of bats to the species level wherever possible, and validation of the species-level classification will be conducted by Golder's bat acoustic specialist.

Once automated classification is complete, all high frequency files and a subset of low frequency files will be reviewed (QA/QC'd) by an experienced and qualified bat acoustic specialist using the SonoVet tool.

The classifications will be tallied on a nightly basis to quantify the number of bat passes per night across all bat species (or species groups) at all monitoring stations. Once nightly tallies are calculated, an average bat passes per night will be determined, with standard deviation. For the SAR bat detections, a total number of passes across the survey and maximum passes within one night will also be calculated.

### 2.3 Remote Camera Surveys

In order to gather additional information on the wildlife community within the study area, specifically large mammals and furbearers, wildlife cameras will be deployed where areas of wildlife concentration may occur (e.g., wildlife trails, roads, cut lines, river banks, and other linear features) near suitable locations which can be accessed from safe helicopter landing spots. Twenty cameras will be placed in a variety of habitat types in June and collected during the second field event in July or August. If possible, remote camera stations will be set up within the Ogoki River Provincial Park as well as the Albany River Provincial Park as per previous MNRF comments on the Project (MNRF 2017). A Research Authorization to conduct surveys within a Provincial Park will be sought from the MECP for this study.

Cameras will be attached to a tree facing the linear feature or other habitat selected between 50 and 100 centimetres (cm) above ground level and locked to the tree to prevent theft or displacement by animals. The area immediately in front of the camera will be cleared of vegetation to provide a clear view of passing animals and to minimize the potential for cameras to be triggered by movement of vegetation caused by wind or rain. Cameras will be equipped with lithium AA batteries to extend function over long periods in the field and large memory card capacity (up to 10,000 images).

Camera data will be analyzed using the number of photographs of individuals of each species obtained by a camera at a particular location. When multiple photographs of the same individual are taken in succession, that individual will be counted once. Consecutive photographs of the same species will be considered different individuals when the time lapse between the photographs exceeds one hour. The number of individuals recorded by each camera will then be divided by the number of days the camera was operating, yielding a standardized index

of individuals/camera/day that allows comparisons among camera locations. The number of days that each camera is operational is determined by subtracting the date when the last photograph was taken from the date of deployment.

#### 2.4 Vegetation Surveys

Vegetation surveys are proposed to be completed in the study area and preliminary locations for vegetation survey plots will be determined initially based on a review of available information, including aerial imagery and PLC2000 landcover types for the study area, and further refined based on conditions in the field (i.e. within proximity to safe helicopter landing locations, observed plant community boundaries, etc.). Vegetation plot locations will be selected to provide broad coverage of the study area as well as include a diversity of plant communities (including peatland/wetlands) and specifically target communities that have the potential to support the growth of rare plant species and/or traditional use plants species. Vegetation surveys will be conducted within the Ogoki River Provincial Park as well as the Albany River Provincial Park as per previous MNRF comments on the Project (MNRF 2017). A Research Authorization to conduct surveys within Provincial Parks will be sought from the MECP for this study.

Vegetation surveys will be conducted during the growing season (July/August 2019), and in each plot, the plant community will be classified to the ecosite level using the Ecosites of Ontario (Banton et al., 2009) protocols.

The Ecosites of Ontario characterizes all wetland and upland communities in the ecoregion. A description of soil, plant species, and relative abundance of the plant species observed in each plant community will be recorded at each vegetation survey plot. Information on invasive or rare species will also be noted. Field notes, incidental wildlife observations and representative photographs will be used to provide an overall characterization of the plant communities. Sensitive or significant natural features, such as significant wildlife habitat, will also be noted to provide a description of the ecological function of the communities as wildlife habitat.

#### 2.5 Incidental Wildlife Observations

During all field work, incidental observations of wildlife will be recorded.

This type of observation may be made from the helicopter or during all other ground-based field work. Observers will document the type of wildlife or wildlife sign (e.g. scat, print, den) and a GPS location and appropriate photographs of the observation. From the air, specific attention will be paid to the detection and identification of raptor stick nests within the study area.

From Date: June 10, 2019

To Date: September 30, 2019

Park Visitors Involved: No park visitors will be involved in the project.

Assistance from MNR: No accommodation, equipment, or travel assistance is required.

Consultants from MNR:

Licences Held:

Performance Bonding:

Persons Assisting: Luke Owens, Terrestrial Ecologist, 210 Sheldon Dr., Cambridge, ON N1T 1A8 Luke is a terrestrial ecologist with Golder Associates Limited who will be the lead researcher for the terrestrial ecology component of the Marten Falls First Nation.

Fergus Nicoll, Terrestrial and Wetlands Technical Specialist, 1931 Robertson Rd., Ottawa, ON K2H 5B7 Fergus is a Terrestrial and Wetlands Technical Specialist with Golder Associates Ltd. He will be the technical lead for the terrestrial ecology and wetland components of the study.

Graeme Saukko-Sved, Natural Resources Technician, 910 Alloy Dr. Unit B, Thunder Bay, ON P7B 6A4 Graeme is a technical specialist with Golder Associates Ltd. He will be responsible for field support and vegetation surveys and will provide geospatial assistance to the project.

Jack Moonias, Assistant Field Technician, 910 Alloy Dr. Unit B, Thunder Bay, ON P7B 6A4 Rob Moonias, Assistant Field Technician, 910 Alloy Dr. Unit B, Thunder Bay, ON P7B 6A4 Jack Moonias and Rob Moonias are field technicians who will be helping with the project's fieldwork and providing background information and local knowledge about the work sites.

Contributors:

Final Report Date: February 01, 2020

Applicant Agrees to abide by terms: Yes

Date: 2019-06-10

Signature: Signature of Course Director or Advisor or, if applicable, Agency/Company President, Chairperson or Manager:

Date Approved:

Granted Admin:

Approval Granted:

Supervisor Signature:

Date:

Manager Signature:

Manager Provincial Parks Planning and Research

Date:

Conditions:

Conditions of approval if applicable:

Validation:

Valid From/To:

August 19, 2019

**Our Reference**  
Marten Falls Community Access Road  
Project Number 60593122

Agni Papageorgiou  
Special Project Officer  
Environmental Assessment and  
Permissions Branch  
Ontario Ministry of the Environment,  
Conservation and Parks

**Regarding: Species at Risk (SAR) Information Request in support of the Marten Falls Community Access Road Environmental Assessment and *Endangered Species Act* obligations**

Dear Ms. Papageorgiou,

As you are aware, Marten Falls First Nation is commencing a study under the *Ontario Environmental Assessment Act, 1990* for the design, construction and operation/maintenance of a proposed All Season Community Access Road (the Project). At the request of the Marten Falls Community Access Road Project (the Project), the Ontario Ministry of the Environment, Conservation and Parks (MECP) and the Ontario Ministry of Natural Resources and Forestry (MNRF) have reviewed screening criteria at the Terms of Reference stage for the Project Environmental Assessment (EA), and have provided constructive input and comment. With MNRF and MECP input, the Project team is in the midst of the EA, permitting framework and strategy for the Project.

The response provided by MECP discussed in detail the approach to the route alternative evaluation of the environmental assessment in regards to Caribou (*Rangifer tarandus*), and provided references to numerous relevant sources. AECOM has undertaken a Background Information Review as part of the EA process which included a thorough review of publically available information regarding SAR and other natural heritage values.

In addition, to information requests previously submitted to the MNRF and MECP, AECOM would like to request the following information which the MECP in their response indicated can be provided to Proponents upon request with the provision on up-to-date mapping of the Project Study Area and route alternatives:

- Reports generated by the Ontario Caribou Screening Tool, which describes how an activity affects cumulative disturbance and habitat amounts as compared to the Simulated Range of Natural Variation and describes the activity location relative to caribou values.

AECOM requests this data for all route alternatives in the attached shapefile, as this data will be used to inform the selection of the preferred route. At this stage of the Project, detailed shapefiles, which include details such as all associated infrastructure, are not yet developed.

Thank you in advance for your time and assistance.

Kind regards,



Kristan Washburn  
Senior Terrestrial Ecologist, Manager,  
Impact Assessment and Permitting



Enclosed: 1. Compressed folder containing GIS shapefiles for the route alternatives to be assessed

## **D1.2.2 Ministry of Natural Resources and Forestry**



Ministry of Natural Resources and  
Forestry

Northwest Region

Suite 221a, Ontario Government Building  
435 James Street South  
Thunder Bay ON P7E 6S7  
Tel.: 807 475-1251  
Fax.: 807 473-3023

May 28, 2019

**To: Qasim Saddique, Project Director  
Marten Falls First Nation Project Team for the Proposed Community Access Road**

**Re: Marten Falls First Nation All Season Community Access Road  
Request for Ministry of Natural Resources and Forestry input re: route alternative  
selection criteria**

Mr. Saddique,

The Ministry of Natural Resources and Forestry (MNRF) understands that Marten Falls Community Access Road Project Team (Project Team) is seeking ministry input to the development of criteria that would be essential and/or helpful to use in screening route alternatives at the Terms of Reference stage of the Environmental Assessment for the proposed road, along with supporting rationale.

Broadly, MNRF decisions related to the use of Crown land and resources integrate consideration of alternatives as a means of ensuring that the benefits of the proposed uses are realized and negative effects are avoided or minimized to the extent possible; as such, the ministry appreciates the opportunity to provide input at this early stage in the development of the alternatives analysis.

The request from the Project Team noted that MNRF (and MECP) have previously provided feedback on the May 10, 2017 Project Proposal document via a letter to MECP dated June 19, 2017.

In considering how best to respond to this request, the Ministry notes that the May 2017 Project Proposal document continues to serve as the primary description of the project and route alternatives and that additional, more detailed information regarding route alternatives or how they were identified has not yet been provided. The ministry considers that information contained in the June 19, 2017 letter continues to provide relevant information that the Project

Team can use to develop a proposed set of criteria for the alternatives identification / assessment that is to be presented in the Terms of Reference for the project EA.

The Project Team may be aware that several areas of MNRF mandate and regulatory responsibility transitioned to MECP on April 1, 2019; two that are directly relevant to the proposed Marten Falls Community Access Road are mandate and responsibilities under the *Endangered Species Act* and the *Provincial Parks and Conservation Reserves Act*. The Project Team is also aware that Ontario is currently engaging on a proposal to repeal the *Far North Act*.

Given these developments and the Project Team's current request for input regarding the development of alternatives analysis criteria, MNRF has updated and consolidated information in its June 2017 letter to reflect our present mandate and regulatory roles, and to provide some examples of criteria that could reflect their appropriate consideration. The ministry provides this response with the intent that it will enable the Project Team and its consultants to: (a) develop a sound understanding of the ministry's interests and potential role in the project; and (b) have information that will enable the development of a proposed set of alternatives analysis criteria to which the Ministry can subsequently respond.

Thank you for this early opportunity to contribute to the development of the Terms of Reference for the project EA.

A handwritten signature in black ink, appearing to read "Londa Morton". The signature is fluid and cursive, with the first name "Londa" being more prominent than the last name "Morton".

Londa Mortonson  
Manager, Northwest Regional Resources Section  
Ministry of Natural Resources and Forestry

## **Ministry of Natural Resources and Forestry Mandated Interests in the Proposed Marten Falls First Nation All-season Community Access Road**

The MNRF has a broad mandate. The all-season road proposed by MFFN will intersect with many of these mandated interests and, in addition, will likely require authorizations under various legislation administered by MNRF. This document outlines those areas of the MNRF's mandate and highlights key aspects that the road proposal should take into account and address. It is intended to assist the Project Team in the development of criteria that would be essential and/or helpful to use in screening route alternatives at the Terms of Reference stage of the Environmental Assessment for the proposed road. This information is also intended to be helpful more broadly in the preparation of the project proposal, feasibility study, environmental assessment and other project documentation, as well as inform subsequent applications for authorizations from the MNRF.

The MNRF considers MFFN's proposed project to include all components associated with the road such as the road bed, aggregate pits for source material, lay down areas, etc. as well all phases of the project (i.e. planning, construction, operation and maintenance, and retirement).

The provision of additional details about MFFN's proposed project will further assist the MNRF in identifying its interests in the project and associated information needs and regulatory requirements.

### **1.0 MNRF Mandate and Responsibilities**

The MNRF is responsible for the management of Ontario's forests, fisheries, wildlife, mineral aggregates, petroleum resources and Crown lands and waters which make up 87 per cent of the province. The MNRF strives to manage Ontario's natural resources in an ecologically sustainable way to ensure that they are available for the enjoyment and use of future generations. The MNRF is also responsible for protecting life, property and natural resources from the effects of forest fires, flood and drought.

The ministry fulfills its broad mandate through a wide range of laws, programs and policies. The MNRF's legislative responsibilities applicable to the proposed all-season road include: the *Public Lands Act*, *Lake and Rivers Improvement Act*, *Far North Act*, *Aggregate Resources Act*, *Fish and Wildlife Conservation Act* and *Crown Forest Sustainability Act*. MNRF is further guided in its decision making by the principles of its Statement of Environmental Values (SEV) under the *Environmental Bill of Rights* which it must consider when making environmentally significant decisions.

## **1.1 Management and Use of Crown Land**

The MNRF is responsible for managing Ontario's Crown land in a way that balances social, economic and environmental interests.

The *Public Lands Act* (PLA) and associated regulations, policies and procedures govern the management, use and disposition of (i.e. granting of rights to) public lands in Ontario (excluding lands within provincial parks and conservation reserves which are managed by the Ministry of Environment, Conservation and Parks [MECP] under the authority of the *Provincial Parks and Conservation Reserves Act* [PPCRA]) and provide for the issuance of a variety of instruments for the use of these lands, including most lands under navigable rivers and lakes. The use or occupation of Crown land is authorized through a variety of instruments including work permits, land use permits, letter of authorization, lease, etc.

The PLA is also a tool for environmental protection. Activities and plans approved via instruments issued under the PLA commonly have conditions attached that are specifically designed to protect and preserve the natural environment as well as consider socio-economic benefits.

Currently, surface rights for the majority of the proposed project area are held by the Crown and are managed by the MNRF under the authority of the PLA. Anything deposited, constructed or developed on those lands in association with the project will require PLA approval in the form of work permits, land use permits or other instruments as appropriate (approvals under the PPCRA may also be required and the Project Team should contact MECP for more information).

### **1.1.1 Land Use Direction in the Area of the Undertaking (AOU) and Far North**

In the Area of the Undertaking, Crown land use policy sets out broad objectives for Crown lands in a given geographic area and indicates whether particular types of activities are permitted within it. Crown land use policy may also set out conditions under which activities may occur (e.g., restrictions related to activities on designated lake trout lakes, conditions requiring decommissioning of temporary roads when they are no longer needed, etc.). Within the Far North, land use direction is provided by community based land use plans that are jointly prepared with First Nations. In the absence of completed community based land use plans, activities may be allowed to proceed if certain requirements are met.

Activities carried out on Crown lands must be consistent with all applicable land use direction. Primary sources of land use direction of relevance to Marten Falls' proposed road corridor include:

- Crown Land Use Policy Atlas (CLUPA) - for land use policy reports for the portion of the reference corridor that is south of the Far North planning area
- Marten Falls First Nation community based land use plan Terms of Reference
- Marten Falls First Nation community-based land use plan - in-progress

The land use direction in these planning documents should be reviewed and the implications of that direction considered for all components of the project (e.g., the all-season road itself, aggregate pits, lay down areas, temporary work camps, etc.). The project proposal and other documentation should briefly discuss this land use direction, whether the proposed road project is consistent with it and, if not, the approach that will be pursued to address inconsistencies.

In addition to land use policy, any resource management direction for the study area including forest management plans and fisheries management plans/objectives should be reviewed and considered.

The proposed all-season road will enable access to areas that previously have been essentially inaccessible to mechanized travel except during the winter. The creation of new access can result in impacts on fish and wildlife populations (e.g., due to new or increased hunting pressure), "remoteness" and remote or "wilderness" recreation / tourism experiences, among other effects. The MNRF will consider the effects of creating new access when making decisions to issue authorizations under legislation administered by MNRF.

#### **1.1.2 Water Crossings**

There are numerous water crossings associated with the new road proposal which will require authorization under the PLA by the MNRF. To facilitate MNRF decisions regarding water crossings, the project proposal should include the location and details of all water crossings (drainage areas, width, depth, fish species present, habitat, substrate, approach slopes, shoreline vegetation), and details regarding watercrossing structures (culverts, bridges [bridges must be approved by an engineer]). The proposal should also clearly identify potential impacts to fish and aquatic ecosystems that may result from the construction and installation of crossings (impacts to beds, shoreline, water quality, etc.), oil leaks into waterways, etc. and how these impacts will be avoided or mitigated. Decommissioning and/or rehabilitation of water crossings associated with the existing winter road should also be addressed.

#### **1.2 Far North**

The *Far North Act, 2010* (FNA) sets out the framework for community based land use planning and the joint role of Ontario and First Nations in planning in the Far North. Several community based land use plans have been approved and a number of other planning processes are currently underway.

Through the Far North Land Use Planning Initiative, Marten Falls First Nation and Ontario are working jointly to prepare a community based land use plan. Joint planning teams draw upon both Indigenous traditional knowledge and the best available scientific information when preparing plans. Once a community based land use plan is jointly approved by the First Nation and Ontario, all activities in the planning area must be consistent with the guidance provided by the community based land use plan.

Generally, it is intended that a community based land use plan be in place before developments such as an all-season road. The FNA prohibits new all-season roads in the Far North until there is a community based land use plan in place; however, the Act provides exceptions and exemptions in certain cases. For

example, developments may proceed concurrently to the development of a draft community based land use plan if certain requirements are met, including an order designating the area as a planning area, evidence of support from the First Nation by way of a Band Council Resolution, and sufficient information on ecological values exists for the area of the development.

The government is currently contemplating a repeal of the Far North Act, but no decisions have been made yet. The proposal currently being considered includes repealing s. 12 of the FNA, which restricts development in areas where no approved community based land use plan exists. Any proposed repeal will not come into effect until it is passed by the legislature. In the meantime, the FNA remains in place. MNRF will continue advancing the review of any required development authorizations under the Far North Act until the Far North Act is repealed.

### **1.2.1 Relationship to Marten Falls Community Based Land Use Planning Initiative**

The MNRF is pleased to be working together with Marten Falls through its community based land use planning process. The project planning for the proposed road may proceed concurrently with land use planning; we encourage continued frequent dialogue between the community based land use planning team and the all-season road project team, in order to consider any community interest or values that have been identified to date through the land use planning process in the siting and assessment of impacts of the proposed road.

### **1.3 Aggregates**

The *Aggregate Resources Act* (ARA) and regulations, and associated program and operational policies, set out the framework for the regulation of aggregate resources (e.g., sand, gravel, clay, bedrock) by MNRF in Ontario. Under the authority of the ARA the MNRF oversees the rules governing aggregate management; issues licenses, permits and changes to existing approvals; inspects aggregate operations and responds to complaints; enforces compliance; and ensures rehabilitation is carried out on sites. Authorization is required from the MNRF for aggregate pits and quarries on Crown land and in some areas of private land; this includes aggregate on staked mining claims and on lands leased under the *Mining Act* where aggregate resources have been reserved to the Crown.

The MNRF anticipates that the use of aggregate resources will be a key component of the proposed all-season road. The project proposal for the all-season road should describe Marten Falls' plans for obtaining the required aggregate, including identification of all existing and new sources it intends to draw from.

There are substantial information requirements prescribed by ARA program and operational policies for aggregate permit application and review. To enable review of the road proposal and to lay the groundwork for future ARA applications, the project proposal should provide the following information for all new pits proposed:

- Description of proposed pits (what material is to be extracted, location, size, approx. quantity) and associated anticipated impacts for all project phases

- If locations / size for potential new pits are not known, options /alternatives should be presented and impacts associated with each considered
- Description of access to the aggregate resource and associated impacts
- Conceptual rehabilitation plan
- Cumulative impact consideration for disturbed areas

Should it be confirmed through project planning that new aggregate pits are required, technical reports will need to be prepared and submitted to MNRF as part of the ARA application.

#### **1.4 Fish and Wildlife**

The MNRF provides provincial leadership and oversight in the conservation of Ontario's biodiversity. This includes the management of fish and wildlife populations; forest ecosystem management; wetland conservation; protection of species at risk; invasive species control; and environmental research, monitoring and assessment.

##### **1.4.1 Wildlife**

The *Fish and Wildlife Conservation Act* (FWCA) provides the MNRF with authority to protect and manage wildlife including furbearing mammals, game wildlife, and specially protected wildlife species (species at risk may be designated as "specially protected" and listed in the appropriate FWCA Schedule). The FWCA provides for regulation of species that are hunted or trapped. Regulation includes setting quotas or bag limits, establishing seasons and placing restrictions on gear types. The Act prohibits the destruction or possession of the nest or eggs of non-game birds, as well as the damage or destruction of the den of a black bear or fur bearing mammal or a beaver dam, unless authorized to do so. Application for approval under the FWCA will likely be required for the proposed project as it is expected that project activities such as clearing, grubbing, blasting, dewatering, and damming will result in the destruction of beaver dams and associated ponds, furbearer dens, black bear dens and/or bird nests and eggs.

The MNRF follows an ecologically-based, landscape approach to managing cervid species in Ontario. The overarching policy direction for cervid management is set out in the Cervid Ecological Framework (CEF, 2009). The reference corridor bisects portions of Wildlife Management Units (WMU) 17, 18A, and possibly 1D which are units within the Cervid Ecological Zone A. Broad population and habitat management direction in the CEF highlights that woodland caribou and natural, low density moose populations are the primary cervid species under management within Cervid Ecological Zone A. Across CEZ A, woodland caribou and moose populations are to be maintained through habitat management at the landscape scale (i.e., land use planning, forest management planning) in addition to moose population management occurring through the provincial moose management program.

At present, white-tailed deer abundance in CEZ A is very low. The proposed road may, in time, contribute to the northward expansion of the deer population. If such a northward range expansion (along the road corridor) by deer were to occur, it may enhance parasite transmission from deer to moose and caribou populations. Increasing cervid prey abundance

has the potential to increase predator abundance and potentially increased predation on moose and caribou.

Some other potential impacts to wildlife habitat include: impacts on moose aquatic feeding areas, wolf den and rendezvous sites, and snag and cavity trees and downed woody material for pileated woodpeckers. Refer to the MNRF's "Forest Management Guide for Conserving Biodiversity at the Stand and Site Scales (a.k.a. the Stand and Site Guide) for stand and site level direction that could be applied during planning and construction activities.

#### **1.4.2 Fisheries**

The MNRF is the agency responsible for administering and enforcing the Ontario Fishery Regulations under the *Fisheries Act*, including allocation and licensing of fisheries resources, fisheries management, fish and fish habitat information management, and fish habitat rehabilitation. Ontario works with DFO to help achieve the requirements of the *Fisheries Act* through a variety of agreements and protocols. The Ministry also has fisheries responsibilities under other provincial legislation, including the *Lakes and Rivers Improvement Act*, the *Public Lands Act*, the *Crown Forest Sustainability Act*, the *Environmental Assessment Act* and the *Planning Act*.

When considering the effects of a proposal on fish, fish habitat and the aquatic environment, MNRF requires information describing the fish and aquatic community (e.g., species composition, description of habitats), physical habitat parameters (e.g., thermal regime, flow regime, substrate), existing human use of the resource (e.g., commercial, recreational or Aboriginal fisheries), and sufficient details describing the proposal to understand the potential impacts that it will have on fisheries and aquatic resources (e.g., structure type and location, construction dates). This assessment should also include consideration of the potential impacts that may result from improved access to currently remote fisheries.

#### **1.4.3 Commercial Resource Harvesting**

The MNRF issues licences under the *Fish and Wildlife Conservation Act* (FWCA) for a variety of commercial resource harvesting activities. These include trapping, baitfish harvesting, wild rice harvesting and commercial fishing. These resource harvesting activities may be impacted by a proposed project on Crown land. The impact of the loss of land area or proposed activities adjacent to a licenced area will be evaluated in the review of project proposals, and licence holders are consulted.

There are numerous trap line areas within or adjacent to the proposed road corridor alternatives, and trap cabins associated with these lines may be located close to or within the alternative corridors. Marten Falls should consult with trap line holders and provide information regarding potential impacts to trapping and trapline holders and proposed measure to avoid or minimize these impacts.

In addition to traplines, other commercial resource users within and adjacent to the alternatives include Bear Management Area Operators, Baitfish License Holders and Resource-based Tourism operators.

### **1.5 Crown Forests**

Ontario's forests are managed under the authority of the *Crown Forest Sustainability Act* (CFSA). The CFSA provides for the sustainability of Crown forests to meet the social, economic and environmental needs of present and future generations where sustainability is defined as long term Crown forest health. The Act allows for the management of all forest-based values and is legally binding on provincial government agencies including the MNRF.

The CFSA directs that the sustainability of Crown forest shall be determined in accordance with the Forest Management Planning Manual, which is regulated under the Act, in a manner consistent with the following principles:

- Large, healthy, diverse and productive Crown forests and their associated ecological processes and biological diversity should be conserved.
- The long term health and vigour of Crown forests should be provided for by using forest practices that, within the limits of silvicultural requirements, emulate natural disturbances and landscape patterns while minimizing adverse effects on plant life, animal life, water, soil, air and social and economic values, including recreational values and heritage values.

A portion of the proposed road is within the Ogoki Forest Management Unit which has an approved Forest Management Plan (Ogoki FMP). Project documentation will need to consider the direction within the Ogoki FMP regarding forestry activities, wildlife objectives and access, and address how the proposed project may impact those activities and objectives. There is also the need to consider the impacts to Kenogami Forest with respect to existing roads and the associated use management and responsibility.

Forest harvesting rights within designated forest management units are allocated via the issuance of licenses. The most significant form of these licences is the Sustainable Forest Licence (SFL). An SFL provides the licence holder with the right to harvest and manage the forests on large areas of Crown land. SFL holders are required to prepare a forest management plan, manage the forest sustainably and provide reports on the implementation of the forest management plan. These licenses also require forest products companies to protect the environment and pay the full cost of reforestation on the lands they harvest.

Harvesting (clearing) Crown trees for road development within the Ogoki Forest will require authorization by MNRF; project documentation should provide a clear description of all harvesting/clearing activities involved with the project.

## **1.6 Natural Heritage**

Natural heritage features include wetlands, significant wildlife habitat and Areas of Natural and Scientific Interest. MNRF strategic direction for considering natural heritage stems from Horizon's 2020 (the MNRF's strategic vision) and Ontario's Biodiversity Strategy which state that there needs to be consideration for public awareness, healthy ecosystems, sustainable economic benefits, and management of resources in a fair and sustainable way.

The proposed all-season road has the potential to adversely affect wetlands and significant wildlife habitat in and adjacent to the project area through both direct destruction, loss, or conversion; and through indirect effects.

There are likely a number of species that are considered provincially rare which occur within and adjacent to the proposed road corridor. The MNRF encourages using the best conservation measures available to protect these species. Information on provincially rare species can be obtained from the ministry's Natural Heritage Information Centre (NHIC).

The project proposal and other documentation will need to identify these natural heritage features and fully consider potential impacts to and mitigation for the respective features.

Resources which may be of value for doing so include: NHIC, the Significant Wildlife Habitat Technical Guide and associated Mitigation Support Tool, and Natural Heritage Reference Manual.

## **1.7 Invasive species**

Roads can act as vectors along which invasive species are transported, resulting in their establishment in new areas. Historically, the limited road network in the area of the proposed all-weather road, as well as the broader region, has helped to minimize the introduction of invasive species and to maintain natural levels of biological diversity, ecological processes and functions. Project planning should consider the potential introduction and establishment of invasive species via construction and use of the road, impacts that could result, and measures that will be taken to avoid or minimize their spread and resultant negative environmental effects.

## **2.0 Examples of Additional / Specific MNRF Interests in the Proposed Community Access Road for Consideration in the Alternatives Analysis.**

This section provides additional, more detailed information for several examples of specific MNRF interests that should be used to inform the development of criteria for the alternatives evaluation. MNRF emphasizes that the following are only examples, and not an exhaustive list; the ministry anticipates that Project Team will develop a full set of criteria for the alternatives analysis to which the ministry will then be pleased to review and provide feedback. MNRF also emphasizes that the following examples are provided with focus on alternatives analysis aspect of project development; the ministry would expect to see additional and more detailed information on these and other MNRF areas of interest throughout other components of the EA project documentation (some of which has already been provided in the June 19, 2017 letter to MECP).

### **2.1 Peatlands/wetlands**

Peatlands/wetlands in Ontario's Far North are important on local through to global scales. The alternatives analysis should consider not only the length of road corridor that will cross through peatlands for each of the alternatives considered, but also consider how impacts to peatland/wetland function may be minimized. This should include, for example, identification and consideration of concentrated areas of peat that function as carbon sinks; impacts to biological functions of wetlands in providing wildlife habitat; effects of the project on climate change and vice versa; etc.

### **2.2 Fisheries**

Potential impacts to fisheries within the numerous waterbodies and their tributaries that the road will cross is a major environmental concern within the context of MNRF's mandate, as well as a significant social and cultural concern for communities who traditionally fish in the area of the proposed road. Information on fisheries present along the corridor options is general (i.e. not crossing-specific) and prepared using desktop information. Fisheries field work should be conducted to confirm desktop assumptions about fish communities and provide species-specific information on sensitive areas such as spawning sites. From a social perspective, MNRF is aware that some Marten Falls First Nation members may have concerns regarding the creation of new access for recreational anglers and harvesters from other communities and resultant increased harvest of fish on which Marten Falls First Nation relies for a major component of its diet. An analysis of the potential impacts to food security as related to fisheries (and wildlife from potentially increased hunting pressure) and how anticipated negative effects may be mitigated should be presented.

### **2.3 Aggregates**

The project proposal acknowledges the importance of identifying and securing the aggregate materials that will be required for road construction and maintenance, presents high-level information regarding potential sources, and considers this in

relation to routing alternatives. MNRF shares the view that the availability of suitable and sufficient amounts of aggregate for the project will be a major consideration in route selection. More detailed information about the type and volume of aggregate needed to implement the project and that exists in the project area (i.e. specific sources) will need to be presented in the alternatives analysis.

#### **2.4 Socio-economics**

Through its mandated interests, MNRF considers how land and resource use and users (e.g. trapping, commercial tourism) would be potentially affected by proposed development and activities. These considerations should be addressed in the alternatives analysis.

#### **2.5 Consideration of other proposals and interests on Crown land in the area of the proposed road and broader region**

As the Project Team is aware, there are a number of road and other linear infrastructure proposals and interests in the project area and broader region (e.g., other community and industry access roads, broad band internet installation and electricity transmission).

MNRF interests in this consideration relate to minimizing the number of linear corridors that are developed in the region as this, in turn, may minimize potential negative effects associated with individual linear developments and the cumulative effects that may result from multiple corridors, promote the efficient use of/maximum benefit from the use of land and resources, support achievement of the interests of other First Nation communities in road and other infrastructure development opportunities in the region, and sustainably use public funds and resources in the development and ongoing maintenance of major infrastructure in the region.

The alternatives analysis should include consideration of the feasibility/suitability for that alternative to support/connect to a broad regional road network as well as support other forms of linear infrastructure such as transmission lines and broadband within its corridor.

Consideration of the cumulative effects of road corridors on the landscape should be a major consideration when engaging with neighbouring First Nation communities.

## Government Review Team Comments

**Proposal:** Marten Falls Community Access Road - Approach to Alternatives in Terms of Reference (May 10, 2017 Project Proposal)

**Proponent:** Marten Falls First Nation

**Ministry/Agency:** Ministry of Energy, Northern Development and Mines

**Commenter Name and Job Title:** Ariane Heisey, Team Lead: Environmental Assessment and Land Use Planning

**Date:** May 2019

Comment #	Section and Page #	Comments
1.	Page 2: paragraph 2	While not recommending additional specific criteria, the proponent may want to consider criteria in the following areas: <ul style="list-style-type: none"><li>• Health and safety</li><li>• Community wellness/well-being</li><li>• Route feasibility</li><li>• Costs of construction</li></ul>
2.	Page 2: paragraph 3	What has changed since the May 10, 2017 document as a result of the significant discussions? The information that is currently available is a result of what?
3.	Page 2: paragraph 4	Confirming that more than 1 alternative will be evaluated in the EA based on the screening.

Nipigon District

District de Nipigon

5 Wadsworth Dr.  
Nipigon ON P0T 2J0  
Tel.: 807 887-5000  
Fax.: 807 887-2993

5 Wadsworth Dr.  
Nipigon ON P0T 2J0  
Tél. : 807 887-5000  
Télééc. : 807 887-2993

September 9, 2019

KGS Group  
3<sup>rd</sup> Floor – 865 Waverley St.  
Winnipeg MB  
R3T 5P4

Attention: Steve Offman

Subject: Letter of Authority to Undertake Geotechnical Work

This Letter of Authority granted pursuant to Section 27.1 of the Public Lands Act provides KGS Group, its agents and contractors the authority to proceed with geotechnical testing on Crown land as per the proposal to the Ministry of Natural Resources and Forestry dated August 2, 2019.

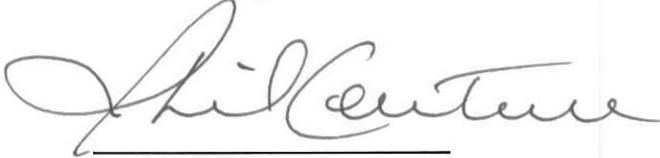
The following conditions apply to the authorized activities:

1. This letter of authority is effective from September 10, 2019 to October 20, 2019.
2. Work shall be carried out according to the application submitted (appended hereto as Schedule A), and in accordance with this Letter of Authority. Any changes in design or location will require an amendment to the Letter of Authority.
3. This approval includes only the work proposed on provincial Crown lands. It is the responsibility of the permittee to gain legal access over or through any private lands, lands held by other Ministries or Federal lands.
4. The Permittee shall comply with all applicable laws, regulations, by-laws, government orders and directions in its use of the described lands.
5. The Permittee shall be solely responsible for obtaining any other necessary permits, licenses and approvals relating to the use of the described lands by the Permittee.
6. The approved work does not include road, trail or water crossing construction or upgrades.
7. This authorization shall not be construed as approval to carry out work on shorelands or in waterbodies.
8. Sites are always to be kept in a clean and tidy condition.
9. Appropriate safety warnings/fences shall be installed in the project area as required.
10. The permittee will not disturb or interfere with authorized uses of public lands by other persons except with prior approval of a Public Lands Officer.
11. This letter does not convey and right, title or interest in the land.
12. The permittee must provide the contractor and/ equipment operator with a copy of this Letter of Authority, including all conditions. It is KGS Group's responsibility to ensure that all conditions are followed.
13. Appropriate, and effective, erosion and control measures shall be proactively implemented as required.

14. Should species at risk be encountered work must cease immediately and the district office must be contacted as authorization may be required.

An officer appointed under the Public Lands Act may conduct inspections of the work being done to ensure compliance of the conditions listed in this Letter of Authority. The Ministry of Natural Resources and Forestry retains the right to alter or stop immediately the proposed or on-going operations should they be considered detrimental in any way to the environment or public interest.

Authorized by:

A handwritten signature in cursive script, reading "Phil Couture". The signature is written in dark ink and is positioned above a horizontal line.

Phil Couture  
Resource Operations Supervisor  
Nipigon District



## **D1.2.3 Infrastructure Ontario**



## Soulliere, Kenndal

---

**From:** Brown, Joanna (IO) <Joanna.Brown@infrastructureontario.ca>  
**Sent:** Friday, January 17, 2020 1:07 PM  
**To:** Soulliere, Kenndal  
**Cc:** info@martenfallsaccessroad.ca  
**Subject:** RE: Marten Falls Community Access Road - Project Update - Draft Terms of Reference

Hi Kenndal

Thanks for following up. I spoke with the team here. I understand that IO has reviewed the project location and confirmed that there are no IO interests within the vicinity of the project. No comments and we can be taken off the consultation list.

Thank you again for including us. Have a good weekend.

Joanna

---

**From:** Soulliere, Kenndal [REDACTED]  
**Sent:** Thursday, January 16, 2020 2:55 PM  
**To:** Brown, Joanna (IO) <Joanna.Brown@infrastructureontario.ca>  
**Cc:** info@martenfallsaccessroad.ca  
**Subject:** Marten Falls Community Access Road - Project Update - Draft Terms of Reference

Hi Joanna,

My name is Kenndal and we were chatting on the phone before Christmas on the Draft Terms of Reference for the Marten Falls Community Access Project.

I believe the Land Use Planning group (Ainsley Davidson) informed me that you would be coordinating IO's review on this document, and then when we spoke you mentioned that you sent the documents to Lisa Mislickey for review. I might have dropped the ball here as we didn't add Lisa to our contact list so you're still our contact for this?

Regardless we are currently following up to remind anyone on the list that our due date to comment on the Draft Terms of Reference is coming up on **Monday January 20, 2020**.

The Draft ToR is located here: <http://www.martenfallsaccessroad.ca/documents/> and comments can be made directly on our website found here: <http://www.martenfallsaccessroad.ca/contact-us/>

Could you please advise if yourself or Lisa will be commenting on behalf of IO, and if you will be meeting the deadline?

Perhaps we should look into revising our contact list as well?

Thank you,

**Kenndal Soulliere**  
Environmental Planner  
Impact Assessment and Permitting  
[REDACTED]  
[REDACTED]

  
**AECOM**

55 Wyndham Street North  
Guelph, ON, Canada  
N1H 7T8

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## **D1.2.4 Hydro One Networks Inc.**





Hydro One Networks Inc  
483 Bay St  
Toronto, ON

June 14, 2019

Re: MARTEN FALLS FIRST NATION ALL SEASON COMMUNITY ACCESS ROAD

To whom it may concern,

Following our preliminary assessment, we confirm there are no existing Hydro One transmission or distribution assets in the subject area.

Please be advised that this is only a preliminary assessment based on current information. No further consultation with Hydro One Networks Inc. is required if no changes are made to the current information.

However, if plans for the undertaking change or the study area expands beyond that shown, please contact Hydro One to assess impacts of existing or future planned electricity infrastructure.

Any future communications are sent to [Secondarylanduse@hydroone.com](mailto:Secondarylanduse@hydroone.com).

Sent on behalf of,

**Secondary Land Use  
Asset Optimization  
Strategy & Integrated Planning  
Hydro One Networks Inc.**



Hydro One Networks Inc  
483 Bay St  
Toronto, ON

January 02, 2020

Re: MARTEN FALLS FIRST NATION ALL SEASON COMMUNITY ACCESS ROAD

Attention:  
Lawrence Baxter  
Senior Community Advisor  
Marten Falls First Nation

Following our preliminary assessment, we confirm there are no existing Hydro One Transmission assets in the subject area. Please be advised that this is only a preliminary assessment based on current information. we confirm there are no existing Hydro One Transmission assets in the subject area. to the current information.

However, if plans for the undertaking change or the study area expands beyond that shown, please contact Hydro One to assess impacts of existing or future planned electricity infrastructure.

Any future communications are sent to [Secondarylanduse@hydroone.com](mailto:Secondarylanduse@hydroone.com).

Sent on behalf of,

***Secondary Land Use  
Asset Optimization  
Strategy & Integrated Planning  
Hydro One Networks Inc.***

## **D1.2.5 Lakehead Region Conservation Authority**





**LAKEHEAD REGION**  
CONSERVATION AUTHORITY

130 Conservation Road, PO Box 10427  
Thunder Bay, ON P7B 6T8  
Phone: (807) 344-5857 | Fax: (807) 345-9156

December 2, 2019

Email: [info@martenfallsaccessroad.ca](mailto:info@martenfallsaccessroad.ca)

Lawrence Baxter  
Senior Community Advisor  
Marten Falls First Nation

**Attention: Mr. Lawrence Baxter**

**Re: Notice of Draft Terms of Reference for Review  
Marten Falls First Nation  
All Season Community Access Road**

---

The subject location is outside of the jurisdiction of the Lakehead Region Conservation Authority and is not affected by our Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations.

Staff would advise that the Ministry of Natural Resources and Forestry may be able to provide you with information on the above-noted location.

Yours truly,

A handwritten signature in blue ink, appearing to read "Michelle Sixsmith".

Michelle Sixsmith  
Development Regulations Officer

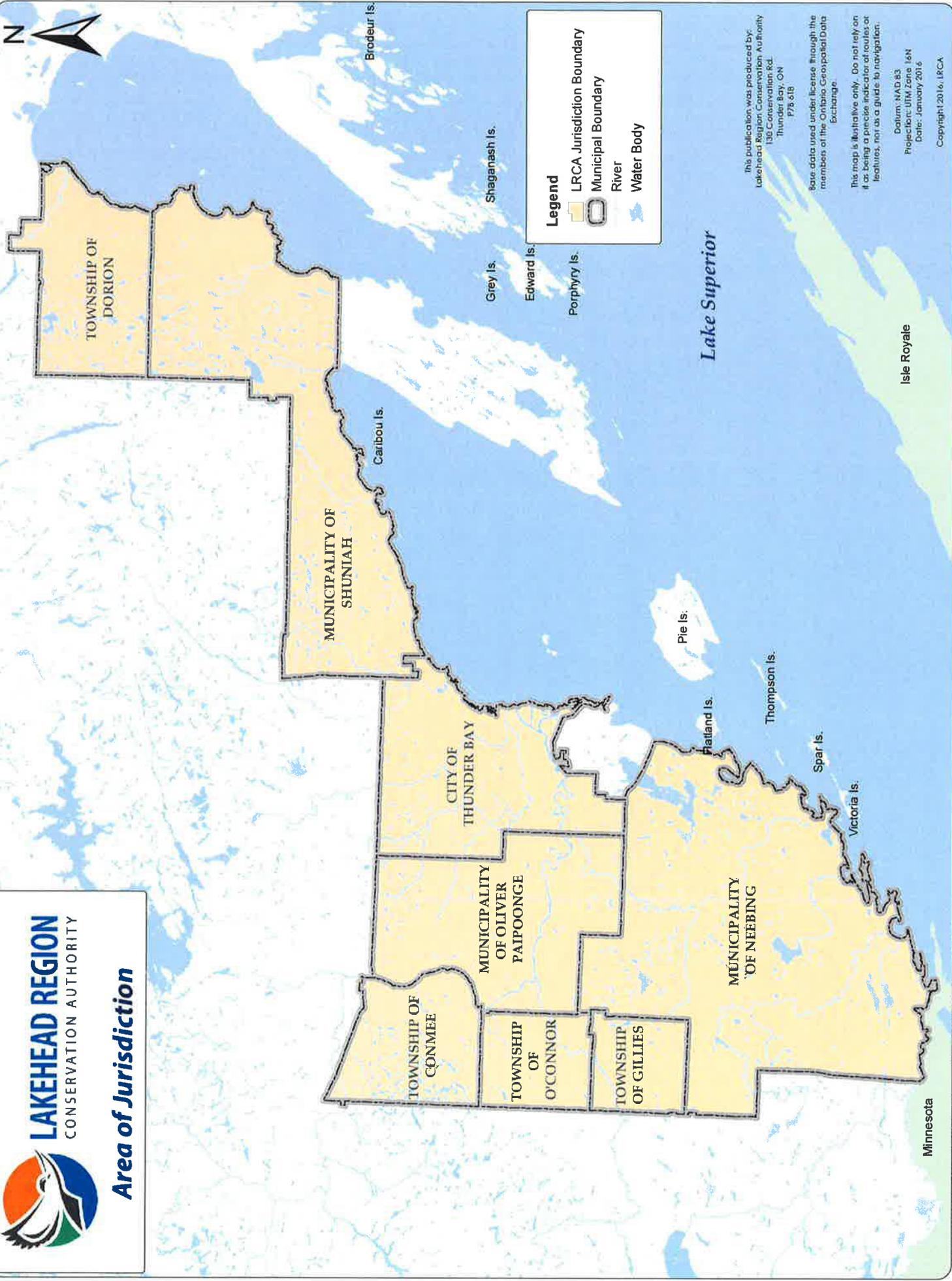
/mds

Enclosure LRCA Index Map (LRCA Area of Jurisdiction)



**LAKEHEAD REGION**  
CONSERVATION AUTHORITY

**Area of Jurisdiction**



**Legend**

- LRCA Jurisdiction Boundary
- Municipal Boundary
- River
- Water Body

This publication was produced by:  
Lakehead Region Conservation Authority  
130 Conservation Rd.  
Thunder Bay, ON  
P7B 6J8

Base data used under license through the  
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Datum: NAD 83  
Projection: UTM Zone 16N  
Date: January 2016  
Copyright 2016, LRCA

## **D1.2.6 Conservation Ontario**



## Soulliere, Kenndal

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**From:** Leslie Rich <lrich@conservationontario.ca>  
**Sent:** Thursday, December 12, 2019 2:05 PM  
**To:** Soulliere, Kenndal  
**Subject:** RE: Marten Falls Community Access Road - Project Update - Terms of Reference

Hi Kenndal,

Thank you for the follow-up.

I had previously requested to be removed from your mailing list. The proposed project is outside of a CA watershed and therefore our organization will not be providing comments.

All the best,

Leslie Rich, MES, RPP  
Policy and Planning Liaison  
Conservation Ontario  
120 Bayview Parkway  
Newmarket, Ontario  
905-895-0716 ext 226  
Cell 705-716-6174

---

**From:** Soulliere, Kenndal [REDACTED]  
**Sent:** Wednesday, December 11, 2019 2:05 PM  
**To:** Leslie Rich  
**Subject:** Marten Falls Community Access Road - Project Update - Terms of Reference

Hi Leslie,

My name is Kenndal and I'm emailing from the Marten Falls First Nation Community Access Road Project.

I tried calling last week to confirm that you received a link for the Draft Terms of Reference, if there was any problem with this or you need to update your distribution preference could you please advise?

The document can be found at <http://www.martenfallsaccessroad.ca/> and the review period is open until **January 20, 2020**.

Thank you,

**Kenndal Soulliere**  
Environmental Planner

[REDACTED]  
[REDACTED]



## **D1.3 Meeting Summaries and Materials**



## **D1.3.1 Ministry of the Environment, Conservation and Parks**





Project Name: Marten Falls First Nation (MFFN) Community Access Road

Date of Meeting: [Click to Enter Date](#)

Time: 9 a.m. to 4:30 pm EST

Project #: 60593122

Attendees:

Qasim Saddique (MFFN)	Adam King (MNR)
Chief Bruce Achneepineskum (MFFN)	Dave Barker (MNR)
Tom Moonias (MFFN)	Ashley Johnson (IAO)
Jennifer Bruin (MFFN)	Alissa Scott (ENDM)
Bob Baxter (MFFN)	Ariane Heisey (ENDM)
Jack Moonias (MFFN)	Paul McInnis (ENDM)
Don McKinnon (Dillon)	Laurie Churchill (ENDM)
Adam Wright (Dillon)	Scott Brown (MENR)
Crista Gladstone (AECOM)	Christine Greenaway (CEAA)
Christine Cinnamon (AECOM)	Danton Suck (CEAA)
Avril Fiskens (AECOM)	Peter Brown (MECP)
Lori Churchill (MNDM)	Agni Papageorgiou (MECP)

435 James St. S.

Thunder Bay, ON

Big Thunder Room

Location: P7E 6T1

Prepared By:

Crista Gladstone, Adam Wright,  
Larissa Mikkelsen

Absent:

Regarding: Consultation Workshop

## Minutes of Meeting – March 7, 2019

	Action
<b>1. Safety Moment</b>	
<p><b>2. Opening Prayer/ Remarks</b></p> <p>Chief opened with a prayer and opening remarks. Chief is happy with the Notice of Commencement (NoC) and looks forward to the next few months. Reminded everyone that this is an educational process for community leadership and members, and is a very exciting time for MFFN.</p> <p>Chief emphasized that the approach to Consultation is inclusive of the MFFN community and leadership. He noted that 60% of members live off-reserve and 40% live on-reserve. The Chief discussed the importance of community involvement throughout the process, including being part of developing the consultation plan/program; the EA process should be innovative and community led.</p>	





	Action
<ul style="list-style-type: none"> <li>Discussions underway with communities on future consultation involvement, e.g., how often would they like us in-community?, what is their comfort with a community event?, and how does the community typically consult?</li> </ul>	
<p><b>5. Aboriginal Communities to be Consulted</b></p> <p>Agni discussed the Coordinated Federal-provincial EA process and the Ontario statutory process used to meet the Duty to Consult. MFFN will be doing a lot of consultation that can be used towards the Duty of Consult, so there will be sharing of materials.</p> <ul style="list-style-type: none"> <li>In Ontario process, consultation occurs in the TOR (which has started with the NoC) and in the EA process.</li> <li>MFFN will be doing consultation under the TOR stages. Requirements under the provincial environmental assessment act include consultation with “interested persons” from public, government and Indigenous communities.</li> </ul> <p><b>Question:</b> Are there any legal requirements to consult on the draft TOR?  <b>Answer:</b> There is no commitment although it can help meet Duty to Consult. Consultation on a draft TOR and draft EA is strongly encouraged to address comments and concerns early on, helping to gain buy-in from the public and Indigenous communities and quicker approval on final documents.</p>	
<p><b>6. Transfer Payment Agreement</b></p> <p>ENDM discussed project funding and the transfer of payment agreement. For the release of payments, the project needs to show activity reporting; draft documents help demonstrate progress and the work that is being done.</p>	
<p><b>7. Review and Confidentiality</b></p> <p>MECP discussed government review and confidentiality, including drafts, timelines and noted that comments will be shared with the project team to questions received. Comments sensitive/confidential in nature might not be proactively shared, but anything pertaining to impacts of the project or that require a response from the proponent will be shared.</p> <p>It was added under FIPPA confidentiality requirements, that comments can be withheld if they may jeopardize the government relationship with the community. If something should not be part of the public record, it should not be shared with the government because the government cannot guarantee the information will be withheld.</p> <p><b>Question:</b> For the working draft of the TOR consultation program, does including “confidential” on the document protect it from being released; given the preliminary nature of the document?  <b>Answer:</b> Difficult to guarantee that it would not be released. Most things are part of the public record; there is a very limited list to what will not be shared.</p> <p>The federal requirement to submit an official Project Description (PD) was discussed. Submitting a draft is encouraged, but is not a legal requirement.</p> <ul style="list-style-type: none"> <li>Anything submitted in form of draft is publically available. If requested under the Access to Information Act (ACIA process) (federal law), it would need to be provided.</li> </ul>	<p>FIPPA – process and exemption (Peter/ Agni)</p> <p>Third Party Consult</p> <p>Christine Greenway to discuss the ACIA process at another meeting</p>



	Action
<p><b>8. ATK policy development</b></p> <p>Chief discussed the plan to work with legal to develop an ATK policy as soon as possible to help guide sharing of information and development of documents. Would like to see ATK held to the same standard as western science and included in the technical review of all these documents.</p> <p>MECP discussed ATK and confidentiality: MFFN not required to share ATK conversations, but must show how ATK has been incorporated.</p> <p>Christine Greenaway</p> <ul style="list-style-type: none"> <li>▪ A guidance document on incorporating ATK in reviews doesn't exist, but Federal government has experience with Indigenous people's culture and use of land, and how to incorporate input gathered into effects assessment.</li> </ul> <p>Ontario will confirm with community that ATK information was incorporated according to the TOR.</p>	<p>MFFN – develop ATK policy</p> <p>ATK – how to use traditional knowledge in technical review. Paul suggested example guidance document.</p> <p>Moving into formal review periods, government to update review team on approach to ATK</p>
<p><b>9. Coordinated EA</b></p> <p>MECP discussed the coordinated EA process and consultation requirements, and noted that there will be one body of information to fulfill the Provincial &amp; Federal requirements. An Environmental Statement that is the same for the Provincial and Federal process supports decision-making and helps reduce consultation fatigue. There will be a formal comment period on Ministry review.</p> <p><b>Question:</b> Will guidance be given to the technical review team on how to interpret an EA that incorporates traditional knowledge?</p> <p><b>Answer:</b> MFFN could present how the document was drafted to give the government an understanding of the content.</p>	
<p><b>10. Federal Consultation Approach – Statutory Requirements</b></p> <p>Federal Agency does not delegate procedural aspects of the Crown's legal duty to consult; there is lots of direct interaction with FN communities during the process.</p> <ul style="list-style-type: none"> <li>▪ Reviewed consultation under CEAA 2012 and the steps in the Duty to Consult.             <ul style="list-style-type: none"> <li>○ Noted the proponents' duty to engage people that may be affected and to inform them of documents/ deliverables that are submitted to the agency.</li> <li>○ Agency activities are considered "consultation," and proponent's activities are considered "engagement" to inform the Federal process.</li> <li>○ Expectation is that proponent engage when a draft is submitted, although it is not a requirement. The PD informs the decision on who needs to be engaged by proponent and to what depth.</li> </ul> </li> </ul>	



	Action
<ul style="list-style-type: none"> <li>▪ Formal comment periods for the Federal process were discussed; it was noted that consultation is not limited to those periods and can occur throughout the project.</li> <li>▪ Agency will look for documentation of engagement completed by proponent during the EA study stage, including how input from First Nation's informed the report.</li> <li>▪ Federal government asks proponent for 20-days' notice prior to submitting documents to allow 20-days' notice to communities. After a 10-day review, Agency will notify if a Federal EA is required.</li> </ul> <p><b>Question:</b> What is CEAA's obligation to share comments with proponent?</p> <p><b>Answer:</b> Federal government must respond to comments, and show how comments were taken into account to inform next steps. Comments can be shared with proponent for response or for informational purposes. Comments will be forwarded to relevant provincial departments.</p> <p><b>Question:</b> Will CEAA let a stakeholder know if their comment doesn't apply to the process or project at hand?</p> <p><b>Answer:</b> Some specific questions will get specific responses, others may be amalgamated with similar comments and included in relevant documents. A stakeholder's comment, if it doesn't pertain, may be forwarded to a relevant government body for consideration. Stakeholders will be informed their comments were received and forwarded to the relevant government body.</p> <p><b>Question:</b> Will CEAA will be triggered on the road project?</p> <p><b>Answer:</b> It is described on regulation "project list" that Proponents must talk to agency, and that a PD must be submitted along with other information, including comments received from consultation, to determine whether a federal EA is required.</p>	
<p><b>11. Provincial List of Aboriginal Communities to be Consulted</b></p> <p>Decision process to include the list of First Nation communities to be notified included:</p> <ul style="list-style-type: none"> <li>▪ Desktop study to determine if Aboriginal traditional rights would be affected based on information available, including: <ul style="list-style-type: none"> <li>○ Proximity to project, watershed, upstream/downstream from project, ranges of endangered species and caribou, maps of traditional land use areas, historic documents, community led studies, TOR and draft plans in community base land use plans, and previous land claims.</li> <li>○ Advice from experts was that a linear corridor would have impacts on the entire range of caribou. A number of communities were, therefore, added to the Provincial list to determine if caribou is part of their culture. Caribou range was not considered in developing the Federal list of communities to notify. List is subject to change when more is understood about the project.</li> </ul> </li> <li>▪ Through the EA process, more information will be gathered from communities on potential environmental effects of the project. MECP will then determine if changes to the list need to be made.</li> </ul>	<p>Caribou – Explain range level effect and cumulative impacts and legislation (Provincial</p>





	Action
<p>MECP provided a handout to discuss potential roles and responsibilities for the shared Duty to Consult. Key discussions included:</p> <ul style="list-style-type: none"> <li>MECP to provide: oversight; review and input on consultation plans; review for notices required under act and guidance on how they should be distributed; comments on materials when requested, with other materials provided for information purposes (e.g., fact sheets, open house materials); guidance to templates for record of consultation</li> <li>Indigenous knowledge is not traditionally highlighted in Provincial EA, but will be looking for that in this project.</li> </ul> <p>Christine Greenaway</p> <ul style="list-style-type: none"> <li>Under CEAA 2012, ATK will be included where available. Traditional land use may be an example of information that would be brought forward from traditional knowledge.</li> </ul> <p><b>Question:</b> Is there a difference between Indigenous knowledge and traditional land use?  <b>Answer:</b> Yes. If there's a preference by MFFN for language to use, then we will use it.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p><b>Question:</b> Are there other conversations or events that can be used to disseminate information to reduce consultation fatigue?  <b>Answer:</b> yes, have used opportunities to discuss the project when appropriate.</p> <p>Ontario will not discuss the project without the MFFN Project Team present because it is not an Ontario driven project.</p>	<p>MECP (Agni) to identify for discussion the roles and responsibilities that are required by the proponent under the Ontario Environmental Assessment Act (MECP/ Agni)</p> <p>Use consistent terms (e.g., Indigenous knowledge, aboriginal traditional knowledge, traditional land use) (MECP/ Ontario Government)</p> <p>Next steps: Ontario to draft agreement for MFFN to review on the shared responsibilities of the Duty to Consult.</p> <p>Develop understanding of when MFFN is consulting and when Ontario will attend (Ontario/MFFN)</p> <p>Develop checklist to demonstrate that we have taken the steps we need to take (Ontario/MFFN)</p>
<p><b>15. Consultation Program—Working Draft</b></p>	<p>Comments RE: Consultation Program</p>



	<b>Action</b>
<p>Don McKinnon presented a working draft of the Consultation Program and noted it is a living document for the TOR period. Planning for three rounds of consultation in the TOR.</p> <p>MECP and ENDM provided comments and questions to consider for incorporating into the consultation program, and will provide a written version by email.</p>	<p>(working draft) to be emailed to Dillon (Action to Agni)</p> <p>Agni to provide further guidance on submission of final requirements.</p> <p>MECP to provide further documentation on MECP on Alt. 2 (Paul/Agni)</p>
<p><b>16. Other</b></p> <p>MFFN discussed Forest Management Areas and proximity to current or planned forestry roads.</p>	<p>Government to get link to the Forest Management Plan (FMP) information and links to road projects – David Barker</p>
<p><b>17. Closing prayer</b></p>	
<p><b>18. Adjourned</b></p>	



## Approach to Alternatives in Terms of Reference – Summary Notes and Follow-up

**Date:** April 4, 2019—2:00 pm to 3:00 pm

**Location:** Conference call

### Attendees:

Chief Bruce Achneepineskum —MFFN Chief  
 Jack Moonias — MFFN Community  
 Environmental Development Manager  
 Lawrence Baxter – MFFN Community  
 Liaison/Technical Advisor  
 Qasim Saddique —Project Director/Facilitator  
 Jennifer Bruin —Project Community EA  
 Technical Advisor  
 Larissa Mikkelsen (MFFN)—Project Community  
 Consultation Coordinator/Advisor  
 Don McKinnon (Dillon)—Consultation Co-Lead  
 Christine Cinnamon (AECOM)—EA Lead

Ariane Heisey - MENDM  
 Paul MacInnis - MENDM  
 Dan Delaquis – MECP  
 Agni Papageorgiou - MECP  
 Dave Barker - MNRF  
 Adam King - MNRF

### Discussion Items:

Agenda Item	Lead	Time
<b>Welcome and Introductions</b>	Chief MFFN Project Team AECOM	2:00 to 2:15
<ol style="list-style-type: none"> <li>1. Review of previous alternatives evaluation</li> <li>2. Current Marten Falls FN Community Access Road approach in relation to Terms of Reference document and stage of development</li> <li>3. Agency feedback</li> <li>4. Conclusions, Next Steps and Action Items</li> </ol>	All	2:15 to 3:00

### Summary Notes:

AECOM provided information related to the screening of alternatives in the Terms of Reference under the Provincial EA process. The basis for screening would be the MECP’s Code of Practice for Developing a Terms of Reference (<https://www.ontario.ca/page/preparing-and-reviewing-terms-reference-environmental-assessments-ontario#section-5>) which refers to 11 questions that would guide the evaluation of alternatives. These are:



1. Do they provide a viable solution to the problem or opportunity to be addressed?
2. Are they proven technologies?
3. Are they technically feasible?
4. Are they consistent with other relevant planning objectives, policies and decisions?
5. Are they consistent with provincial government priority initiatives?
6. Could they affect any sensitive environmental features?
7. Are they practical, financially realistic and economically viable?
8. Are they within the ability of the proponent to implement?
9. Can they be implemented within the defined study area?
10. Are they appropriate to the proponent doing the study?
11. Are they able to meet the purpose of the EAA?

Also to be considered are the 5 criteria applied to the alternatives in the May 10, 2017 Project Proposal previously provided to MECP by MFFN (attached again for reference). For reference, these criteria are:

1. Avoid areas of muskeg and bog deposits;
2. >200 m from the Ogoki River and >1 km from the Albany River, except for watercourse crossing location;
3. Minimize the number and size of watercourse crossings;
4. Maximize high ground location; and
5. Shortest length to the community.

There have been significant discussions within the community related to the Community Access Road, as well as during the Community Based Land Use Planning process, since the May 10, 2017 Project Proposal document was drafted. The information that is currently available will guide the MFFN Project Team on further criteria to be considered, including a focus on community needs and concerns including health and safety.

The intention of the screening would be to focus the Environmental Assessment on alternatives that best answer to the needs of the community and provide options for potential effects avoidance, minimization as well as mitigation. The screening would evaluate the 4 alternatives according to the attached map, and is not intended to limit the alternatives to one preferred route in the Environmental Assessment. Therefore, the Environmental Assessment would provide a focussed evaluation of alternatives based on an approved Terms of Reference that would guide the assessment and associated studies.

[REDACTED]

[REDACTED]



Project Name: Marten Falls First Nation (MFFN) Community Access Road

Date of Meeting: May 22, 2019

Time: 8:45 a.m. to 2:30 pm EST

Project #: 60593122

Attendees:

Qasim Saddique (MFFN)	Amy Blazer (MNR)
Jennifer Bruin (MFFN)	Ariane Heisey (ENDM)
Bob Baxter (MFFN)	Paul McInnis (ENDM)
Jack Moonias (MFFN)	Lori Churchill (ENDM)
Lawrence Baxter (MFFN)	Peter Brown (MECP)
Larissa Mikklesen (MFFN)	Agni Papageorgiou (MECP)
Don McKinnon (Dillon)	Dan Delaquis (MECP)
Adam Wright (Dillon)	
Christine Cinnamon (AECOM)	
Avril Fisken (AECOM)	

435 James St. S.  
Thunder Bay, ON  
Big Thunder Room  
Location: P7E 6T1

Prepared By: Chantal Moore

Regarding: Consultation Workshop #2

## Minutes of Meeting – May 22, 2019

	Action
<p><b>1. Opening Prayer/ Remarks</b></p> <p>Bob Baxter opened with a prayer and opening remarks. Noted to everyone that this is an educational process for community leadership and members, and is a very exciting time for MFFN. Ariane Heisey noted that this workshop is an opportunity to have a discussion about consultation for the Marten Falls Community Access Road project.</p> <p>Ariane H. noted some key items from the last workshop on March 8, 2019 most notably that we talked about sharing responsibilities for procedural aspects of consultation. Since then, the discussion has been put into the MOU, which was provided to everyone and comments were received.</p>	
<p><b>2. MOU DISCUSSION</b></p> <p>Discussed the MOU and provided feedback on this document. Key points include the following:</p> <ul style="list-style-type: none"> <li>The first MOU was very high level; this is a more focused MOU on how to work together, and will build upon the first MOU.</li> <li>This is not an agreement; it is a MOU. It is a different type of document and doesn't have the same weight as an agreement.</li> </ul>	



	Action
<ul style="list-style-type: none"> <li>• The intent of this workshop it to outline the roles and responsibilities on how we will consult with communities.</li> <li>• Roles and responsibilities were provided in a table format at the previous workshop, indicating what was on the proponent side and Ontario’s side. Feedback from the workshop was incorporated into the MOU.</li> <li>• There will be three signatories: ENDM (funder), MECP (regulator) and MFFN (MNRF and IAO are not signatories to the agreement).</li> <li>• Procedural aspects of the Duty to consult is with MFFN, as they are better able to describe their project, rather than Ontario.</li> <li>• Métis discussion – why are they included?                         <ul style="list-style-type: none"> <li>○ Recommend change definition from First Nation and Métis, to FN communities and Aboriginal organization.</li> <li>○ Recommend IAO talking about Métis on bi-weekly calls for clarification.</li> <li>○ Métis (MNO) reviewed the documents and are focused on the economic development.</li> </ul> </li> <li>• The first point acknowledges the Crown responsibility for the duty, but that we can delegate procedural aspects. The second one is that the crown can rely on statutory consultation. The last point is that MFFN is responsible for statutory consultation and they will consult with FN for that purposes. You have to consult as you prepare the ToR and EA, and there are various notices and all those steps overlap with the duty to consult. As mentioned, MFFN is in the best position to discuss their project.</li> <li>• The MOU and schedule B can be amended by either parties, whereas scheduled A can be amended by MECP or ENDM, and that is because it is Ontario that came up with the list in the first place. One thing we can share responsibility for in determining who has rights and who is interested. There are things in schedule B on how we can share information and work together to make sure that list is the right list.</li> <li>• Reference to third parties – Angi to find out if this can be removed by the legal team</li> <li>• Recap on schedule A – Agni to add a paragraph on how Ontario got to this list.</li> </ul>	<p>IAO to discuss at bi-weekly calls.</p> <p>Agni to confirm if reference to 3<sup>rd</sup> parties can be removed.</p>
<p>Schedule B</p> <ul style="list-style-type: none"> <li>• Section 2 - Ontario and Crown keeps that duty. What MECP can do is ask proponents to help them with some aspects. The duty stays with us. Ideally, MECP satisfies their duty by meaningfully consulting communities leading up to the EA decision. What this whole agreement says, we will work together with MFFN towards meeting the duty.</li> <li>• Discussion regarding information requests and information sharing.                         <ul style="list-style-type: none"> <li>○ Separate from the duty to consult there are also FOI requirements; some information requested is confidential and won’t be released publically.</li> <li>○ If MFFN hears from a community that their rights are impacted, MFFN would share that information with Ontario and vice versa.</li> </ul> </li> <li>• Ontario responsibilities: All tasks on left are mainly MECP or ENDM. If a specific ministry is taking lead, it was indicated. The right side are MFFN’s responsibilities.                         <ul style="list-style-type: none"> <li>○ First bullet: Consultation and planning, and notification roles and responsibilities for both MFFN and Ontario. It says we will communicate if we will be delegating consultation. Once we reach an agreement we will communicate to other communities that an MOU is in place. We will notify communities if there are changes to list of people to be consulted.</li> <li>○ Second bullet on the proponent side is that MFFN will prepare consultation plans for ToR and EA. The consultation plan for the ToR you draft and the EA consultation plan is submitted during ToR. The bullets outline what consultation</li> </ul> </li> </ul>	



## Action

needs to include as laid out in MECP guidance which are statutory requirements. Some of this is in the plan inherently but there may be tweaks. We need to acknowledge on our community protocol taken into account.

- Third bullet on proponent side is to determine separate plans for the EA. You may want to say in the ToR that you will create specific plans with highly impacted community, and Ontario will review and provide input to these plans and whether the plans reflect the MOU. The proponent will provide timely notices of the project. The first one was the NOC.
  - Amount of notice is dependent on communities, but at least two weeks is required, and no set point of contact, although the consultant is recommended.
- MFFN will lead consultation for EA process; the reason for that is because the EA process is proponent driven and Ontario isn't leading that. MFFN will
  - Provide information about the project to the community, explaining their role in meeting the duty;
  - Identify concerns communities may have on how things may impact their rights. That involves asking about traditional land use and how those might be impacts; and
  - Provide Indigenous communities opportunities to talk about mitigation or changing project design, adaptive management.
- Ontario will support those activities to explain what the regulatory processes are. To help facilitate relationship building. To identify issues that come out that are outside of the scope of the EA and to talk about adverse impacts of project.
- If communities are looking for additional funding to support consultation, outside of the project funding, refer them to ENDM.
- Ontario side: will conduct own consultation activities in the community if MFFN requests they organize a meeting, if a community requests one (for example, if a community says they don't want to talk to MFFN), or if Ontario identifies a gap. For activities that crown is leading we will provide notices and confirm receipt.
- Transparency between all groups is requested as much as possible, and making sure that groups are consistent with their messages.
- There is a need for consistent translations; there is the Ojibway and Oji-Cree translation. Recommend requesting from a band councillor that this language is too technical and they want something that is simpler. Communities want the technical documents and a separate plain language document (more of a story-telling approach or presentation format). Qasim working on that now.
- Ontario (MECP/ENDM) will develop a comment template for their record of consultation. They will receive and review monthly proponent reports. Adam has provided templates for those. The common template will be used to document and analyze the information received. They will use the bi-weekly calls to share information proactively. They will notify proponent of issues of correspondence that should be responded to by MFFN or incorporated into the EA. MFFN will incorporate TK into the documentation and how it was incorporated into the record of consultation and into the studies as well.
- Templates will need to be discussed further, especially with regards to TK information that is sensitive and not to be shared.
- Last on proponent side, is to prepare and submit records of consultation, confirmation of receipts of notices and issues that were raised. It is equally important to note issues that were not addressed throughout the process. We will document issues that came

(MECP/ENDM) will develop a comment template for their record of consultation

MFFN will work with ENDM / MECP to ensure IK information is documented appropriately.



	Action
<p>up from the process. We will review all records of consultation to see if consultation has been sufficient before ToR and EA decisions.</p> <ul style="list-style-type: none"> <li>• Provide revised version of the MOU to reflect today's discussion and finalize.</li> </ul>	
<p><b>3. Consultation Program</b></p> <ul style="list-style-type: none"> <li>• MECP recommends that MFFN circulate a draft ToR to all communities on the list, and be available for public review; however, MFFN has some challenges to this:                     <ul style="list-style-type: none"> <li>■ [REDACTED]</li> <li>○ Circulation to Ontario versus interested communities, and consulting on the draft language. No certainty about timelines for a review process. Need to discuss with ENDM as the funding agreement states that the draft and final ToR need to be done this quarter. MECP stated that if FNs don't respond, MFFN can move on. Communities will ask for 3 months; the draft comment period is 4 to 6 weeks.</li> <li>○ Need to have a follow-up discussion with MFFN, AECOM, Dillon and ENDM regarding how the schedule is rolled out, [REDACTED]</li> </ul> </li> <li>• The draft needs to be accessible by all, and should be an easy to understand document. Proponent to provide a plain language version of the ToR.</li> <li>• For funding requests, MFFN requested information on who they would refer communities to, as well as phone number or email, and the language around that. ENDM to provide information.</li> <li>• On page 7 (and a recurring theme in the document), MFFN is both a proponent and an impacted community. ENDM found this challenging, as it was hard to follow when MFFN was talking to the community to get input on the document as a proponent versus discussion with MFFN as a potential affected community. May look like MFFN is getting more opportunities for consultation. Needs to be more clarity.</li> </ul>	<p>Follow-up discussion with MFFN, AECOM, Dillon and ENDM re: ToR draft and final schedule, [REDACTED]</p> <p>ENDM to provide funding request information to MFFN</p>
<p><b>4. Final Notes</b></p> <p>Did not make it through the whole agenda; a separate call to complete today's discussion will be scheduled.</p>	<p>Bi-weekly calls will be used to discuss remaining agenda items.</p>
<p><b>5. Closing prayer</b></p>	
<p><b>6. Adjourned</b></p>	



## Marten Falls All Season Community Access Road Meeting – Terms of Reference

**Date:** Thursday, May 30, 2019, 10:00am – 12:00pm EST

**Location:** Teleconference

### Attendees:

Agni Papageorgiou, MECP  
Sasha McLeod, MECP  
Ariane Heisey, ENDM  
Paul MacInnis, ENDM  
Alyssa Scott, ENDM  
Bob Baxter, MFFN  
Lawrence Baxter, MFFN  
Jack Moonias, MFFN  
Qasim Saddique, MFFN

Jennifer Bruin, MFFN  
Larissa Mikkelsen, MFFN  
Nolan Domenico, AECOM  
Christine Cinnamon, AECOM  
Avril Fisken, AECOM  
Marlene Gifford, AECOM  
Dan Kuensler, Dillon  
Don McKinnon, Dillon

### Introduction / Purpose

The purpose of this meeting was to provide an overview of the approach to and potential timing of the Draft Terms of Reference, including consultation, for the Marten Falls First Nation (MFFN) All Season Community Access Road. The meeting also included discussion related to outstanding action items from the Consultation Workshop.

### Meeting Summary

- MFFN raised questions regarding what the requirements are to meet MECP expectations for consultation on the Terms of Reference.
- AECOM provided an overview of the expected content of the Draft Terms of Reference, following the MECP Guidelines related to both content and standard Table of Contents. The proposed schedule was discussed with anticipation to submit the Terms of Reference, depending how long it takes to get through the Draft Terms of Reference process. AECOM also discussed anticipated consultation events that were planned in relation to the Draft Terms of Reference.
- There was discussion about the screening of alternatives as part of the Terms of Reference. MECP requested an opportunity to provide input to the high-level screening criteria before the Draft ToR publication.
- A review was then undertaken regarding the list of action items from the Consultation Workshop.

### Action Items





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

- Group will meet again to discuss the approach to alternatives and screening criteria
- Updated action items from the Consultation Workshop to be circulated.





## Marten Falls All Season Community Access Road Meeting – Terms of Reference Screening Criteria

**Date:** Thursday, June 6, 2019, 10:00am – 11:00am EST

**Location:** Teleconference

### Attendees:

Agni Papageorgiou, MECP  
Sasha McLeod, MECP  
Dan Delaquis, MECP  
Alex Frayne, MECP  
Ariane Heisey, ENDM  
Paul MacInnis, ENDM  
Qasim Saddique, MFFN  
Jennifer Bruin, MFFN

Larissa Mikkelsen, MFFN  
Nolan Domenico, AECOM  
Christine Cinnamon, AECOM  
Avril Fisken, AECOM  
Dan Kuensler, Dillon  
Don McKinnon, Dillon

### Introduction / Purpose

The purpose of this meeting was to discuss the proposed criteria to be used in the screening of alternatives in the Draft Terms of Reference for the Marten Falls First Nation (MFFN) All Season Community Access Road.

### Meeting Summary

AECOM provided a presentation regarding the background of alternatives leading up to current routes, as well as the approach to screening. Four (4) high level criteria were discussed:

1. Community Interests
2. Industrial Development
3. Consultation Feasibility
4. Avoidance of Environmental Effects

ENDM suggested included land use planning in the evaluation, including forestry and natural resource development. MECP discussed needing to see how the Code questions are accommodated. MECP also commented that they felt the criteria are weighted because only one criterion seems to cover environment (the others seem to be economic focused). AECOM clarified that this was not meant to be the case as all high-level criteria include environment, social and economic elements. MECP also would like evidence that the criteria have been consulted on, preferably ahead of the Draft Terms of Reference publication. MFFN team explained that part of the purpose of volunteering to publish a Draft Terms of Reference was to get feedback on items such as the screening criteria and results. AECOM confirmed that more than one route was intended to be evaluated in the Environmental Assessment and that the outcome of the screening was not to determine one preferred route.





## Action Items

- High-level screening criteria to better identify that environment is not just considered in one area and identify how Code has been accommodated
- Consultation and associated documentation to include feedback on screening criteria





## Marten Falls Community Access Road Meeting with the Ministry of the Environment, Conservation and Parks and the Ministry of Energy, Northern Development and Mines June 20, 2019

**Date:** June 20, 2019

**Location:** Conference Call

Agni Papageorgiou, MECP  
Dan Delaquis, MECP  
Sasha McLeod, MECP  
Ariane Heisey, ENDM  
Paul MacInnis, ENDM

Lawrence Baxter, MFFN  
Jennifer Bruin, MFFN  
Qasim Saddique, MFFN  
Larissa Mikkelsen, MFFN  
Avril Fisker, AECOM  
Kathryn Ross, AECOM  
Christine Cinnamon, AECOM  
Adam Wright, Dillon  
Don McKinnon, Dillon

### Introduction / Purpose

The purpose of the meeting was to discuss, in advance of the June 2019 MFFN Community Meetings and release of the Draft ToR (delayed), the Ministry of the Environment, Conservation and Parks (MECP) and the Ministry of Energy, Northern Development and Mines (ENDM) comments on proposed communication materials, including the plain-language Summary Guide to the Draft ToR and accompanying letters. Comments related to the approach to alternatives screening in the Draft ToR were also discussed.

### Meeting Summary

MECP noted that comments were given in the absence of the Monthly Consultation Log and responses to the Ministry's comments on the Draft Consultation plan. They also noted that a list of communities who are to be sent the letter(s) and the process diagrams currently missing from the Summary Guide would be helpful to complete their review of the communication materials. Additional text edits were provided for rewording of the alternatives screening.





Preliminary comments from MECP on the letters to be sent to communities include:

- Note that an Individual EA process is being followed in accordance with the Ontario Environmental Assessment Act
- Indicate why communities are being consulted (reference December 2018 letters communities received from MECP)
- Clarify requirement to consult interested persons during TOR development, and what components of the TOR the community is invited to provide comments on
- Indicate that:
  - Feedback is actively being collected, now during preparation of the ToR, on how communities would like to be consulted during preparation of the EA
- In addition to asking communities to reach out to you to set up meetings to provide feedback, you should indicate that you will be following up with their communities on the invitation to participate and to ask if they have any questions on the materials they have received.

## Issues/Concerns

N/A

## Action Items

- Update cover letter and plain-language Summary Guide in consideration of agency feedback
- Qasim to forward response to MECP Comments on Consultation Plan and Monthly Indigenous Consultation Log to MECP/ENDM
- Consultation Team to provide concordance table outlining how MECP comments are being addressed in alternative screening





## Marten Falls Community Access Road Meeting with the Ministry of the Environment, Conservation and Parks July 31, 2019

**Date:** July 31, 2019 (9:00 am to 10:00 am)

**Location:** Conference Call

Agni Papageorgiou, MECP  
Sasha McLeod, MECP  
Alexander Frayne, MECP  
Nikki Boucher, MECP  
Michelle Karam, MECP  
Kevin Green, MECP  
Jennifer Bruin, MFFN  
James Kamstra, AECOM  
Yves Leblanc, AECOM

Larissa Mikkelsen, MFFN  
Qasim Saddique, MFFN  
Lawrence Baxter, MFFN  
Leah Deveaux, AECOM  
Shawna Kjartanson, AECOM  
Christine Cinnamon, AECOM  
Kristan Washburn, AECOM  
Lindsay Jackman, AECOM

### Introduction / Purpose

The purpose of the meeting was to have a discussion on the Marten Falls Community Access Road Project, specifically discussing the assessment of potential Caribou impacts.

### Meeting Summary

A discussion amongst members of the Marten Falls First Nation (MFFN) Project team, AECOM and the Ministry of the Environment, Conservation and Parks (MECP) took place to discuss potential Caribou impacts due to the Project.

A discussion occurred regarding the May 28th Draft Alternatives Methods and Initial Screening Report comments provided by MECP, MNRF and ENDM related to Species at Risk (SAR) criteria and highlighted the content of the comments, which included policy, Caribou habitat indicators, and activity review/assessment (range level impact). It was noted that from an ecological standpoint, habitat is required at different scales. Further factors were then discussed, which included range management approach to identify ranges (measured areas vs. indicators), location, extent, timing, disturbance, range condition, range category influence level, anthropogenic disturbance, and the use of models to determine the indicator of probability of undistributed habitat.

The discussion then focused on Range Management Policy (RMP) and discussed its three leading principles. Principle 1 accounts for accumulative disturbances. This requires an input at range scale, which may come from multiple activities and other proposed or ongoing activities in the area. Further, Principle 2 applies to Southern Region 7 and looks at habitat amount and arrangement in comparison to





simulated range of natural landscape with no human activity (model provides upper and lower ranges of natural conditions). Lastly, Principle 3 examines sub-range habitat features and general descriptions and categorizations of habitat (i.e. least tolerant ranges are category 1, which include travel corridors, nursing areas, winter use areas and if these areas intersect or are close to project activities, then this would be problematic). MECP provided information pertaining to data, range categories, Principle 3 and subrange 3 as well as advised that they update disturbance/land use changes annually. Further discussion stemmed from questions raised by AECOM team members, which lead to a discussion on the Caribou Screening Tool and its use in assessing impacts.

The meeting concluded with a discussion regarding disturbance being added to the project proposal at the beginning of the year and the need to determine cumulative disturbance and the likelihood of the surrounding habitat being sustained.

### Issues/Concerns

N/A

### Action Items

Confirm whether AECOM has data from the list of resources provided.





## Marten Falls Community Access Road

### Meeting with the Ministry of the Environment, Conservation and Parks and the Ministry of Energy, Northern Development and Mines

### August 22, 2019

**Date:** August 22, 2019 (10:00 am to 11:30 am)

**Location:** 135 St. Clair Ave West, Toronto & Conference Call

Agni Papageorgiou, MECP  
Sasha McLeod, MECP  
Alexander Frayne, MECP  
Dan Delaquis, MECP  
Annamaria Cross, MECP  
Andrew Evers, MECP  
Ariane Heisey, ENDM  
Paul MacInnis, ENDM  
Chief Bruce Achneepineskum, MFFN

Jack Moonias, MFFN  
Jennifer Bruin, MFFN  
Larissa Mikkelsen, MFFN  
Qasim Saddique, MFFN  
Lawrence Baxter, MFFN  
Sara Barss, AECOM  
Jessalyn Beaney, AECOM  
Christine Cinnamon, AECOM  
Avril Fiskens, AECOM

### Introduction / Purpose

The purpose of the meeting was to discuss the Ministry of the Environment, Conservation and Parks (MECP) completeness review comments on the Marten Falls First Nation Community Access Road Project- Draft Terms of Reference (ToR).

### Meeting Summary

The meeting began with the Ministry of Energy, Northern Development and Mines (ENDM) advising that participant funding was now open for the Project and noted that this is a one-time Project specific funding program. All neighbouring Indigenous communities were sent letters regarding the funding and some responses had also been received from these communities prior to the meeting.

Discussion surrounding the routing history began with Marten Falls First Nation (MFFN) providing an overview. The overview included information such as MFFN investigating realigning the winter road to higher ground, government funding, investigating eastern and western routes, the community's perception of a Community Access Road vs. multi-use road, and health and safety concerns, which all led to the Band Council Resolution in August 2019 to only consider western routes. MECP advised that this information was not clearly told in the Draft ToR and it would be helpful if it was included (suggested providing information in a Supporting Document). ENDM agreed with what was presented. MECP continued this conversation by questioning if there had been any interest shown in the eastern routes during consultation and MFFN stated that the community had been consistently clear that





they are not interested in the eastern routes. Further, MFFN also met with Fort Hope who indicated they would be interested in potentially connecting to a western route.

The discussion then shifted towards MECP's comments on next steps, which included MECP clarifying that the completeness review also considered the effects assessment in an effort to identify where others may comment/identify gaps in the Draft ToR. MECP noted that it would be helpful for the background document to include a summary of the background/historical studies and not just list them. MECP also mentioned that Appendix A has a lot of good information and that it should not be lost and can be used in the Supporting Document or body of the ToR.

AECOM then asked about next steps on consultation and MECP noted that MFFN will likely need to follow-up with other Indigenous communities regarding the decision to focus on western routes and noted that the Notice of Commencement originally showed both the eastern and western routes and therefore, should be part of the history of routing for the Project.

### Issues/Concerns

MFFN (Jack Moonias) raised concerns about the Project being community-led in practice.

### Action Items

ENDM: Share more information about the participant funding program and which communities have responded regarding the participant funding.

MFFN:

- Develop a Supporting Document for the ToR which will provide a history of the routing process
- Notify MECP of new schedule for Draft ToR review once available
- Revise Draft ToR Guide based upon updates to ToR

MECP/MFFN: Schedule meeting to discuss Completeness Review comments in detail





## Marten Falls Community Access Road

### Meeting with the Ministry of the Environment, Conservation and Parks, the Ministry of Natural Resources and Forestry and the Ministry of Energy, Northern Development and Mines

### August 28, 2019

**Date:** August 28, 2019

**Location:** Toronto & Conference Call

Agni Papageorgiou, MECP  
Sasha McLeod, MECP  
Ariane Heisey, ENDM  
Paul MacInnis, ENDM

Jennifer Bruin, MFFN  
Sara Barss, AECOM  
Jessalyn Beaney, AECOM  
Christine Cinnamon, AECOM

### Introduction / Purpose

The purpose of the meeting was to discuss the Ministry of the Environment, Conservation and Parks (MECP), the Ministry of Natural Resources and Forestry (MNRF) and the Ministry of Energy, Northern Development and Mines (ENDM) comments on the Draft Terms of Reference (ToR) and the May 29, 2019 comments on the Draft Alternatives Methods and Initial Screening Report.

### Meeting Summary

A meeting was held with MECP, MNRF, ENDM, MFFN and AECOM to go over in detail the comments/questions raised on the Draft ToR and the Draft Alternatives Methods and Initial Screening Report. The following section provides a summary of the comments raised during the meeting.

Overall, MECP would like to see more specific commitments in the responses AECOM is providing based on the comments raised by the agencies in regards to the Draft ToR and the Draft Alternatives Methods and Initial Screening Report. MECP suggested linking the Supporting Document to the screening questions as rationale for why only the western routes are being included in the ToR and forwarded to the EA. MECP suggested that weighting can be helpful when discussing the rationale for proceeding with the western routes only (i.e. it was heard in the August 22 meeting that health and safety are important to Marten Falls First Nation (MFFN)).

MECP inquired which Class EA requirements will be encompassed in the EA and if the team could clarify this in the ToR as well as which permits would be covered in the EA.





MECP suggested that a targeted contact may be needed to gather input for the socio-economic assessment.

### Issues/Concerns

Nothing in addition to what is included in Meeting Summary.

### Action Items

MFFN will update the Draft ToR and Comment Responses to reflect the May and July written comments from the agencies as well as the August 22<sup>nd</sup> and 28<sup>th</sup> meetings with MECP and ENDM.





## Marten Falls All Season Community Access Road Meeting – Draft Terms of Reference and Consultation

**Date:** Thursday, September 19, 2019, 10:00am – 11:00am EST

**Location:** 135 St Clair Avenue West, 7<sup>th</sup> floor; teleconference

### Attendees:

Agni Papageorgiou,  
MECP Sasha Mcleod,  
MECP Adam Gignac,  
MECP Ariane Heisey,  
ENDM Paul MacInnis,  
ENDM Laura Nguyen,  
ENDM Jennifer Bruin,  
MFFN Larissa Mikkelsen,  
MFFN

Qasim Saddique, MFFN  
Sara Barss, AECOM  
Kathryn Ross, AECOM  
Christine Cinnamon, AECOM  
Avril Fischen, AECOM  
Don McKinnon, Dillon  
Adam Wright, Dillon

### Introduction / Purpose

The purpose of this meeting was to discuss the Draft Terms of Reference and associated Consultation documents for the Marten Falls First Nation (MFFN) All Season Community Access Road. The Ministry of the Environment, Conservation and Parks (MECP) undertook a preliminary completeness review of the Draft Terms of Reference for the MFFN All Season Community Access Road and the MFFN Project Team reviewed comments and prepared responses to address MECP concerns. This meeting focused on Section 7: Consultation in the preliminary completeness review to confirm alignment in the next revision of the Draft Terms of Reference.

In addition to providing updates on Indigenous consultation and planned communications, specific topics of discussion included:

- Review of Feedback on Draft Terms of Reference
  - Suggestions for approach to Environmental Assessment Consultation Plan;
  - Opportunities and suggested approach of tiering of Indigenous communities for consultation;
  - Plain Language Guide; and
- Record of Consultation.

### Meeting Summary





**Terms of Reference Consultation:** MECP suggested that the scope and timing of the meetings provided in the Terms of Reference consultation sections could be clearer; opportunity to discuss alternative routes, potential impacts, community values and approach to consultation through the Environmental Assessment. MECP recommends including clear timelines and descriptions of what the Project Team is looking for input on.

**Environmental Assessment Consultation Plan:** MECP recommends including:

- More content that answers 'what' and 'when' in the suggested methodology, particularly so that Indigenous communities can provide feedback on the consultation approach for the Environmental Assessment during their review of the Terms of Reference.
- A separate section on Indigenous consultation to be more clear on how the communities are distinguished from other stakeholder groups, including topics to be covered in meetings, e.g., how feedback from Indigenous communities has been addressed.
- Different opportunities if the MFFN Project Team is not able to schedule Indigenous community meetings, including: Chief and Council meetings and group meetings focused on specific topics (e.g., caribou).
- More details around timing, and to consider the volume of topics proposed in each round of discussions.
- A high-level Environmental Assessment Consultation Plan in the Terms of Reference, and the complete plan appended to the Draft Terms of Reference.

**Record of Consultation:** MFFN Project Team referred to the Indigenous Engagement and Consultation Report and compared it to data in the Record of Consultation (in a table format). MFFN Project Team requested clarification from MECP on the Record of Consultation and whether the Indigenous Engagement Log in its current format would suffice. MFFN Project Team also asked what level of information to include in the Record of Consultation, formatting and how to display issues and responses.

MECP indicated that they like the Monthly Indigenous Log, and suggested including an expanded narrative for Indigenous communities, followed by the specific consultation log (table format); any associated minutes and presentations would also be included. MECP also suggested that each section in the Record of Consultation outline the effort, meetings, level of input and how issues were dealt with. MFFN Project Team committed to sending a draft Table of Contents for MECP and Ministry of Energy, Northern Development and Mines (ENDM) to review and provide comment on.

**Tiering Indigenous Communities:** MECP previously recommended tiering Indigenous communities in the Draft Terms of Reference for consultation purposes and referenced Webequie First Nation's tiered approach as an example. MECP (Agni) suggested a two-tiered approach that considers 'potentially impacted' and 'interested' Indigenous communities. MFFN Project Team (Larissa) suggested looking at





the Community-Based Land Use Planning or other plans as a reference and requesting planning-related agreements that MFFN may have.

## Action Items

MFFN Project Team to:

- Send a draft table of contents for the Record of Consultation to ENDM and MECP for review.
- Consider all MECP and ENDM suggestions as they relate to the Terms of Reference Consultation text, Environmental Assessment Consultation Plan, Tiering Indigenous Communities and Record of Consultation.



Project Name: **Marten Falls Community Access Road**

Date of Meeting: December 18, 2019

Time: 8:30am to 9:30am CST

Project #: Project #60593122

Location: Microsoft Teams/Call in

Attendees: Leah Deveaux (AECOM)  
Shawna Kjartanson (AECOM)  
Christine Cinnamon (AECOM)  
Jessalyn Beaney (AECOM)  
Lindsay Jackman (AECOM)  
Lindsay McColm (Golder)  
Erin Greenaway (Golder)  
Larissa Mikkelsen (MFFN)  
Lawrence Baxter (MFFN)  
Jennifer Bruin (MFFN)  
Kevin Green (MECP)  
Sasha McLeod (MECP)  
Michelle Karam (MECP)  
Nikki Boucher (MECP)  
Agni Papageorgiou (MECP)

Prepared By: Lindsay Jackman

Absent:

Regarding: Caribou questions following MECP August responses

# Minutes of Meeting

	Action
Questions and points for clarification were compiled to guide this meeting following the July 31, 2019 meeting with The Ministry of the Environment, Conservation and Parks (MECP) to discuss caribou in the Marten Falls Community Access Road Project. Following today's meeting, written clarification from MECP regarding these inquiries will be beneficial to help satisfy issues that have been brought up.	
<p>➤ The Nipigon, Pagwachuan, Missisa, and Ozhiski Range Integrated Range Assessment Reports (IRAR) were released in 2014 outlining survey work from 2009-2013. Are there any other MNR/MNRF led caribou surveys within these ranges in more recent years? If surveys have occurred in these ranges more recently, can you supply the most up-to-date caribou observations and collaring data?</p> <ul style="list-style-type: none"> <li>There may be 2018/2019 collaring data from The Ministry of Natural Resources and Forestry (MNR) but as the data is part of an ongoing research program a data request is required.</li> </ul>	<p><b>Project Team</b> to follow up with Tracy Salloway (MNR) for 2018/2019 collaring data</p>

**PLEASE NOTE:** If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

<ul style="list-style-type: none"> <li>• Lawrence Baxter mentioned collared caribou have been observed around Marten Falls and asked MECP to confirm</li> <li>• Over the last decade collars have been deployed in the Far North (specifically around Big Trout Lake). Caribou move across significant distances, including some that may have moved down into the Marten Falls area.</li> <li>• Golder has the collar data and could use it to produce a map</li> <li>• Golder is to confirm whether species search area data has been requested. This data includes null observations (both areas that have not been investigated as well area areas investigated but did not find caribou present) and may help focus study area on areas that have not been searched</li> </ul>	<p><b>AECOM</b> to produce map of collared data</p> <p><b>Golder</b> to confirm is species search area data includes observations. Follow-up Golder confirmed that we have received the search areas data</p>
<p>➤ A local level winter survey was completed in 2018 by Zoetica on behalf of Marten Falls First Nation (MFFN). We understand MNRF was involved in scoping this survey. Can you confirm if this survey methodology is an acceptable approach or if MECP recommends additional winter survey work?</p> <p>The project team is looking to conduct winter (want to confirm range-level or local-area?).</p> <ul style="list-style-type: none"> <li>• The aerial survey conducted in winter 2018/2019, methodology was slightly different than what is traditionally conducted. MECP would like to see the methodology, search area and results from the Zoetica report prior to providing further comment/direction</li> <li>• The MFFN Project Team are finalizing the Zoetica report and will look to share high-level methodology soon.</li> <li>• It was noted by Agni (MECP) that this is a pre-consultation meeting with the Species at Risk (SAR) folk and until the Terms of Reference (ToR) is approved MECP can't officially sanction any methodology (and will likely require workplans as part of a commitment from the draft ToR)</li> </ul>	<p><b>Project Team</b> to share Zoetica methodology with MECP</p>
<p>➤ Can MECP provide the Winter Aerial Survey Protocol (written by C. Stratton, G. Racey) as well as the Integrated Assessment Protocol for Woodland Caribou Ranges in Ontario (2014) so that MFFN can follow the methodologies undertaken by MNRF during the IRAs?</p> <ul style="list-style-type: none"> <li>• This document is from 1997 but still commonly used and MECP would be supportive of this.</li> <li>• Collared data is very valuable in an undisturbed landscape such as the project area. The project area also falls within a gap of collaring data</li> </ul>	<p><b>MECP</b> to confirm whether protocol can be shared with Project Team</p>
<p>➤ What date can we expect to be provided with the GHD? What has changed or been updated as compared to the GHD layer provided to Zoetica in early 2019? Were any Category 1 areas downgraded to Cat 2 or 3?</p> <ul style="list-style-type: none"> <li>• The data request has been received. There have been updates within the last ten months to the Nipigon Range and MECP is now the owner of this data. A draft data sharing licence was sent to AECOM on December 6<sup>th</sup> requiring internal signatures</li> </ul>	<p><b>AECOM</b> to sign and return data sharing licence</p>

<p>➤ Part of MECP’s response to question #4 in the document called “Response to MFFN Request for Information on 20190730” indicates that MFFN should provide “Relevant information on that habitat, such as average age of forest, condition of forest, etc. for each Nursery Area and Winter Use Area potentially impacted by the Project” – can MECP provide clarification on what information is required to satisfy this item (ie. veg surveys?) as most of the affected area is outside of the AoU and therefore only landcover (FNLC) data is currently available for vegetation information which is not detailed enough to include stand ages or types which would otherwise be provided in an FRI (within the AoU). Would an FRI need to be constructed for each Nursery and Winter Use Area intersected by the project? We have heard that a Far North FRI (Far North West and Far North Central in particular) is under construction and is expected to be released by 2020, will we be sent this data to work with?</p> <ul style="list-style-type: none"> <li>• Forest Resource Inventory (FRI) data is not necessarily required for this analysis.</li> <li>• Categorized General Habitat Description (GHD) is a snapshot (with caveats for use) that changes based on new observations and information.</li> <li>• The conditions of the existing habitats on the landscape change through time and so MECP is looking for any updates to the habitat conditions wherein the GHD for caribou overlaps (Category 1, 2 and 3). The level of detail in FRI is not necessary but general updates to habitat conditions (e.g. confirm that it is intact, note any changes) will help to inform the assessment</li> <li>• GHD can be confirmed or updated via fieldwork or desktop review (eg. If a fire has recently burned in Category 1 habitat)</li> <li>• GHD reflects most current information (though lags updating/reflecting temporal shifts) and will be focused on a fair amount.</li> </ul>	
<p>➤ We would like to confirm with MECP that there are no Category 1 Travel Corridors within 10km of the Project’s 5km-wide route corridors.</p> <ul style="list-style-type: none"> <li>• MECP, based on categorized habitat, is not aware of travel corridors within 10km of the project area but important to note: <ul style="list-style-type: none"> <li>○ GHD is best available information and</li> <li>○ The project area falls within a (collaring) data gap</li> <li>○ The project area is in a transitional zone (with higher use in northern ecozone)</li> </ul> </li> <li>• Project team should consider the potential for them to have travel corridors affected as part of the project</li> </ul>	
<p>➤ MECP’s additional response to question #4 with regards to Category 2 habitat: “Relevant information on that habitat, such as average age of forest, condition of forest, etc. for Seasonal Ranges potentially impacted by the Project”. Does this require an 5km-wide FRI along the route corridors? See question above Far North FRI.</p> <ul style="list-style-type: none"> <li>• Answered above.</li> <li>• Project Team looking for FRI data being developed by MNR</li> </ul>	<p><b>Project Team</b> has contacted MNR for FRI data and are waiting for it to become available</p>

<p>➤ MFFN would like to propose summer calving surveys in 2020 between June-August. Can the MECP provide a list of areas that they would like to see surveyed during the calving season? Can the MECP also provide D. Elder’s calving survey protocol/methodology or any other protocols that they deem appropriate?</p> <ul style="list-style-type: none"> <li>• MECP is not aware of Elder calving survey protocol; MECP has a 1997 (Ranta 1997) document to scope calving surveys (applicable to the boreal shield) and Far North Technical Report (Section 7.2-applicable to the lowlands) that will be shared.</li> <li>• Caribou demonstrate different habitat selection in lowlands than boreal shield</li> <li>• To identify locations, conduct desktop review (landcover, sat imagery) of existing data, species data search area, collar data and identified calving and nursery areas (GHD) to understand what caribou are selecting for, then select sites.</li> <li>• Work plan can be reviewed with MECP before surveys conducted.</li> </ul>	<p><b>MECP</b> to share Far North Technical Report</p>
<p>➤ Can MECP clarify their response to question #11 that indicates the Caribou Screening Tool (CST) is non-operational and the response to question #4 outlining a detailed caribou analysis will be used instead of the CST. Therefore, a CST performed by the MNRF/MECP is not required for this project as outlined in the Caribou Range Management Policy (CRMP)?</p> <ul style="list-style-type: none"> <li>• CST is not currently operational but there is still a requirement to conduct analysis consistent with CRMP (e.g. range-level disturbance).</li> <li>• MECP can share older processes (would require updating)</li> <li>• Could for now conduct spatial analysis (GIS) of GHD (e.g. number of nursery areas directly intersected by project or within a certain buffer).</li> <li>• MECP to provide review and assistance with the development and troubleshooting required for the CST-like assessment</li> </ul>	<p><b>MECP</b> to share CST Protocol with project team</p>
<p>➤ Can MECP please provide the IRA Protocol that outlines the GIS methodology necessary to pull together a pre-existing/background disturbance data layer?</p> <ul style="list-style-type: none"> <li>• Map shared previously showed the data layers the team has including disturbance data, landcover data, caribou observations – but doesn’t cover the caribou ranges fully.</li> <li>• GHD will cover the full ranges; project team will have to submit the request to MNRF to get disturbance data over the full ranges.</li> </ul> <p>In the absence of an updated disturbance layer MECP can provide assessment protocol</p>	<p><b>Project Team</b> to request disturbance layers at the full range extent</p> <p><b>MECP</b> to share Integrated Assessment Protocol with project team</p>
<p>➤ Additional Comments</p> <ul style="list-style-type: none"> <li>• MECP is unaware of Far North FRI status, and recommends inquiring with MNRF</li> </ul>	

Project Name: Marten Falls First Nation Community Access Road

Date of Meeting: January 28, 2020

Time: 1:00pm to 2:00pm CST

Project #: Project #60593122

Location: Microsoft Teams/Call in

Attendees: Leah Deveaux (AECOM)  
Stefano Strapazzon (AECOM)  
Tyler Huguet (AECOM)  
Jessalyn Beanie (AECOM)  
Lindsay McColm (Golder)  
Erin Greenaway (Golder)  
Kevin Green (MECP)  
Agni Papageorgiou (MECP)  
Nikki Boucher (MECP)  
Jennifer Bruin (MFFN)  
Paul MacInnis (ENDM)

Prepared By: Stefano Strapazzon

Lawrence Baxter (MFFN)  
Bob Baxter (MFFN)  
Michelle Karam (MECP)  
Shawna Kjartanson (AECOM)  
Jordan Witt (AECOM)  
Christine Cinnamon (AECOM)  
Kristiina Cusitar (AECOM)

Absent: Sasha McLeod (MECP)

Regarding: Discuss Baseline Caribou Field Studies

# Minutes of Meeting

	Action
Caribou Transect Surveys and Collaring Discussions	
<ul style="list-style-type: none"> <li>➤ Introduction, Safety Minute</li> <li>• No community member is present on the call, but Lawrence has given authorization to proceed</li> <li>• Use this discussion to inform our workplan submission and prepare a submission based on the meeting today</li> </ul>	

**PLEASE NOTE:** If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

<ul style="list-style-type: none"> <li>• Golder began the meeting by discussing the two proposed methodologies (Figures provided in email in advance of call):</li> </ul>	
<ul style="list-style-type: none"> <li>➤ <b>Version 1 - Winter Caribou Surveys – Figure 1</b></li> <li>• Recognize that MECP has asked for a ranged level assessment of Caribou</li> <li>• The figures are based on the Ontario State of the Woodland Caribou Resource Report.</li> <li>• Figure Version 1 uses a traditional survey method found in the Integrated Range Assessments.</li> <li>• This method is a hexagonal survey grid and flying surveys through the hexagons with an airplane, ideally multiple times, searching for caribou or other signs.</li> <li>• The second stage of the survey would be to fly to locations identified as having groups of caribou in order to count group size, age, and sex.</li> </ul>	
<ul style="list-style-type: none"> <li>➤ <b>Version 2 - Winter Caribou Surveys – Figure 2</b></li> <li>• Figure Version 2 consists of North – South flight line transects flown with a helicopter. When caribou are met, group size, age, and sex will be determined. Flight lines will then be continued.</li> <li>• This version of the survey would consist of helicopter use only, no fixed wing aircrafts would be used.</li> <li>• This survey methodology is adapted from the Northern Boreal Initiative (an MNRF initiative from the early 2000's) and was used during the Integrated Range Assessments.</li> </ul>	
<ul style="list-style-type: none"> <li>➤ <b>General Survey Discussion</b></li> <li>• Surveys would also encompass a small portion of the Nipigon range to cover the project footprint, in conjunction with a full assessment of the Missisa range.</li> <li>• Agni stated that given the fact that comments from the draft TOR were recently submitted and have not been approved, all discussions regarding the draft workplans would be considered pre-consultation.</li> <li>• Kevin stated that more information regarding the work plan would be beneficial. He believes that some aspects of Version 2 methodology could be improved, such as double observer protocols that enable population estimates, and using a fixed wing aircraft for transect surveys in addition to the helicopter survey used to identify age and sex.</li> <li>• Kevin also stated that the methodology used in Version 2 similar to the Northern Boreal Initiative was not the only methodology used. It was only used to supplement other surveys.</li> <li>• Although the methodology found in Version 2 was used in the Northern Boreal Initiative in the Integrated Range Assessments, it was used sparingly in order to fill in time when MNRF was unable to survey due to a number of constraints.</li> </ul>	

<ul style="list-style-type: none"> <li>• Lindsay asked what the transects looked like during the Ozhiski operating procedures.</li> <li>• Kevin stated that it is similar to Version 1, with the Ozhiski survey following the approach while also flying through the hexagons using a two stage approach and a fixed wing and rotary wing to confirm group size, age, and sex.</li> <li>• ENDM asked if the proponent is required to survey the full range? Is MECP/MNRF planning on doing any range surveys of caribou this year (that way there is no overlap of surveys being done)?</li> <li>• MECP is not currently planning on doing surveys in the Massisa range. There would not be duplication of aerial surveys at this time. The Science and Research Branch of MNRF may be planning to do collaring work. This work would not include an aerial survey. Whether a full range survey is required would be case specific and would be determined based on the work plan. It does warrant adequate consideration and discussion by the project team as to its application to the project at the range scale. There are multiple activities occurring in the range, which is considered undisturbed. The last collars in this range dropped off in 2012, and data around the area is starting to be outdated.</li> <li>• Lindsay asked Kevin for verification on the methodology of Version 2, which uses both fixed wing and helicopter.</li> <li>• Surveys did not involve many turns. Survey lines were designed to go through the center of the hexagons</li> <li>• The recommendation from Science and Research included the double observer approach because it allows for population estimates and probability of occupancy</li> <li>• Lindsay asked why a single aircraft cannot be used for transects, including counts, aging, and sexing</li> <li>• Kevin stated that the double observer approach would involve too much time off the transects which would affect the calculations and level of effort across the range</li> <li>• MECP is willing to share methodology that was used prior in the Ozhiski Survey, that way the methodology of data gathered would be like data gathered in the past. There are benefits to using the Ozhiski methodology such as similar approaches if range level surveys are necessary</li> <li>• Lindsay wanted to confirm that we are not doing any work that may be done for other projects in the vicinity (such as the Webequie Project/Range).</li> <li>• MECP has not reviewed Webequie's work plan to date.</li> </ul>	<p>Kevin will get more information</p>
<ul style="list-style-type: none"> <li>• <b>Collaring Survey Discussions</b></li> <li>• MNRF stated that collaring data from the Missisa and Ozhiski ranges will not be available until 2022/2023.</li> <li>• Golder asked whether MECP was aware of this. MECP was unaware that data would not be shared.</li> <li>• MNRF stated in a letter that 50 collars would be installed in the Missisa range this winter and data would not be available for 3 years after that. Lindsay wanted to know if we install collars this year, how would this work coincide with</li> </ul>	

<p>that work and what red tape would be involved for a company in the community deploying collars that has been a traditionally government led initiative? Will there be ESA permitting with harm and harassing caribou, and what would be required.</p> <ul style="list-style-type: none"> <li>• Nikki stated that there is not a permit, but registration would be required. Nikki will send more details. Registration is proponent led, and does not follow a review and approval system, or concrete timeline for application.</li> <li>• ENDM stated that in the past, both the forest and mineral exploration industry has paid for collars to increase the MNRF's collar numbers and left the collaring up to MNRF. This would provide MNFR with more data and the sharing of data. This is a potential collaboration that could be made.</li> </ul> <ul style="list-style-type: none"> <li>• Agni asked about the timeline of the MECP review period.</li> <li>• Golder is hoping to provide a workplan this week and hoping for a timely turnaround for comments to capture the winter survey window (surveys would begin the second week of February (10<sup>th</sup>) and would take place over a month).</li> <li>• Agni stated that this timing window may be difficult to follow and that the workplan should be submitted ASAP in order to get feedback for the proposed survey window.</li> </ul> <ul style="list-style-type: none"> <li>• MECP asked if there has been any consideration for wolverine surveys? There is the possibility for the multi-species survey to take place.</li> <li>• Golder stated that in the workplan draft there is the option of multi species observations during the aerial surveys.</li> </ul>	<p>Nikki to send details regarding the registration process</p>
<ul style="list-style-type: none"> <li>• <b>Next Steps</b></li> <li>• The Project team will provide the workplan this week for review, as well as reaching out to MNRF about the collaring data. Asked for an appropriate contact.</li> <li>• MECP advised that Dave Barker is the one-window for MNRF and may be able to help identify an appropriate contact for follow-up. Dave should be kept in the loop regarding the collaring data and work.</li> </ul>	<p>Communication with MNRF about collaring data</p>

**Additional Comments Provided by MECP on February 19, 2020**

- MECP flagged that any input provided was preliminary subject to review of workplans. Figures were provided at beginning of call, so there was not sufficient time to review in advance.
- SAR Branch has provided comments on the draft ToR. The Project Team will need to address those comments and identify how they will assess impacts at a range level.
- MECP has not reviewed Webequie's work plan to date.
- Golder intends to submit a workplan for MECP to review, related to caribou studies. Once the workplan is submitted, MECP will confirm review timelines.

Project Name: **Marten Falls First Nation (MFFN) Community Access Road** Date of Meeting: March 5, 2020  
Time: 2:00 pm to 3:00 pm (EST)  
Project #: 60593122  
Location: Call in  
Prepared By: Tyler Huguet

Attendees: Shawna Kjartanson (AECOM)  
Leah Deveaux (AECOM)  
Tyler Huguet (AECOM)  
Jessalyn Beaney (AECOM)  
Christine Cinnamon (AECOM)  
Lindsey McColm (GOLDER)  
Erin Greenaway (GOLDER)  
Jennifer Bruin (Project Team)  
Sasha McLeod (MECP)  
Agni Papageorgiou (MECP)  
Kevin Green (MECP)  
Nikki Boucher (MECP)  
Ariane Heisey (ENDM)  
Paul MacInnis (ENDM)  
Kevin Green (ENDM)  
Dave Barker (MNRF)  
Jillian Kingston(MNRF)

Absent: Bob Baxter (Project Team)  
Lawrence Baxter (Project Team)  
Dan Puddister (MNRF)  
Art Rodgers (MNRF)  
Mike Carneiro (MNRF)  
Hilary Gignac (MECP)  
Andrew Evers (MECP)

Regarding: **MECP Caribou Collaring Discussion**

# Minutes of Meeting

	Action
<p><b>Permission to Proceed with Meeting</b></p> <ul style="list-style-type: none"> <li>Bob and Lawrence Baxter have given permission to proceed with this meeting on the condition that meeting minutes be recorded</li> </ul>	
<p><b>Purpose of meeting</b></p> <ul style="list-style-type: none"> <li>This is a follow up to the meeting held on January 28<sup>th</sup> 2020 where MECP had given some preliminary guidance on caribou baseline studies</li> <li>MECP is asking for further information and clarification about the caribou collaring program and summer/winter calving studies proposed by the Project Team</li> </ul>	
<p><b>Timeline for the collaring program and rationale</b></p> <ul style="list-style-type: none"> <li>The Project Team has advised that the caribou collaring program has a proposed start date of March 23<sup>rd</sup> 2020 to allow for the incorporation of this data into the effects assessment that is to commence in the summer of 2020</li> <li>The Project Team is also hoping that collars deployed in late March would help inform summer calving surveys. The project team believes that not undertaking a collaring program this winter would not allow the Project Team to undertake summer calving surveys in the summer of 2020.-</li> </ul>	
<p><b>MECP's concerns on completing the collaring program in late March 2020 from a process perspective</b></p> <ul style="list-style-type: none"> <li>If the Project Team undertakes the collaring program before the ToR process is complete, MECP would not be able to provide adequate guidance and recommendations on this program, therefore risking caribou studies being improperly scoped, timed, or the studies may not be required</li> <li>Collaring is something that MECP supports, but they don't feel comfortable with it beginning before the ToR process is complete. MECP believes that if collars were deployed next winter there is still opportunity for collaring data to be included in the EA and more importantly, in the ESA permitting processes.</li> <li>MECP stated that the goals of a collaring program is to understand nursely and winter use areas and that this data could still be incorporated into the EA even if the program is completed next winter season.</li> </ul>	
<p><b>MECP's concerns on completing the collaring program in late March 2020 from a science perspective</b></p> <ul style="list-style-type: none"> <li>MECP mentions that there is potential for impacts to caribou if the collaring program is undertaken in late March because targeted individuals will be female and likely entering third trimester pregnancy. There is a risk of miscarriage to individuals being captured.</li> <li>Golder (the consultant proposing the collaring program) has considered pregnancy and the risks involved, however the capture crew that would be undertaking the collaring work does not believe there is a risk surrounding pregnancy during this time period. This is the same capture crew that is deployed by the MNR collaring program and Golder is trusting their professional judgement.</li> </ul>	
<p><b>Concerns related to delaying the collaring program</b></p>	

<ul style="list-style-type: none"> <li>• The Project Team is also hoping that collars deployed in late March would help inform summer calving surveys. Not undertaking a collaring program in the winter would not allow the Project Team to undertake summer calving surveys in the summer of 2020.</li> <li>• MECP believes that if collars were being deployed it would negate the need for summer calving surveys, as this information would be obtained from the collaring survey itself.</li> <li>• The Project Team expressed concern that if the collaring program is to be postponed until next year, data produced from this program will not be available in time for the effects assessment and not fit with the current EA schedule</li> <li>• MECP advised that based on the ToR, commencement of the EA would begin in the summer of 2020, however they see this being pushed out regardless of a caribou collaring survey considering the Final ToR is not yet available</li> <li>• The Project Team advised that they are unable to comment on a revised EA schedule until they can better understand the coordination between provincial and federal EAs</li> </ul>	
<p><b>Discussion around a holistic caribou workplan.</b></p> <ul style="list-style-type: none"> <li>• MECP expressed concern about not already having a complete workplan for caribou studies and addressed the need for the Project Team to provide a workplan ASAP to ensure input from MECP can be provided. However, until the Final ToR is accepted, advice and guidance provided by MECP should be considered preliminary.</li> <li>• MECP still stands by the notion that it is too late in the season to proceed with the collaring program this Winter.</li> <li>• The Project Team advised that there has been a process of getting this extra scope of work approved resulting in delays in completing the workplan. The project team has just received approval on this scope of work and expects collaring workplan to be finished soon.</li> <li>• MECP says that even if they get the collaring workplan within the next few days their comments would not be ready before the proposed start date and there are concerns that if the Project Team goes ahead with the program without input from MECP that field work may be inappropriate and not in line with MECP standards and guidelines</li> <li>• While there is no workplan to comment on at this time, typically, MECP would recommend more collars than what is being proposed (10 collars). MECP considers 10 collars to be inadequate for sub range habitat features. MECP considers 20 collars as the minimum to identify sub range habitat features for a study area of this size. When determining how many collars to deploy mortality must also be considered. MECP states again that they are still concerned about the proposed timing of this study (late March)</li> <li>• MECP mentions that if a collaring program is undertaken there may not be a need for summer calving studies. Collaring is a preferred option, particularly for low lands.</li> </ul>	<ul style="list-style-type: none"> <li>• Project team to submit workplan to MECP as soon as possible</li> </ul>

<p><b>Discussion around MECPs suggestion to include at minimum 20 collars and potential collaboration with MNRF</b></p> <ul style="list-style-type: none"> <li>• Golder mentioned that in the integrated range assessment previously provided by MECP, there is recommendation for 20 collars per range. The Sydney Range however, which is a larger area than the proposed study area, only received 10 collars</li> <li>• MECP notes that there are several logistical constraints that led to only 10 collars being deployed in the Sydney Range, including additional collars being deployed in a neighbouring range and that it is not necessarily comparable to MFFN study area.</li> <li>• ENDM notes that the nearby Webequie project already has a recommendation to deploy 20 collars. That means, including the MNRF collars, within the Mississa Range, there would be a total of 90 collars deployed if we consider the additional collars that would be deployed from this project (20 recommended).</li> <li>• MECP recommends that at minimum 20 collars be deployed but mentions that they are working internally with MNRF to make data from the MNRF collaring program available to the Project Team.</li> </ul>	
<p><b>Size of study area for collaring program</b></p> <ul style="list-style-type: none"> <li>• MECP has requested more time to review the material on study area, provided in the meeting invite</li> <li>• MECP has requested that the study area be included in the workplan to be submitted next week including the different scales the Project Team is looking at (i.e. local and regional study areas)</li> <li>• MECP notes that they would only finalize and approve any workplan once the ToR is finalized to ensure consistency</li> </ul>	
<p><b>March 2020 collaring program</b></p> <ul style="list-style-type: none"> <li>• The project team has advised that they would not go ahead with the collaring program if MECP recommends against it.</li> <li>• The Project Team commits to an internal discussion to review the path forward and will provide an update to MECP</li> </ul>	



Prepared for discussion purposes only



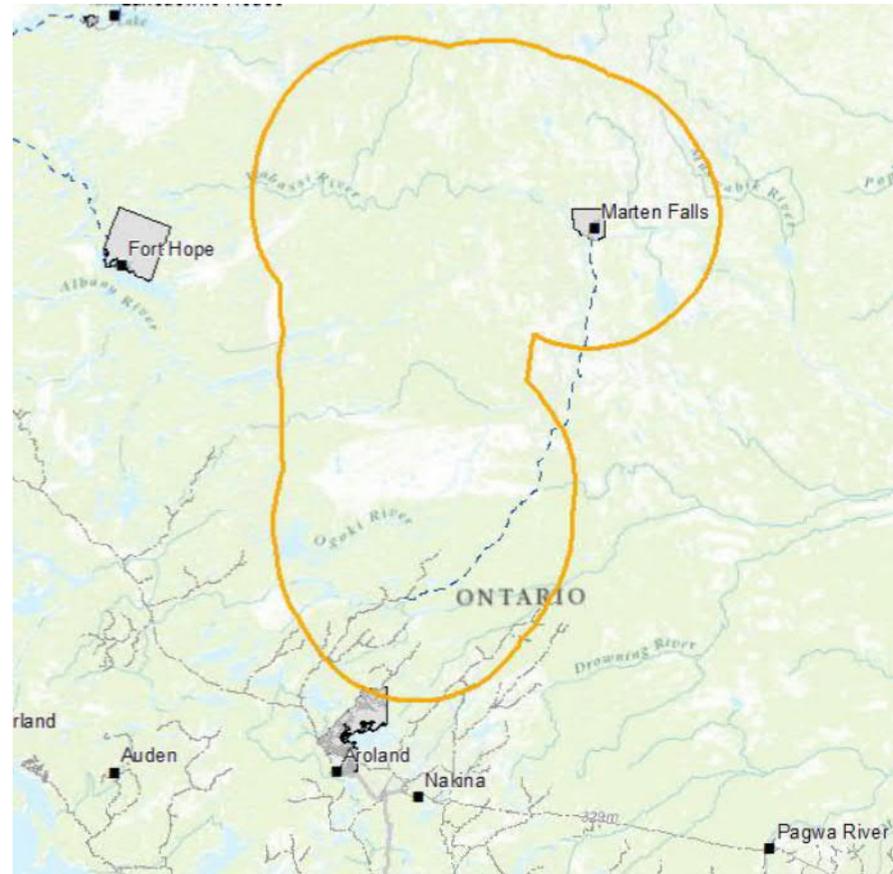
# Marten Falls Community Access Road Project

**PROPOSED CARIBOU COLLARING  
FIELD PROGRAM 2020**

March 2020

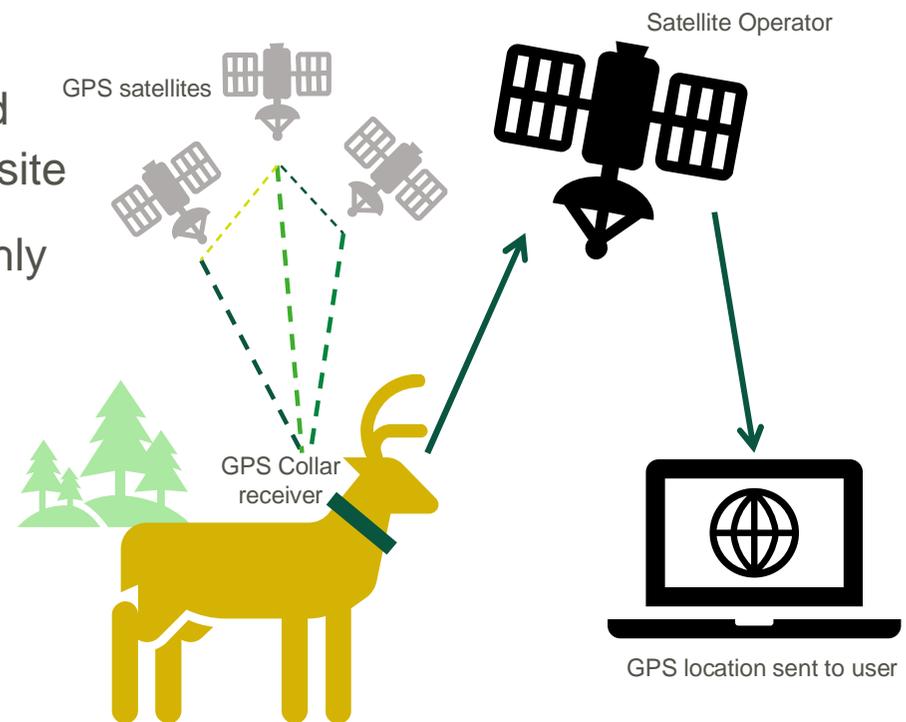
# Marten Falls CAR: Proposed caribou collaring program

- March 2020 deployment
- 10 GPS Lotek collars: same as used by the Ministry of Natural Resources and Forestry (MNR)
- Proposed study area = orange outline
- Helicopter capture crew: same company used by the MNR for the current Missisa collar deployment program
- Second helicopter crew: Golder crew – 2 bios, 1 FN observer



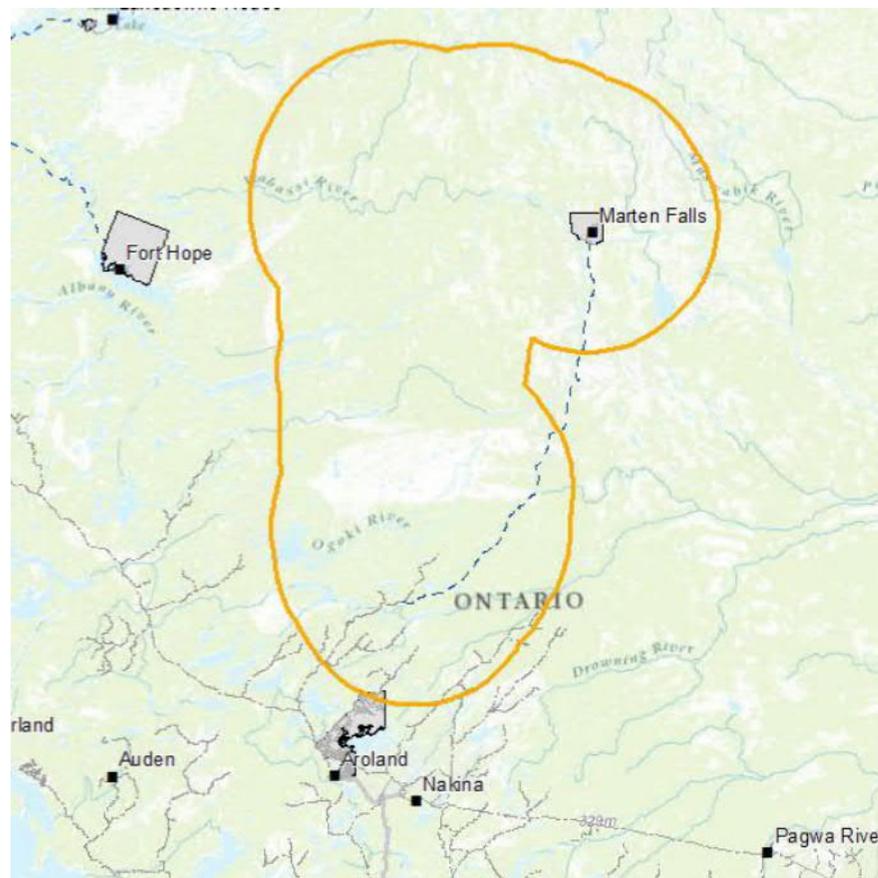
# Collar Specifications

- 10 Lotek LiteTrack Iridium 420 collars (weigh 840g each)
- Collars deployed for 3 years
- Drop-off at 3-yr mark
- Female adult caribou
- 12 GPS locations/day to satellite and loaded to the Iridium/MetOcean website
- Data managed by Golder on a monthly basis
- Same collars and specifications as MNRF's current Missisa collar deployment program
- Different VHF frequencies to avoid conflict



# Proposed Study Area

- 18,000 km<sup>2</sup>
- 35 km-wide buffer around the two route alternatives
- Buffer width chosen as it corresponds to previous study rationale (Zoetica 2018)
  - Determined by considering the largest of all potential annual home ranges within the study area that could interact with the road
- Southwestern portion of Missisa Caribou Range and northeastern corner of Nipigon Range



# Collar Deployment

- Planned for week of March 23<sup>rd</sup>
- 1-2 days to deploy + weather days
- 2 Helicopters:
  - Helicopter #1: Capture crew – same as hired by MNRF for current Missisa deployment program
    - 3-person crew: pilot, net gunner, and assistant
    - Fireweed Helicopters & Canadian Wildlife Capture Crew
  - Helicopter #2: Two Golder bios, one FN observer, and pilot (4 ppl)
- Based on experience of capture crew, there are no issues anticipated with timing



Photo: Clint Walker, Fireweed Helicopters Ltd.

# Collar Deployment (continued)

- One caribou per group; distribute collars throughout study area
- Net gun to capture caribou
- Collar attachment
  - No other data collection (pellets, hair, blood)
- Release caribou

Considerations under the *Endangered Species Act (ESA)*:

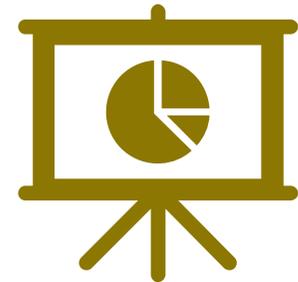
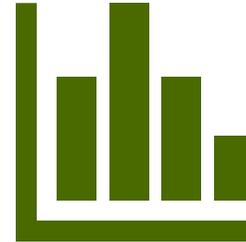
- Mitigation Plan
- Safe Handling & Care – recommend using MNRF protocol



Photo: Clint Walker, Fireweed Helicopters Ltd.

# Data Management and Reporting

- Iridium data plan through Lotek; data downloaded from MetOcean website
- Monthly data management over next 3-years
- Data will provide baseline conditions for caribou (movements, habitat use) for the Project
- EA impact assessment
- Subsequent ESA permitting
- Community engagement
- Opportunity to contribute to caribou research



**Questions or comments?**



Project Name: **Marten Falls Community Access Road**

Date of Meeting: April 8, 2020

Time: 3:30 pm to 4:30 pm

Project #: 60593122

Location: Microsoft Teams/ Call-in

Attendees: Lawrence Baxter (MFFN Project Team)  
Larissa Mikkelsen (MFFN Project Team)  
Qasim Saddique (MFFN Project Team)  
Jennifer Bruin (MFFN Project Team)  
Andrea Nokleby (Dillon)  
Don McKinnon (Dillon)  
Avril Fisker (AECOM)  
Christine Cinnamon (AECOM)  
Kathryn Ross (AECOM)  
Peter Brown (MECP)  
Andrew Evers (MECP)  
Sasha McLeod (MECP)  
Agni Papageorgiou (MECP)  
Ariane Heisey (ENDM)  
Paul MacInnis (ENDM)  
Lori Churchill (ENDM)

Prepared By: Kathryn Ross (AECOM)

Absent: Jack Moonias (MFFN Project Team)  
Bob Baxter (MFFN Project Team)

Regarding: Indigenous Engagement Strategy Leading up to Proposed  
Terms of Reference

# Minutes of Meeting

	<b>Action</b>
<p><b>Community Update RE: COVID from Province (including any sensitivities we should all be aware of)</b></p> <ul style="list-style-type: none"> <li>Paul (ENDM): No changes from the update last week regarding state of emergencies. Some band offices are closed but staff are working from home.</li> <li>Sasha (MECP): Eabametoong First Nation has a confirmed COVID-19 case.</li> <li>Andrew (MECP): Proponents in the same position as MFFN in the EA process are approaching consultation on a case-by-case basis. Some have paused on consultation and are scheduling events later in the year. Others are reaching out to communities to determine their capacity to participate in the consultation</li> </ul>	-

**PLEASE NOTE:** If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

<p>process, and adjusting their approach depending on responses received. MECP is available to support proponents, including MFFN, to discuss path forward.</p>	
<p><b>Overview of Proposed Engagement Strategy to Complete Proposed ToR</b></p> <ul style="list-style-type: none"> <li>• Don (MFFN Project Team) provided an overview of the draft Indigenous Community Engagement Strategy leading up the submission of the Proposed ToR. In summary, the intention of the strategy is for focused discussions on clarification of comments received on the Draft ToR, advancing the IK program with a focus on getting agreements in place, providing a general Project update to all communities, and confirming the content of the applicable RoC appendices (including sensitive information Indigenous communities may not be comfortable including).</li> <li>▪ An update to the ToR process is also to be provided to MFFN community members as the proponent. This is to be done through an interactive online presentation with video and audio components, as well as an opportunity to submit comments and questions, that members can review at their convenience.</li> <li>▪ As well, written responses will be submitted to all Indigenous communities that commented on the Draft ToR.</li> </ul>	<p style="text-align: center;">-</p>
<p><b>Input from Province on Proposed Engagement Strategy</b></p> <p><b>Agni (MECP): What is the timing of the activities?</b> Don (MFFN Project Team): The priorities are to reach out to Aroland, Fort Albany and Neskantaga for clarification on their Draft ToR comments, send proposed responses and appendix materials to Indigenous communities, and activities related to the IK program.</p> <p><b>Agni (MECP): What is the timing for post-introductory follow-up meetings?</b> Don (MFFN Project Team): There is no schedule tied to this activity, they are dependent on when communities are available and have capacity. It's possible that some of these meetings (e.g. related to the IK program) may take place after the Proposed ToR is submitted.</p> <p>Avril (MFFN Project Team): These meetings do not have to happen before the release of Proposed ToR.</p> <p><b>Sasha (MECP): What is the plan if you don't receive a response or if communities cannot participate in proposed discussions due to COVID-19?</b> Don (MFFN Project Team): We have drafted responses to their comments, and we can proceed to submitting the Proposed ToR without further engagement. These informal meetings are primarily for maintaining and building relationships rather than a technical requirement. There are also some comments received that may require further discussion with the Province.</p>	<ul style="list-style-type: none"> <li>- Include more detailed timing in strategy</li> <li>- MECP (Andrew) to review wording in draft letters</li> </ul>

**Agni (MECP): Have all issues been resolved?**

Don (MFFN Project Team): We have drafted responses to all comments on the Draft ToR. Some comments will require further investigation during the EA. Some questions are not for MFFN as a Proponent to respond to, including comments that relate to shared decision-making and request for consent. There may not be an agreement with MFFN's responses to these types of comments.

**Agni (MECP): One concern is the issue resolution process hasn't been given time to play out.**

Christine (MFFN Project Team): The ToR is the mechanism for issue resolution. Providing a Draft ToR and seeking comments is an additional step that the Proponent has voluntarily chosen to do.

**Agni (MECP): The complication is that the Proponent is required to do this work in advance – working through the responses and making sure comments are dealt with appropriately.**

**Andrew (MECP): Did comment responses result in additional commitments or information being put into the Proposed ToR?**

Christine (MFFN Project Team): Yes, revisions to the ToR are being made based on comments received. We are making these edits and concurrently planning follow-up with communities for clarification as required.

**Andrew (MECP): Neskantaga, for example, has requested a pause in the consultation process. My concern is that moving forward we may not see how comments were resolved. A community may identify that the comment wasn't addressed to their satisfaction, and MECP may need to take the same position. Effort upfront can be beneficial. If a 'timeout' is required to resolve issues, additional consultation may be needed resulting in delays in the ToR decision. The ToR could also be amended, or rejected depending on the scope of outstanding issues**

**Lori (ENDM): Why aren't you sending the newsletter materials to some communities? We were given advice to send materials to all communities rather than be selective. You could add information to the email about recognizing current challenges, that you will continue to share information and request they let you know how they want information going forward.**

Avril: The MFFN Project Team distributed a newsletter on April 7, 2020 to all Indigenous communities except for Eabametoong and Constance Lake due to COVID and community member deaths. We will take your suggestion into consideration.

**Andrew (MECP): MECP can review wording in a cover letter or other information so that you have the Province's input in approaching communities for follow-up and outreach.**

**Lawrence (MFFN Project Team):** Since the announcement of the Northern Road Link, there's been heightened concerned about the Community Access Road and treaty impacts. A Councillor from Aroland said some community members are raising these concerns.

**Lori (ENDM):** Discussion of creating a one-pager on all three projects has occurred with project proponent (Webequie, MFFN, Northern Road Link). I suggest you contact Aroland's Chief directly about the concerns overheard.

Avril (MFFN Project Team): This type of information can be part of the conversation that is planned with Aroland.

**Agni (MECP):** What are the plans to deal with gaps in the ToR consultation program, specifically communities who didn't comment on the Draft ToR?

Avril (MFFN Project Team): There will be another opportunity to comment on the Proposed ToR. It was not a requirement that all communities should comment on the Draft ToR. Our predictions for who we might receive input from were accurate.

Andrea (MFFN Project Team): All communities were provided information about opportunities to comment on the Draft ToR.

**Peter (MECP):** Were there some communities you expected to comment on the Draft ToR but didn't?

Don (MFFN Project Team): Eabametoong.

**Agni (MECP):** Proponents don't always receive comments from everyone. There are several communities that did not provide comments on the Draft ToR. I would suggest focusing your energy on those who have not provided comments yet, including Eabametoong and Kashechewan. Now isn't an ideal time to engage with them given the state of emergency, so that will need to be taken into consideration when framing outreach.

**Andrew (MECP):** Suggest sending a letter to all communities with some language around sensitivity to the current issues and reference an opportunity to seek input on the ToR.

Avril (MFFN Project Team): We plan to send a Project update to all communities and will include a question regarding availability for discussions and the anticipated release date.

**Sasha (MECP):** Recommend including a statement on the sensitivity to the situation (COVID and Proposed ToR release date).

Avril (MFFN Project Team): We will take that into consideration, including adding the intended timing for the submission of the Proposed ToR to the MECP.

<p><b>Agni (MECP): Recommend that flexibility is built into the timeline.</b></p> <p>Avril (MFFN Project Team): Some communities commented about not yet having funding agreements in place, including Long Lake #58. Is there an update on Kashechewan’s participant funding?</p> <p><b>Lori (ENDM): We have initiated conversations about funding agreements with all eligible communities, some have not followed up yet.</b></p> <p><b>Paul (ENDM): We are working through the process with Long Lake #58 and are waiting for an application. There is no funding in place yet as a result. We are awaiting an application from Eabametoong and Kashechewan.</b></p>	
<p><b>Update on the coordination efforts between IAAC and MECP</b></p> <ul style="list-style-type: none"> <li>• Agni (MECP): MECP met with IAAC this week to discuss the development of coordination materials. Aiming to share a draft document for discussion purposes in the next two weeks.</li> </ul>	<ul style="list-style-type: none"> <li>- MECP to share draft federal and provincial coordination materials.</li> </ul>



Date of Meeting: May 19, 2020

Time: 11:00 am to 12:20 pm (EST)

Project #: 60593122

Location: Call in

Prepared By: Kenndal Soulliere

Attendees: Agni Papageorgiou (MECP)  
 Sasha McLeod (MECP)  
 Peter Brown (MECP)  
 Ariane Heisey (ENDM)  
 Paul MacInnis (ENDM)  
 Lawrence Baxter (Project Team)  
 Qasim Saddique (Project Team)  
 Jennifer Bruin (Project Team)  
 Larissa Mikkelson (Project Team)  
 Andrea Nokleby (Dillon)  
 Caroline Wrobel (Dillon)  
 Jessalyn Beaney (AECOM)  
 Avril Fiskin (AECOM)  
 Christine Cinnamon (AECOM)  
 Kenndal Soulliere (AECOM)  
 Kathryn Ross (AECOM)

Absent: Don McKinnon (Dillon)  
 Sara Barss (AECOM)

Regarding: Discussion on Comments Received on the Draft Terms of Reference for the Marten Falls First Nation Community Access Road Project

## Minutes of Meeting

	Action
<p><b>Assessment of Alternatives for Ancillary Infrastructure (Comment ID 71):</b></p> <ul style="list-style-type: none"> <li>The MECP comment requests confirmation that alternatives for ancillary infrastructure will be assessed and the preferred alternatives will be selected in the environmental assessment (EA). It was reiterated that ancillary infrastructure should be factored into the alternative assessment methods sections of the Terms of Reference (ToR).</li> </ul>	N/A





<ul style="list-style-type: none"> <li>- The Project Team (PT) noted that the Project is early in the process and design, but both road and ancillary infrastructure alternatives will be assessed in the EA.</li> <li>- MECP requested that the ToR should state that the preferred alternatives for all Project components will be identified in the EA. The PT indicated it may want flexibility in describing the proposed Project in the EA. The MECP indicated the ToR phase is too early to talk about this kind of language and that MECP will be available during the EA phase to review flexibility language in the EA.</li> </ul>	
<p><b>Work Plans (Comment IDs 80-82, 87, 93, 128, 130, 134, 135, 137, 138, 140, 160, 173, 176, 182, 186):</b></p> <ul style="list-style-type: none"> <li>- Several comments received on the draft ToR were regarding work plans, including the recommendation to include a commitment to prepare technical work plans at the outset of the EA phase.</li> <li>- MFFN is in the process of developing work plans, which will be provided to the MECP for review and comment. Requesting input from the MECP on what types of information and level of detail should be included in the work plans and what their review will look like.</li> <li>- MECP:             <ul style="list-style-type: none"> <li>o It is recommended that work plans be completed, and government input received prior to undertaking the work.</li> <li>o The contents of the work plan should be determined by the proponent; however, MECP expect the work plans will include study areas, identify criteria and indicators, and methods of assessing the criteria and indicators, field work, and data sources.</li> <li>o MECP will be distributing the draft work plans to provincial agencies and coordinating the review over a 4 week period. As part of the review, the reviewers will be looking for information on what methods are proposed and sources of information to be used.</li> </ul> </li> <li>- MECP requested information on the level of consultation planned on work plans, and criteria and indicators.             <ul style="list-style-type: none"> <li>o The Draft ToR included a list of preliminary criteria and indicators. These will be included in the Proposed ToR and will be consulted on during the early stages of the EA before finalizing them through ongoing communications with Indigenous communities and a Public Information Centre.</li> <li>o The work plans include a high level of detail and technical information and are being prepared for technical review by agencies. Early in the EA phase, a summary of the information included in the work plans will be consulted on. This is in keeping with MFFN commitment to share information in plain language so it can be understood and available for feedback by all.</li> </ul> </li> </ul>	<p>N/A</p>





<ul style="list-style-type: none"> <li>○ Sharing of technical work plans with Indigenous communities would be decided on a case-by-case basis in discussion with MFFN.</li> <li>○ Indigenous knowledge (IK) should be informing work plans. MFFN advisors are reviewing and providing input on the work plans. Indigenous knowledge from other communities should also be considered.</li> <li>○ Where the MECP and the Impact Assessment Agency of Canada (IAAC) have overlapping mandates and MFFN is intending to coordinate EA processes, MECP will be working with IAAC to coordinate provincial involvement in technical meetings. MECP expects that MFFN will identify specific comments or issues for discussion in advance of technical meetings.</li> </ul>	
<p><b>Consultation on Assessment Methods (Comment ID 83):</b></p> <ul style="list-style-type: none"> <li>- An overview on the milestones planned for consultation on effects assessment methods and criteria and indicators was provided earlier in the meeting during the discussion on work plans.</li> <li>- The MECP requested clarification on the methods MFFN plans to use to obtain input on effects assessment methods.</li> <li>- The MECP was directed to Table 4-1 and Table 4-2 of the EA Consultation Plan that was submitted with the Draft ToR. These tables outline the activities and methods planned to be used during the consultation milestones, as well as anticipated timing MFFN will be seeking input.</li> </ul>	<p>MECP to review table 4-1 and 4-2 in the EA Consultation Plan and advise if further clarification is needed. NOTE: MECP has reviewed and no further clarification is required at this time. MECP will review the plan again when the ToR is submitted for review.</p>
<p><b>Record of Consultation (RoC; Commend IDs 100, 109, 113, 114, 115, 121 and 122):</b></p> <ul style="list-style-type: none"> <li>- The Table of Contents was shared to show the restructuring of the main body of the RoC and appendices. <ul style="list-style-type: none"> <li>○ Sections 1.8 and 1.9 have been moved to earlier in the document, with government agencies divided by level of government. No change to order of information in Sections 2 or 3 were made, but improved organization was made to Sections 4 and 5.</li> <li>○ The appendices will be stand alone documents.</li> <li>○ Indigenous communities will receive their section of the RoC for review before release of the Proposed ToR.</li> </ul> </li> <li>- Within the main body of the RoC, the consultation summary tables and log have been reorganized: <ul style="list-style-type: none"> <li>○ Modifications were made to the table that summarizes feedback received, response provided and future actions to resolve concerns / issues received. This table shows how concerns / issues are incorporated into the ToR or will be addressed in the</li> </ul> </li> </ul>	<p>Consider comments received in the next iteration of the RoC</p>





<p>EA. An additional column will be added to indicate how each issue was raised (e.g., comments on Draft ToR, meeting, etc.).</p> <ul style="list-style-type: none"> <li>- MECP reiterated that a community member, for example, should be able to find specific input they provided during the ToR process in the RoC and trace in the main body of the ToR how that input has informed the ToR.</li> <li>- MECP requested that the summary table be amended to include identification of where each issue was raised so that reviewers can reference supporting documentation.</li> <li>- MECP requested that the consultation log identify who from MFFN and the PT was involved in each communication. Information would assist the Indigenous communities to track / verify the consultation undertaken.             <ul style="list-style-type: none"> <li>o It was suggested by AECOM that MFFN and PT involvement be identified by groupings such as Chief &amp; Council, MFFN Advisors, PT and Consultant Team. Indigenous community leads assigned to each community could also be listed in the Community Profile section of each of the Indigenous Community sheets; as they are the main point of contact with the community.</li> </ul> </li> <li>- The consultation log provides a record for all points of contact with a community, with the appendix providing agendas, meeting minutes and supporting materials, and letters / emails received and distributed; it is not the intent to include logistical communications with communities (e.g., those to schedule meetings). MECP noted that the RoC should include sufficient information, for example, to see the back and forth between the communities and PT for meetings that didn't happen to show the proponent's level of effort.</li> </ul>	
<p><b>Alternatives Development Supporting Document (Comment ID 110):</b></p> <ul style="list-style-type: none"> <li>- PT asked the MECP to clarify the difference between an appendix and supporting documents, and how they feed into the Minister's decision on the ToR.</li> <li>- MECP clarified that supporting documents in relation to alternatives are often reports prepared prior to commencing the EA process, which proponents may attach to provide further information and rationale to propose focusing an EA on certain alternatives.</li> <li>- The Alternatives Development document was prepared during the EA process for the Project, so MECP advises that it be included as an appendix. The proponent should provide sufficient information and rationale in the ToR for focusing alternatives as the Minister will need to consider the rationale for focusing to two alternative road alignments in their decision on the ToR.</li> </ul>	<p>N/A</p>





<p><b>Duty to Consult (Comment IDs 231, 367) and Joint Decision -Making Agreement (Comment ID 358):</b></p> <ul style="list-style-type: none"> <li>- Refer Comment ID 231 on consulting on the Memorandum of Understanding (MOU) between MFFN and the Province to the Province.</li> <li>- MECP to provide standard language that should be included in the table when referring issues to Ontario for response.</li> <li>- Under the MOU, comments received by the Province on the Project will be shared with MFFN for inclusion in the EA and the Project RoC.</li> <li>- ENDM and MECP will work together to determine who is best to respond. A request to provide a consolidated table of comments for ENDM and MECP response was made.</li> </ul>	<p>PT to consolidate comments requiring agency review</p> <p>MECP to provide standard language to be used when referring issues to Ontario for response.</p> <p>NOTE: standard language to be used is "The [insert description of issue or topic] is outside the scope of what Marten Falls First Nation is responsible for responding to as proponent for the EA. We have referred your comment to Ontario so they can respond to you directly on this matter."</p>
<p><b>Baseline Information (Comment ID 476):</b></p> <ul style="list-style-type: none"> <li>- The Ministry of Natural Resources and Forestry expressed interest in discussing with ENDM and MECP the role the Project could play in advancing baseline studies and environmental monitoring in the Ring of Fire area. The comment is being shared with MECP and ENDM.</li> <li>- MECP and ENDM to take the comment offline, no further follow-up on behalf of MFFN is necessary.</li> </ul>	<p>N/A</p>
<p><b>MECP Class EAs for the Project (Comment IDs 68 and 164):</b></p> <ul style="list-style-type: none"> <li>- The Draft ToR included a list of Class EAs that may be required for the Project.</li> <li>- Comments of the Draft ToR request that the ToR confirm which of the listed Class EAs will be required and whether the Individual EA will be prepared to meet the requirements of the applicable class EAs.</li> <li>- In the process of trying to confirm based on current understanding of the Project and seeking information from the MECP on the applicability of the MECP Class EA for Provincial Parks and Conservation Reserves for the Project.</li> <li>- MECP indicated they would coordinate with MECP Parks staff and provide further guidance after they have reviewed.</li> </ul>	<p>MECP to provide input on applicability of MECP PPCR Class EA for Project</p> <p>NOTE: MECP has provided information on the MECP Class EA</p>





<ul style="list-style-type: none"> <li>- It was clarified that the input will be used to confirm the activities or actions of the Project that could trigger the Class EA, and depending on the response and what is known about the Project at this time, reflected in the ToR.</li> </ul>	
<p><b>Indigenous Knowledge (Comment IDs 104 and 108):</b></p> <ul style="list-style-type: none"> <li>- In addition to more formal Indigenous Knowledge sharing, Indigenous community members may share non-sensitive information through consultation or engagement that can be incorporated into the ToR; these may be opportunities to capture community knowledge and other information not dependent on IK sharing agreements with communities.</li> <li>- Information shared during consultation (e.g., community meetings) becomes part of the RoC, which identifies how feedback is captured in the ToR or committed to be considered in the future during the EA phase. IK collection and documentation will be based on direction from the community on how the information will be collected, shared and reflected in the EA.</li> <li>- MECP asked for clarification on whether the caribou migration concern from KI would be in the RoC and the ToR.             <ul style="list-style-type: none"> <li>o The caribou concern identified by KI has been included. It was also noted that the PT is in the process of obtaining the water studies by Mushkegowuk Council that an Indigenous community identified as being completed in the vicinity of the Project.</li> </ul> </li> </ul>	<p>The comment responses will be adjusted to indicate that information shared with MFFN through consultation will be considered and incorporated into the ToR / EA where applicable.</p>
<p><b>Meeting Minutes</b></p> <ul style="list-style-type: none"> <li>- MECP will review minutes from previous meetings; however, they are currently not in the office and may not be able to review until they return. They do not want to delay the process though.</li> </ul>	<p>MECP to review historical meeting minutes</p>





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

Date of May 20, 2020

Meeting:

3:00 pm to 5:00 pm

Time: (EST)

Project #: 60593122

Location: Call in

Prepared

By: Kenndal Soulliere

Attendees: Chiara Calabrese (IAAC)  
Lorraine Cox (IAAC)  
Agni Papageorgiou (MECP)  
Sasha McLeod (MECP)  
Andrew Evers (MECP)  
Kiran Anwar (MECP)  
Kathleen O'Neill (MECP)  
Ariane Heisey (ENDM)  
Paul MacInnis (ENDM)  
Jennifer Bruin (MFFN Project Team)  
Bob Baxter (MFFN Project Team)  
Jack Moonias (MFFN Project Team)  
Larissa Mikkelson (MFFN Project Team)  
Qasim Saddique (MFFN Project Team)  
Don McKinnon (Dillon)  
Andrea Nokleby (Dillon)  
Avril Fisker (AECOM)  
Robin Reese (AECOM)  
Jessalyn Beaney (AECOM)  
Christine Cinnamon (AECOM)  
Kenndal Soulliere (AECOM)  
Crista Gladstone (AECOM)  
Kathryn Ross (AECOM)

Absent:

Anjala Puvananathan (IAAC)  
Lawrence Baxter (Project Team)  
Chief Bruce Achneepineskum (MFFN Project Team)

Regarding: Coordination and Consultation Approach – Coordinated Environmental Assessment and Impact Assessment

Agenda:





The Marten Falls Community Access Road Project Team proposed a meeting with MECP, ENDM and IAAC to discuss the following:

- Review the IAAC/ MECP coordinated approach to consultation, including the envisioned roles and responsibilities for each agency and the Project Team
- Discuss how best to align the coordinated approach between the IA and EA processes (e.g., requests for information timelines for IAAC and MECP currently differ; with 4 week and 6 week requested review periods, respectively)
- Confirm expectations related to EA / IA consultation documentation requirements (e.g., combined EA / IS Consultation Plan; or separate)

## Minutes of Meeting

	<b>Action</b>
<p><b>RE: Coordination Documents</b></p> <p>MECP: Review of the “Detailed Map – Coordinated EA-IA Process” excel file. File is an update from the <i>Canadian Environmental Assessment Act, 2012</i> version of the document previously shared with the MFFN PT. The objectives of the detailed information on coordination are:</p> <ol style="list-style-type: none"> <li>1. To help the MFFN PT understand the alignment between the two processes and what they need to do (i.e., when they should engage in consultation);</li> <li>2. To minimize consultation fatigue during the EA / IA; and</li> <li>3. To coordinate the technical review of documents where IAAC and MECP have shared mandates.</li> </ol> <p>The green boxes within the document are the primary coordination opportunities. First opportunity for coordination is review of EA / IA work plans. Second is the coordinated EA / IA report, which would be one body of documentation prepared to meet the requirements of both processes. The <i>Impact Assessment Act</i> (IAA) requires a draft submission of the IS, and by including MECP into this review, any complex issues can be identified prior to the final EA / IS report is submitted.</p> <p>The MFFN PT asked about the PowerPoint “Coordinated Federal-Provincial Assessment Process Diagram” and the process for responsibility. IAAC informed the team that in the PowerPoint when it mentions consultation it is related to agency-led consultation. However, as the MFFN PT will be engaging</p>	<ul style="list-style-type: none"> <li>- PT to advise IAAC/MECP of any concerns on coordinated approach</li> </ul>





during the EA / IA process they will also be expected to participate in agency-led consultation.

The MFFN PT inquired how information received by IAAC during Agency-led consultation will be provided to MFFN and the MFFN PT? IAAC stated that whenever comments are received and relevant to the IA process, the Agency will share with the MFFN PT by consolidating and forwarding to for action and documentation.

The MFFN PT requested more information on “technical meetings” between the two agencies, and to confirm that the purpose is synonymous between both. Both agencies agree that technical meetings are an opportunity for reviewers and the MFFN PT to discuss comments and expectations around the EA / IA studies or to provide input on the provincial / federal perspective.

IAAC mentioned that their use of “technical meetings” in the Indigenous Engagement and Participation Plan is the proposed idea of potential future meetings in which Indigenous groups may join. These meetings may not be required on the Project – but should a particular issue of common concern of many groups arise, and there is a specific meeting to resolve such an issue the invitation could be extended to Indigenous groups.

The MFFN PT requested to know if “study plans” and “work plans” are synonymous. IAAC mentioned that the study plans are a description of what the Proponent is planning to do (what type of data they want to capture), whereas a work plan outlines specifics of example, how the data will be collected, such as information on location, scheduling, sequencing (i.e., how to action the study plan).

MECP brought up the MOU between the province and MFFN – and reminds everyone that the document is specific to provincial consultation but that the MFFN PT will need to meet federal requirements as well (with the MOU guiding behind the scenes).

The MFFN PT inquired about the coordinated EA / IA process graphic in the context that the two timelines for the Project are not on the same track in regard to phases. MECP acknowledged misalignment early in the process of coordinated projects which is not uncommon and does present some challenges; however, the processes usually align later. In the meantime, MECP are finding opportunities to assist with coordination, such as review of work plans ahead of the Minister’s decision on the provincial Terms of Reference (ToR). The MFFN PT inquired whether there are any potential concerns due to early misalignment between the two processes that the MFFN PT needed to be aware of. MECP noted that early misalignment is something that can be worked





around and the MFFN PT can align the two processes as they progress with ongoing work. MECP shared that there are risks of proceeding with field studies before an approved ToR; however, the MFFN PT is aware of this and managing the risk.

The MFFN PT inquired about the excel file, in the blue shaded boxes in rows 12 to 17, knowing that they don't represent scale (time), but that there is a concerning break after these rows that elude to another set of meetings once the provincial side aligns. Seek for confirmation on the interpretation – will there be a second round of meetings? IAAC confirmed that they did not want to portray an alignment when there isn't, therefore, they split the cells in two. Essentially, it's the same step when the ToR is being finalized, to ensure that both processes are consistent. It is not a repeat of the same information, rather a continuation until both processes are in alignment. The lines are to show progression into the next phase EA / IA process.

The MFFN PT inquired about final work plans and their posting to the IAAC registry, including a confirmation on potential provincial issues in posting ahead of an approved ToR. MECP mentioned that provincial review of the work plans will be considered preliminary – it is preferred for IAAC to postpone posting of the work plans to the registry until a decision is made of the ToR. IAAC confirms that there is no legislative timeline to post the work plans to the registry, and they do not see an issue in waiting.

The MFFN PT inquired about the timeline in Column K of the excel document where is recommended a Draft EA / IS to be released within 1.5 years of the Notice of Commencement for a 75 days review period and additional 30 days to review the final EA – IS. The MFFN PT brought up the concern regarding the amount of review time being too long in the confines of the 3-year planning phase. IAAC confirmed that they would like to have a draft IS as soon as possible should they need to troubleshoot any potential issues or realign, and course correct the consultation strategy. A reminder that this Project is one of the firsts to go through the IAA and the submission of a draft IS report within 1.5 years / halfway is based on projects during CEAA, 2012. Its meant to be an internal timeline to ensure IAAC feels confident in the 3-year window.

The MFFN PT inquired that should sections of the draft IS be available in Fall of 2021 could the MFFN PT send draft sections / chapters of the IS report to IAAC for review, potentially saving time and lessening the full 75 day period? IAAC confirmed that it depends on concerns and issues raised – that the agency might be able to do it faster if they are confident in what is coming in, but it depends on the nature of the comments. MECP notes that the coordinated review of the Draft EA / IS is Proponent driven and optional from a legislated time frame. Its not a





<p>formal comment period but it has been promised in the ToR. They suggest that it could be complicated if draft sections or draft(s) are submitted ahead of the completed full report intended for release as it is likely the reviewers want to see the full draft document. In Columns D &amp; E MECP review period is a minimum of 5 weeks – and we will likely have pressure from the IC’s for a longer review as it will be a dense document.</p> <p>The MFFN PT inquired that for federal documents the Draft is only the IS and not the Summary of the IS. IAAC confirmed.</p> <p>The MFFN PT inquired what information from the coordinated process document will be presented to the community of MFFN – will the community see the documents being discussed? MECP advised that the documents are intended to aid the MFFN PT in navigating the process, it is not intended to be shared publicly. It was suggested that the MFFN PT prepared a Project-specific version of the coordinated graphic and include the level of detail necessary for sharing with MFFN and other communities and stakeholders.</p>	<p>MFFN Project Team to prepare a Project-specific version of the coordinated graphic, including an appropriate level of detail</p>
<p><b>Consultation</b></p> <p>The MFFN PT inquired about IAAC’s approach to consultation, particularly with respect to how consultation fatigue with neighbouring Indigenous communities can be avoided. IAAC advised that there is a minimum amount of consultation that they must do to meet the requirements of the IAA, and that they are aware of the need to limit consultation fatigue. IAAC will share with the province and the MFFN PT their plans to consult with the communities, and will identify concerns and activities raised through these discussions.</p> <p>The MFFN PT requested confirmation from IAAC as to their preference on who should meet with Indigenous communities first (i.e., the Proponent or IAAC), or</p>	<ul style="list-style-type: none"> <li>- MFFN Project Team to revise the EA Consultation Plan to include activities to meet consultation</li> </ul>





if their expectation is that the Proponent and IAAC would meet together with communities. IAAC confirmed they would prefer that the MFFN PT meets first to advise the community about the Project and to initiate the gathering of feedback.

In follow-up, the MFFN PT inquired if they should take the lead in discussing the coordinated EA/ IA process, and extending an invitation to IAAC/ MECP to participate in such discussions. The MFFN PT referred to the possibility of joint meetings with the communities instead of holding separate MFFN PT and agency meetings. IAAC responded that the opportunity for joint meetings will depend on the communities and whether they want to meet with the government; also on the purpose/ objectives of the proposed meeting(s). IAAC's role will be to reach out to the communities to explain the IA process. MECP also recommended referencing the MOU responsibilities.

The MFFN PT suggested an additional call would be helpful to discuss roles and responsibilities further.

Agreement was reached that the EA / IS documentation could be consolidated to 'one document'; by extension the Consultation Plan developed should describe the planned engagement activities in consideration of the requirements of both the EA and IA processes.

MECP reminded the MFFN PT that they would be held to any commitments referenced in the EA / IS Consultation Plan as minimum requirements. It was suggested that the MFFN PT consider adding language into the ToR that allows for flexibility to add or refine the EA/ IS Consultation Plan, depending on the needs of Indigenous communities, after the ToR decision is made.

The MFFN PT requested definitions for the terms 'partnership', 'collaboration' and 'verification', as cited in the various federal documents (e.g., TISG, Public Participation Plan, Indigenous Engagement & Participation Plan). IAAC clarified that these terms were written from the perspective of the Agency, and reflect how the Agency will be working with communities.

The MFFN PT asked for additional information related to participant funding. ENDM replied that provincial participant funding is targeted towards communities with potential impacts to their Aboriginal and Treaty Rights, and by application only. Participant funding is particular to the MFFN and Webeque projects; given the province is funding these projects. The federal process outlines the type of expenditures that can be recovered by Indigenous Communities, and IAAC is beginning to identify the activities that will be funded. MECP noted that it is in the best interest of the communities to participate in both provincial and federal funding opportunities, and they could be available to

requirements of both the EA and IA; in the same Consultation Plan

- Suggestion for additional call between IAAC and MFFN PT for further discussion on roles and responsibilities





<p>discuss the process with interested Indigenous Communities. MECP elaborated that at this time, federal and provincial funding cannot be combined, and communities eligible for funding have been given access to resources that describe what the funding is to be used for. ENDM requested to be notified if communities are asking the MFFN PT questions about funding.</p>	
<p><b>Next Steps:</b>          Discussion regarding final assessment / alignment of decisions and whether the result will come out simultaneously. Currently, per the timelines and without any extensions, the provincial EA decision would come out first. However, both IAAC and MECP will be making the final decision on the same body of documentation under a coordinated approach EA / IA processes.</p> <p>MECP requested confirmation that the MFFN PT has had enough time to review the coordination documents and confirm the approach. The detailed excel file will not be made available to the public; however, the intent is to make the PowerPoint infographic available.</p> <p>The MFFN PT requested a meeting with MECP, IAAC and ENDM the week of June 5, 2020 to discuss further the approach to developing 'one plan' to describe consultation activities to meet both the EA/ IA processes. MECP/ IAAC agreed and requested that the Plan be provided in advance of the meeting; with enough time for the agencies to complete a review.</p>	<ul style="list-style-type: none"> <li>- MFFN PT to send out potential meeting times for Coordinated Consultation Plan Meeting (Around June 5)</li> </ul>



Project Name: **Marten Falls Community Access Road**

Date of Meeting: **June 18, 2020**

Time: **10:00 am to 12:00 pm to  
1:00 pm EST**

Project #: **60593122**

Location: **Microsoft Teams/ Call-in**

Attendees: Jack Moonias (MFFN Project Team)  
Lawrence Baxter (MFFN Project Team)  
Bob Baxter (MFFN Project Team)  
Larissa Mikkelsen (MFFN Project Team)  
Qasim Saddique (MFFN Project Team)  
Jennifer Bruin (MFFN Project Team)  
Ariane Heisey (ENDM)  
Paul MacInnis (ENDM)  
Sasha McLeod (MECP)  
Agni Papageorgiou (MECP)  
Peter Brown (MECP)  
Chiara Calabrese (IAAC)  
Danton Suck (IAAC)  
Andrea Nokleby (Dillon)  
Don McKinnon (Dillon)  
Avril Fisker (AECOM)  
Christine Cinnamon (AECOM)  
Jessalyn Beaney (AECOM)  
Robin Reese (AECOM)  
Kathryn Ross (AECOM)

Prepared By: Kathryn Ross (AECOM)

Absent: Carly Schaum (ENDM)

Regarding: ENDM, IAAC and ENDM Comments on the Coordinated  
Consultation Plan (ToR)

# Minutes of Meeting

	Action
<p><b>Agency Questions/ Comments/ Feedback on the Coordinated Consultation Plan</b></p> <ul style="list-style-type: none"> <li>The Marten Falls First Nation Project Team (MFFN PT) provided a high-level overview of the Environmental Assessment/ Impact Statement (EA/ IS) Consultation Plan, which was provided for</li> </ul>	

**PLEASE NOTE:** If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

review prior to the meeting. The document describes how MFFN plans to coordinate the consultation requirements of the provincial and federal processes including identifying where consultation is required, and the type of input being requested. It was noted that some communities may have community-specific consultation protocols developed that can be accommodated through the development of community-specific consultation plans; these conversations can be had prior to starting the EA.

• **MECP asked whether the MFFN PT developed community-specific consultation plans with interested Indigenous communities.**

- Not yet, the MFFN PT is looking to work with community consultation coordinators to help develop plans.
- When these plans are in development, we will talk to leadership and the broader community on the approach, so they are involved in the process. This will help to accommodate community ideas, in addition to agency feedback.
- Community specific plans will be important during the pandemic to tailor consultation tools to each communities' interests and access/ services.

• **MECP asked MFFN PT to describe how feedback from communities will be obtained? Will it be through the Terms of Reference (ToR) comment period?**

- The updated Consultation Plan will be issued as part of the submission of the Proposed ToR. Indigenous communities will also receive their individual Record of Consultation (RoC) package for consultation during the ToR, which will include a letter detailing willingness and desire to send information and to have conversations. Packages will be followed by phone-calls to confirm receipt, ensure understanding and to request a teleconference call if communities are interested.

• **ENDM asked if government agencies will be consulted at the key milestones in Table 4-2? ENDM noted that the table can be interpreted in two ways – either looking for input to feed into the EA/ IS as it is prepared or looking for feedback on parts of the EA/ IS that have been completed.**

- Feedback gathered during earlier key milestones will be solicited to inform the EA/ IS as it is prepared and will feed into consultation activities during future milestones.
- The table is not meant to exclude agencies; however, agencies are not the target audience for formal consultation (therefore not part of Table 4-2).
- Input and opportunities for agency review will occur throughout the EA/ IS.

- MFFN PT to revise Table 4-2 for clarification that it is not intended for agencies
- MFFN PT to add timeline details in Table 4-2

- **MECP noted that Indigenous communities may not be available to participate during each milestone. Timelines should be clearly articulated.**
  - The anticipated timing for each milestone will be added to Table 4-2 and will clarify when input is required to be considered as part of decision-making; communities who do not participate through earlier milestones will be informed of the process and decisions leading up to the point of their participation.
  - IAAC suggested that a second timeline column be added to compare timing between the provincial and federal process. From a process standpoint, MFFN PT's intent is to move forward in a coordinated fashion, as agreed to with the agencies, so as to avoid the need for two schedules.
- **MECP asked how input will be collected. Table 4-1 looks like options, but there is no option to provide documents for review. Milestones might lend to provide written information for review.**
  - Thank you for your suggestion. One example of documents for review is a memorandum on the study area for the Indigenous Knowledge program that is currently being prepared for circulation to Indigenous communities.
  - ENDM noted that Indigenous communities are likely to prefer formal documentation to review.
  - MECP suggested the need to ensure discussions are on-going with communities regarding Aboriginal or Treaty Rights, and not limited to milestones. Include additional components like alternative effects assessment and evaluation criteria.
- **MECP advised that the Consultation Plan should describe the roles and responsibilities identified in the MOU, and clearly articulate that MFFN PT intends to work with Ontario and how they will do so.**
  - MFFN PT will include more details on the roles and responsibilities as per the MOU.
- **MECP noted concern in the definition of consultation and engagement.**
  - MFFN PT asked for clarification on the distinction between Ontario's approach and the federal approach for consultation and engagement.
  - MECP and IAAC will provide specific comments and proposed language for the Consultation Plan.
- An MFFN Community Member Advisor noted that the Proponent and community members have responsibilities and we need to link that information to the community and be more transparent. There is

- MFFN PT to identify MOU roles and responsibilities and clarify how MFFN PF plans to work with Ontario in Consultation Plan
- MECP and IAAC to provide language for consultation and engagement definitions

mistrust with the government and a disconnect in how the government approaches communities. There needs to be a better understanding in the approach to Aboriginal and Treaty Rights. It is important to continue reconciliation in this process.

- **IAAC will compile comments on the Consultation Plan for MFFN PT.**
- **IAAC asked MFFN PT to clarify why Indigenous communities have already been placed in levels of interest. For example, AZA is in a higher interest group.**
  - Indigenous communities were categorized based on level of interest, participant funding and whether there may be impacts to Aboriginal or Treaty Rights. All Indigenous communities will receive the same baseline effort – the intent in creating a list was to focus efforts of MFFN PT.
  - IAAC requested that MFFN keep IAAC informed if changes are made to higher interest list as the aim is to make this publicly available.
    - The Consultation Plan will be made public with the release of the ToR.
- **IAAC noted that once the IS is submitted, IAAC will lead consultation. As the Project moves forward the Proponent may still need to engage and address concerns or mitigation measures. As currently documented in the Consultation Plan, it could be interpreted that MFFN will not be consulting after the EA/ IS Report is submitted.**
  - The MFFN PT will revisit the Tailored Impact Statement Guidelines (TISG).
- **Regarding the last bullet in the Monitoring and Measuring section (“Satisfaction with information provided, measured by comments received at live events, on comment forms, and via email and telephone”), MECP advised that the Consultation Plan must reflect that the Proponent is responsible for following up with communities related to impacts and documenting how issues are addressed.**
  - Before publishing comments and responses on the Draft ToR, the MFFN PT reached out to those Indigenous communities to make sure they had opportunity to review and provide comments on the information to be included in the Proposed ToR; the offer to schedule meetings between the MFFN PT and the community was also made.
- **MECP suggested that it be made clear in the Consultation Plan that input from communities has been and will be incorporated and have a line on consultation protocol.**
- **IAAC recommended that responsiveness be included in Section 7 to demonstrate timeliness; it is a component of meaningful engagement.**

- IAAC to provide written comments on Consultation Plan to MFFN PT

- MFFN PT to clarify in Consultation Plan that input from communities will be incorporated and add a line on consultation protocol.

<p><b>Overview of COVID-19 alternatives to face-to-face meetings</b></p> <ul style="list-style-type: none"> <li>• MFFN PT developed a document outlining engagement tools that could be leveraged as alternatives to face-to-face meetings (due to COVID-19). MFFN PT presented the document on screen and provided a description of each of the available alternatives.</li> <li>• <b>IAAC asked if this document is articulated in the Consultation Plan. Do Indigenous communities select the type of activities they prefer?</b> <ul style="list-style-type: none"> <li>• The Engagement Strategy is an internal document that outlines a suite of options that the Proponent can use. Through conversations with Indigenous communities, different tools can be selected depending on the communities' preferences.</li> </ul> </li> <li>• <b>ENDM asked which engagement tools have been used for MFFN since April.</b> <ul style="list-style-type: none"> <li>• These tools will be used as part of the next phase of engagement. Since April we have been focused on the ToR and community-specific Record of Consultations, including comment and response tables for those who commented on the ToR.</li> </ul> </li> <li>• <b>IAAC asked if there will be record keeping during in-person engagement sessions.</b> <ul style="list-style-type: none"> <li>• Records of meetings (i.e., meeting minutes or summaries) are prepared for each meeting, and participating community representatives are provided with copies for their review and approval.</li> <li>• These records are included in the RoC; with consent from the community representatives.</li> </ul> </li> <li>• <b>IAAC noted the need to be careful with sensitive data Indigenous Knowledge (IK) confidentiality and consent.</b> <ul style="list-style-type: none"> <li>• IK is not the primary use of these engagement tools.</li> </ul> </li> <li>• <b>MECP asked why alternatives to digital or remote engagement are not included in the Consultation Plan.</b> <ul style="list-style-type: none"> <li>• An explanation was provided that alternatives to face-to-face meetings are available, and that MFFN PT will work with individual communities to understand their comfort for online or socially-distanced meetings.</li> </ul> </li> <li>• <b>ENDM suggested the need to consider accessibility (e.g., someone with reading challenges) and format when considering how information is shared.</b> <ul style="list-style-type: none"> <li>• All the online and in-person materials developed for the Project adhere to accessibility standards in Ontario, including any future online tools.</li> </ul> </li> </ul>	
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<ul style="list-style-type: none"> <li>● <b>IAAC asked if the MFFN PT would share the document of alternative tools once it's finalized.</b> <ul style="list-style-type: none"> <li>● The MFFN PT confirmed that the document can be shared once finalized.</li> </ul> </li> <li>● <b>A MFFN Community Member Advisor asked who owns and hosts the Project website.</b> <ul style="list-style-type: none"> <li>● MFFN owns the Project website and the host is a company based out of Coburg, Ontario called Eagle Internet.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>● MFFN PT to share alternative engagement options document once finalized (attached).</li> </ul>
<p><b>DRAFT Community Access Road—Coordinated Graphic</b></p> <ul style="list-style-type: none"> <li>● MFFN PT requested comments on a draft federal-provincial coordinated process graphic that was developed.</li> <li>● <b>MECP suggested that timelines be added to the graphic.</b> <ul style="list-style-type: none"> <li>● Timelines will be added, and draft and final stages will be clarified.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>● MFFN PT to add timeline details and draft/ final stages to graphic.</li> </ul>

Project Name: **Marten Falls First Nation Community Access Road**

Date of Meeting: June 30, 2020

Time: 2:00 pm EST

Project #: 60593122

Location: Microsoft Teams

Attendees: Leah Deveaux (AECOM)  
Hamish Corbett-Hains (HCH) (Dillon)  
Ravi Mahabir (RM) (Dillon) Christine  
Cinnamon (AECOM)  
Robin Reese (AECOM)  
Irene Davies (AECOM)  
Guowang Qui (GQ) (MECP) Jennifer  
Bruin (PT)  
Jess Beaney (AECOM)  
Chiara Calabrese (IAAC)  
Agni Papageorgiou (MECP)  
Sasha McLeod (MECP)  
Lorraine Cox (IAAC)  
Umme Akhtar (Health Canada)  
Alexandra Iliescu (Health Canada)  
Dae Young Lee (DL) (Health Canada)  
Hossein Naghadeni (HN) (ECC)

Prepared By: Irene Davies

Absent:

Regarding: Air Quality Monitoring - Alternatives

# Minutes of Meeting

	Action
▪ Introductions	INFO
▪ Purpose of the meeting is to discuss alternative methods for collection of baseline air quality data that would minimize contact with the community of Marten Falls. Marten Falls is making every effort to limit people from entering the community due to risks related to COVID 19.	INFO
▪ The approved method for collecting data was using an Air Pointer. This is a complex system and requires two qualified technicians to install and set up in the community for approximately three days.	INFO
▪ Dillon is proposing using “near-reference” monitors (DustTrak, VOC canisters) until we can safely enter the community to deploy the Air Pointer. This alternative would potentially be used for the entire one-year monitoring period. Dillon and AECOM are seeking feedback from regulators on this approach.	INFO

**PLEASE NOTE:** If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

<ul style="list-style-type: none"> <li>▪ GQ - Concerns about using DustTrak, could compromise the data that is collected from the site. Data could be inaccurate or unreliable. How would you collect other contaminants not just particulate matter? NOx, SOx?</li> <li>▪ HCH - There are modules that could be included to measure other contaminants.</li> </ul>	INFO
<ul style="list-style-type: none"> <li>▪ GQ – What is the justification for using this method?</li> <li>▪ HCH – Trying to think of ways we can establish baseline data without entering the community. DustTrak could be set up by community members.</li> </ul>	INFO
<ul style="list-style-type: none"> <li>▪ GQ – Are there any alternative locations that are nearby which could be used to establish the baseline?</li> <li>▪ HCH - Nothing in the nearby area that would be representative, considered setting it up at the airport within the community but it would likely not provide reliable data either because there is a diesel generator at the airport as well as air traffic.</li> </ul>	INFO
<ul style="list-style-type: none"> <li>▪ GQ – Could you use a solar panel to power the monitor?</li> <li>▪ HCH – No, solar panels are not feasible at this latitude to provide 24-hour measurements.</li> </ul>	INFO
<ul style="list-style-type: none"> <li>▪ HN – What contaminants would be part of monitoring?</li> <li>▪ HCH – With one DustTrak, we have to choose which particle size for particulate. NOx and SOx would be monitored and BTEX would be collected via canisters.</li> </ul>	INFO
<ul style="list-style-type: none"> <li>▪ HN – How often do VOC canisters need to be examined?</li> <li>▪ HCH – 6-day cycle. They can send up a bulk load and then a community member would change them out and sent south monthly for analysis.</li> </ul>	INFO
<ul style="list-style-type: none"> <li>▪ HN – Concerned about getting different, conflicting results if two methodologies are used [Air Pointer and DustTrak].</li> </ul>	INFO
<ul style="list-style-type: none"> <li>▪ GQ – What is the resolution for NOx and Sox?</li> <li>▪ HCH – Will follow up and provide after this call.</li> </ul>	HCH*
<ul style="list-style-type: none"> <li>▪ DL – Are you still committed to the same AQ parameters?</li> <li>▪ HCH - Committed to PM, ozone, NOX, SOX, CO and BTEX. No ozone or CO would be included in sampling but would still be included within the modelling assessment.</li> </ul>	INFO
<b>NEXT STEPS</b>	
<ul style="list-style-type: none"> <li>▪ Could you add information on using PM10 and PM2.5 or multiple DustTrak for particle size? HCH to provide.</li> </ul>	HCH*
<ul style="list-style-type: none"> <li>▪ LC – could we get a write up about the other locations that you considered as an alternative?</li> <li>▪ HCH - wherever we go we would run into the same issues with isolation and there is no community that is close enough that is representative, but yes, we can provide a write up.</li> </ul>	HCH*
<ul style="list-style-type: none"> <li>▪ Regulators are concerned with using the methods that were proposed in this call and would like to hold off for another month and then reassess the situation.</li> </ul>	INFO*
<ul style="list-style-type: none"> <li>▪ In the meantime, we should continue to look into other options including USEPA list of equivalent methods to provide an alternative. It should be noted that any monitor that we could send to the community without an operator will be a non-reference level monitor.</li> </ul>	HCH. RM*

<ul style="list-style-type: none"> <li>▪ MECP should continue to review the study plan and provide their feedback so Chief and Council can decide how best to implement the monitoring program during COVID-19.</li> </ul>	GQ
<p><b>FOLLOW UP – notes added on July 10, 2020</b></p>	
<ul style="list-style-type: none"> <li>▪ Based on this discussion with MECP and subsequent discussions internally, MFFN has decided to proceed with the Air Pointer method for data collection. As a result, some of the action items described above may no longer be relevant based on this decision (and are identified with an Asterix in the action column).</li> </ul>	

Project Name: **Marten Falls Community Access Road**

Date of Meeting: July 23, 2020

11:00 am to 11:45 am

Time: EST

Project #: 60593122

Location: Microsoft Teams/ Call-in

Attendees: Jack Moonias (MFFN)  
Lawrence Baxter (MFFN)  
Qasim Saddique (MFFN)  
Jennifer Bruin (MFFN)  
Larissa Mikkelsen (MFFN)  
Sasha McLeod (MECP)  
Shannon Gauthier (MECP)  
Ariane Heisey (ENDM)  
Paul MacInnis (ENDM)  
Dan Kuenstler (Dillon)  
Don McKinnon (Dillon)  
Christine Cinnamon (AECOM)  
Jessalyn Beaney (AECOM)  
Kathryn Ross (AECOM)

Prepared By: Jessalyn Beaney (AECOM)

Absent: Bob Baxter (MFFN)  
Agni Papageorgiou (MECP)  
Avril Fiskens (AECOM)

Regarding: Accommodating New Circumstances and the Ogoki River  
Crossing of Alternative 4

# Minutes of Meeting

	Action
<p><b>Introduction and Purpose of Meeting</b></p> <ul style="list-style-type: none"> <li>The MFFN Project Team (PT) would like to discuss with the MECP and ENDM about the Terms of Reference (ToR) and environmental assessment (EA) process as new information becomes available through advancement of design and route refinements.</li> <li>Recently new information has identified an opportunity for the proposed Community Access Road (CAR) along Alternative 4 to cross the Ogoki River at a different location than presented in</li> </ul>	<p style="text-align: center;">-</p>

**PLEASE NOTE:** If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

<p>the Proposed Terms of Reference (ToR) currently being prepared.</p> <ul style="list-style-type: none"> <li>• Engineering review of general arrangement drawings for the Project has identified Ogoki River crossing options on Alternative 4. Internal discussions with the MFFN Project Team and MFFN Chief and Council on possible crossing locations have occurred.</li> <li>• The proposed Ogoki River crossing of Alternative 4 as presented in the ToR is approximately 330 m in length, which is a relatively large crossing. A review for upstream and downstream locations with a shorter crossing span was undertaken and identified a few options for consideration.</li> <li>• The MFFN Project Consultant shared two maps to show options for crossing the Ogoki River.</li> <li>• A crossing location to the west has been identified as a possibility. This location would result in a crossing approximately 100 m in length, would route the CAR along higher ground and provides access to potential aggregate sources that could be used in Project construction.</li> <li>• Overall this possible Ogoki River crossing option is a small deviation (i.e., just outside of the 5 km corridor) from the alignment of Alternative 4 when considered in the context of the full route.</li> <li>• The MFFN Project Consultant identified that as the Project proceeds through the EA process and into the EA Phase, new information will continue to become available that may identify route refinements and re-alignments such as the Ogoki River crossing shared, which may lie beyond the 5 km local study area.</li> <li>• Given the unique timing with the upcoming planned submission of the Proposed ToR, the ToR could be updated to include this option but delay the ToR, or the information could be introduced during the EA through the accommodation of new circumstances.</li> </ul>	
<p><b>Accommodating New Circumstances:</b></p> <ul style="list-style-type: none"> <li>• Flexibility has been incorporated into the ToR by identifying parts of the ToR as preliminary (e.g., study area) with a commitment to confirm during the EA and by including the section of Accommodating New Circumstances during the EA. Specific to alternatives routes, the ToR states that there is a potential that other viable alternative routes may arise during the EA.</li> <li>• The MFFN Project Consultant reviewed the Code of Practice for Preparing a ToR for guidance and noted that examples for minor changes are provided, and that significant changes would need to be discussed with the MECP. It is not clear what may be considered a significant change and we are looking for guidance from the MECP so we can understand possible risks to the ToR and to consider seeking guidance from MECP in the future</li> </ul>	<p>—</p>

should opportunities such as the Ogoki River crossing option arise.

- MECP advised that the Draft ToR was prepared in a manner that could be considered narrowly focused on a specific study area and two alternative routes. It was recommended that the Proposed ToR be prepared with the most accurate and up to date information.
- The MFFN Project Consultant clarified that the study area in the ToR is preliminary and the ToR indicates that the discipline-specific local and regional study areas will be developed during the EA Phase. These study areas may be different from the preliminary study area in the ToR and vary between disciplines. Upon sharing this clarification, it was asked whether this changes the view on whether the ToR can accommodate refinements that extend beyond the preliminary study area during the EA Phase.
- MECP noted that it is important for the study area, field studies within the study plans and alternatives to align. If new information identifies an opportunity that may not align exactly, it can be less clear if the new opportunity or circumstance is covered by the ToR, study areas, field studies and technical study plans.
- The MFFN Project Consultant asked if MECP has any suggestions on how to incorporate additional flexibility into the ToR now.
- MECP mentioned that MFFN could consider a larger local study area for capturing potential direct impacts and / or add text to the ToR to explain in more detail what the proponent would do in regard to potential future refinements and re-alignments that may occur during the EA and how these would be studied and assessed. Clarity in the ToR on the method for dealing with changes to the routes would be helpful for determining whether future changes are consistent with the ToR, study areas, field work already completed, etc. As changes are already arising at the draft ToR stage, more can be anticipated. MECP indicated that they could take a closer look at current wording in the ToR if of interest to the MFFN Project Team.
- The MFFN Project Consultant suggested the option of defining a Project Area, such as a box covering the general area of the Project or a second, wider corridor encompassing the two alternative routes to provide flexibility should future refinements or re-alignment options be identified that extend beyond the 5 km preliminary study area of the ToR.
- MECP asked about the Band Council Resolution (described in the draft ToR) that focuses on Alternatives 1 and 4 only – how would this accommodate additional alternatives?
- The MFFN Project Team responded that the BCR was meant to eliminate Alternatives 2 and 3, but not necessarily that

Alternatives 1 and 4 will be exactly as presented. The MFFN Community identified health and safety concerns of the large bridge crossing close to the community needed for a CAR routed along Alternative 2 and Alternative 3 (eastern routes), and concerns for industrial traffic passing through the community since the CAR is for both community access and industrial use. Based on these concerns, MFFN Chief and Council passed a band council resolution that the eastern routes would only be considered viable if the CAR was for community access only. The MFFN Project Team has had discussions with MFFN Chief and Council about the possibility of the alternative alignments being modified as design advances, including details on the Ogoki River crossing options. Feedback received so far is to continue to review the alternatives from an engineering perspective to inform the selection of the best possible route while considering potential for effects to Indigenous Knowledge / values and the environment.

- ENDM asked whether the MFFN Project Team has considered Indigenous Knowledge / values and environmental features at other crossing locations of the Ogoki River. The MFFN Project Consultant confirmed that both have been looked into at a high-level but detailed review is ongoing. Notionally, a shorter crossing of a watercourse would be anticipated to result in a lesser effect but further discussions on Indigenous Knowledge are certainly needed.
- To summarize, MECP recommended:
  - Prepare the ToR with the most accurate and up to date information; and
  - Incorporating additional flexibility into the ToR (e.g., wider study area, more detailed explanation on how changes to project footprint from route refinement would be studied) may help to address broader questions of accommodating new circumstances.



## **D1.3.2 Ministry of Energy, Northern Development and Mines**



Project Name: **Marten Falls First Nation (MFFN) Community Access Road**

Date Meeting: **of April 23, 2020**

Time: **11:00 am to 12:15 pm (EST)**

Attendees: Ariane Heisey (ENDM)  
Paul McInnis (ENDM)  
Jennifer Bruin (Project Team)  
Lawrence Baxter (Project Team)  
Don McKinnon (Dillon)  
Jessalyn Beaney (AECOM)  
Kenndal Soulliere (AECOM)

Project #: **60593122**

Location: **Call in**  
Prepared By: **Kenndal Soulliere**

Absent: Christine Cinnamon (AECOM)

Regarding: **Draft ToR Comments for Discussion**

# Minutes of Meeting

	Action
<p><b>Alternatives To (Comment IDs 72, 244, 278, 411):</b></p> <ul style="list-style-type: none"> <li>- The Draft ToR indicates that MFFN is not planning to complete an assessment of alternatives to the undertaking in the EA. Comments regarding the rationale for this proposed approach were received. Proposed updates to the ToR include strengthening the rationale for proceeding with a road and not assessing other alternatives to.</li> <li>- The Project Team inquired whether ENDM is aware of or has documentation that informed previous decision-making for the Project to be a CAR. <ul style="list-style-type: none"> <li>o Comment ID 499 (ENDM Comment #16) provided some suggestions on rationale for decision to proceed with a CAR as well.</li> </ul> </li> <li>- The Project Team requested a copy of the Hatch 2016 report on industrial transportation proposals.</li> <li>- The Hatch 2016 report may have been previously provided to Chiefs. ENDM need to determine whether the report can be shared with the Project Team and if it can be referenced in Project documentation.</li> <li>- ENDM noted they would look into the request for supporting documentation, including the Hatch report.</li> </ul>	<p>ENDM to provide additional supporting information if available</p>
<p><b>Alternative Development Supporting Document (Comment ID 110):</b></p> <ul style="list-style-type: none"> <li>- MECP has advised MFFN that the Alternative Development Supporting Document be a part of the ToR as an appendix or attachment, and that the Minister will be considering the focusing of alternatives in making a decision on the ToR.</li> <li>- The Project Team is planning to discuss the comment with MECP and seek clarification on what a supporting document is vs. an appendix / attachment related to the Minister's decision-making.</li> </ul>	<p>Discuss with MECP</p>

**PLEASE NOTE:** If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

<p><b>Alternative Means (Comment IDs 208, 209, 212):</b></p> <ul style="list-style-type: none"> <li>- Aroland First Nation commented on Painter Lake Road as the Project connection point to the provincial highway network. The Project Team plans to meet with Aroland to better understand their comments regarding the connection point.</li> <li>- A proposed response has been prepared and the Project Team welcomes ENDM to review should they like to share information that may aid in the response and discussion with Aroland.</li> <li>- ENDM will send maps from the Forest Management Unit that show the end point of Painter Lake Road.</li> <li>- ENDM noted that the response to ID 208 only addresses the concern on the highway connection point and not the other concerns raised such as disposal of domestic waste. It was clarified that the response to ID 208 was focused to the highway connection point for the purpose of this meeting and that MFFN has prepared a response to the other concerns included in the comment.</li> <li>- ENDM shared that there the nearest identified domestic waste disposal site may no longer be active and that MNRF would be able to confirm.</li> </ul>	<p>ENDM to provided FMU maps</p>
<p><b>Role of Provincial Government on the Project (Comment IDs 237, 238, 244, 354, 357):</b></p> <ul style="list-style-type: none"> <li>- A number of commented received on the Draft ToR inquired about the role of the province on the Project. Two main concerns were made by commenters: <ul style="list-style-type: none"> <li>o Province as funder and approver; and</li> <li>o Decision to assess the CAR separately from the Northern Link Road.</li> </ul> </li> <li>- The Project Team is sharing the proposed responses and welcomes ENDM to review should they like to share information that may aid in the response.</li> <li>- ENDM clarified their role on the GRT is in relation to conflicts with mining and mineral claims, and not the ROFS.</li> </ul>	<p>ENDM to review responses</p>
<p><b>Funding (Comment IDs 279 and 282):</b></p> <ul style="list-style-type: none"> <li>- Received comments on the status of provincial funding for Project phases and the Ontario/Canada cost sharing discussions.</li> <li>- The Project Team is sharing the proposed responses and welcomes ENDM to review should they like to share information that may aid in the response.</li> </ul>	<p>ENDM to review responses</p>
<p><b>Joint Decision Making Agreement (Comment ID 358):</b></p> <ul style="list-style-type: none"> <li>- Neskantaga First Nation submitted a comment that their community and other Matawa First Nations have previously agreed no road would be initiated until an agreement with Ontario had been reached on joint decision-making in the region.</li> <li>- Responding to this comment is outside of the scope of the Project for MFFN.</li> <li>- ENDM will review.</li> </ul>	<p>Provide a copy of Neskantaga's submission containing this comment to ENDM</p>
<p><b>Baseline Information (Comment ID 476):</b></p> <ul style="list-style-type: none"> <li>- MNRF's comments on the Draft ToR identified their interest to meet with MECP and ENDM on the role this Project could play in advancing baseline information and long-term environmental monitoring for the Ring of Fire.</li> <li>- The Project Team is sharing this comment with ENDM should they wish to proceed with meeting with MNRF.</li> <li>- The Project Team noted that advancing baseline information and long-term monitoring beyond what is typically required by a Proponent would be considered outside the scope of the CAR Project.</li> </ul>	<p>ENDM to review response</p>

<p><b>Class Environmental Assessments (Comment ID 486):</b></p> <ul style="list-style-type: none"> <li>- Planning to further clarify in the ToR which Class EAs may be required for the Project. One of the Class EAs identified in the Draft ToR was the ENDM Class EA. Comment ID 486 (ENDM Comment #4) suggests that it is unclear why this Class EA would be applicable to the Project.</li> <li>- ENDM clarified that the Class EA is intended for activities of ENDM and not private proponents; however, a call with the Class EA group can be arranged to confirm.</li> <li>- Ownership of the road has not been determined and requires further discussion in consultation with Chief and Council. Understanding who the owner of the road could be may influence Class EA requirements for the Project, such as the MTO Class EA.</li> <li>- ENDM noted they could assist in coordinating a discussion with MTO to review the MTO Class EA process.</li> </ul>	<ul style="list-style-type: none"> <li>- ENDM to set up call with ENDM Class EA group</li> <li>- Meet with MTO</li> </ul>
<p><b>Sources for Background Information (Comment ID 503):</b></p> <ul style="list-style-type: none"> <li>- The information provided in ENDM's comments is appreciated. The Project Team is seeking sources that may be used to cite the information.</li> <li>- ENDM noted that the cleared corridor along Alternative 1 would have been visible during field work completed for the Project during the 2019 field season.</li> <li>- ENDM noted a 2009 drilling report that can be provided to the Project Team. ENDM will share the name of the report so a copy available online can be found.</li> </ul>	<p style="text-align: center;">ENDM to provide 2009 drilling report name</p>
<p><b>Indigenous Community Profiles (Comment ID 511):</b></p> <ul style="list-style-type: none"> <li>- Comments provided by ENDM identified outdated / incorrect information in the community profiles included in the Draft ToR.</li> <li>- ENDM will review the table and provide inputs to update / correct information.</li> <li>- Andy Loch and Lisa Eddy would be able to help with the status of the CBLUP.</li> </ul>	<p style="text-align: center;">ENDM to review community profile table</p>
<p><b>Other:</b></p> <ul style="list-style-type: none"> <li>- ENDM suggested that should there be comments on the Draft ToR regarding broader issues or issues outside of the scope of the Project, that a table similar to what was provided for this meeting be shared with ENDM and MECP. The province may have already issued responses addressing similar concerns.</li> </ul>	<p style="text-align: center;">N/A</p>



## **D1.3.3 Ministry of Natural Resources and Forestry**



Project Name: **Marten Falls First Nation (MFFN) Community Access Road**

Date Meeting: **of April 21, 2020**

Time: **3:30 pm to 4:00 pm (EST)**

Project #: **60593122**

Location: **Call in**

Prepared By: **Kenndal Soulliere**

Attendees: **Dave Barker (MNRF)**  
**Lawrence Baxter (Project Team)**  
**Jennifer Bruin (Project Team)**  
**Jessalyn Beaney (AECOM)**  
**Christine Cinnamon (AECOM)**  
**Kenndal Soulliere (AECOM)**

Absent:

Regarding: **MNRF Comments on Draft ToR**

# Minutes of Meeting

	Action Items
<p>ID 410 and ID 415</p> <p>Resource Stewardship and Facility Development (RSFD) Class EA:</p> <ul style="list-style-type: none"> <li>- An MNRF RSFD Class EA is required for the disposition of Crown land / resources.</li> <li>- MNRF suggests that the Individual EA include all anticipated Project components (i.e., Project footprint) and Project activities.</li> <li>- Parts of the Project not captured within the Individual EA may trigger an MNRF Class EA where excluded items require the disposition of Crown lands / resources.</li> <li>- MNRF advised that field studies could trigger this Class EA if the study includes activities such as line cutting, borehole drilling and creation of helipad landing areas that would affect Crown resources (i.e., loss of habitat, land disturbance).</li> </ul> <p>Forest Management on Crown Land:</p> <ul style="list-style-type: none"> <li>- The potential to require an amendment to a Forest Management Plan (FMP) depends on the scope of tree clearing to occur within the FMP area. Small scale clearing within an FMP could be covered under an MNRF license rather than requiring an FMP amendment.</li> <li>- Only a small portion of the Alternative Routes south near Painter Lake Road may result in the need for a licence or amendment to an FMP.</li> <li>-</li> </ul> <p>Class EA for Provincial Parks and Conservation Reserves (PPCR):</p> <ul style="list-style-type: none"> <li>- Depending on which alternative it determined to be preferred, a PPCR Class EA could be required for Project components and activities within the Ogoki Provincial Park and / or Albany Provincial Park.</li> <li>- The PPCR Class EA is no longer covered by the MNRF. The MECP manages this Class EA process now.</li> </ul>	<p>N/A</p>

**PLEASE NOTE:** If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

<p>ID 441 and ID 511</p> <ul style="list-style-type: none"> <li>- Comments received included identification of information to be updated within the Indigenous community profile table of the Terms of Reference.</li> <li>- Lisa Eddy of the MNRF can provide an update on the status of CBLUP for each of the neighbouring Indigenous communities identified for the Project.</li> </ul>	<ul style="list-style-type: none"> <li>- AECOM to follow-up with Lisa Eddy</li> </ul>
<p>ID 476</p> <ul style="list-style-type: none"> <li>- The MNRF comments identified materials that could be used to information criteria and indicators for the Project.</li> <li>- The Project Team should reach out to Jim McLaughlin (MNRF) to obtain copies of the material.</li> </ul>	<ul style="list-style-type: none"> <li>- AECOM to follow-up with Jim McLaughlin</li> </ul>

## **D1.3.4 Ministry of Heritage, Sport, Tourism and Culture Industries**



Project Name: Marten Fall First Nation

Date of Meeting: May 7, 2020

Time: 1:00pm to 2:00pm CST

Attendees: Katherine Kirzati (MHSTCI)  
Karla Barboza (MHSTCI)  
Adria Grant (AECOM)  
Samantha Markham (AECOM)  
Leah Deveaux (AECOM)  
Stefano Strapazzon (AECOM)  
Jessalyn Beaney (AECOM)  
Tara Jenkins (AECOM)  
Agni Papageorgiou (MECP)  
Sasha McLeod (MECP)  
Jennifer Bruin (Marten Falls CAR Project Team)  
Lawrence Baxter (Marten Falls FN)

Project #: Project #60593122

Location: Microsoft Teams/Call in

Prepared By: Stefano Strapazzon

Absent: Shawna Kjartanson (AECOM)  
Irene Davies (AECOM)

Regarding: Cultural Heritage Study Approach

# Minutes of Meeting

	Action
<p>Safety Minute</p> <ul style="list-style-type: none"> <li>Focus on your mental health during these difficult times and prioritize maintaining a healthy and positive outlook. Taking breaks during the workday to move and do fun activities such as dancing are examples of steps people are taking to improve their day. Suggested that we play some dancing video games!</li> </ul>	
<ul style="list-style-type: none"> <li>The call started with round table introductions.</li> <li>A MHTSCI comment on the Draft Terms of Reference recommended that a Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment be undertaken.</li> <li>Given the remote nature of the project, it is AECOM's understanding that there are no standing structures within the study area. The proposed approach to address cultural heritage in the environmental assessment is to complete the heritage checklist, document the absence of structures in the study area, and</li> </ul>	

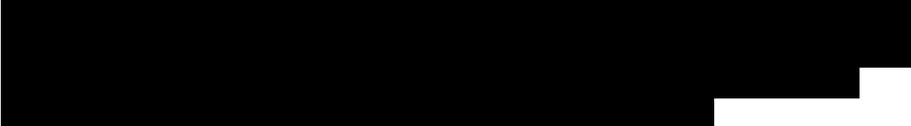
**PLEASE NOTE:** If this report does not agree with your records of the meeting, or if there are any omissions, please advise, otherwise we will assume the contents to be correct.

<p>do a landscape study based on Indigenous Knowledge studies, archaeological investigation and other existing sources of information.</p> <ul style="list-style-type: none"> <li>• The purpose of this call is to discuss the proposed approach to address cultural heritage with MHTSCI and confirm process moving forward.</li> <li>• Karla noted that the proposed approach makes sense in the context of the Project as described.</li> <li>• In response to questions made by Karla, AECOM confirmed a stage 1 archaeology assessment has been undertaken.</li> <li>• Karla suggested the approach be adjusted to consist of a landscape study that includes the checklist as proposed, as well as the description of the built environment as one document. There should also be a 2 part/phase system where:             <ul style="list-style-type: none"> <li>○ Part 1 – Describe the existing conditions and identify any Cultural Heritage Landscapes and other landscapes present.</li> <li>○ Part 2 – During the EA, assess the effects of the project on cultural heritage and recommend mitigation measures where applicable.</li> </ul> </li> <li>• Karla indicated that cultural resources present may be on provincial crown land or managed by the provincial crown. Part 3.1 of the <i>Heritage Act</i> provides information about assessing resources on Crown land. It is important to understand the ownership of the land, and what land is owned by the provincial crown as they have different requirements.</li> <li>• AECOM asked whether MHTSCI has a process or recommended approach for cultural heritage reporting similar to the submission of archaeological reports when the documentation includes protected/sensitive Indigenous knowledge.</li> <li>• Karla indicated that they will look into whether a process exists for cultural heritage reporting of sensitive information. It was also noted that how information should be reported will also depend on the Data Sharing Agreements between the Project and Indigenous communities.</li> <li>•</li> <li>• MFFN is working with Indigenous communities to set up data sharing agreements and IK program for the Project. This is an ongoing process that will take time.</li> <li>• Karla stated that there is a World Heritage Site in northern Ontario near the Manitoba-Ontario border. In the past the MNRF was working alongside communities in that area. Communities did share information with the ministry, but that information is not available to the public. Karla suggested AECOM look into other examples in Ontario of World Heritage Sites that may help in developing the data sharing agreements.</li> </ul> <p>The call was then opened to questions.</p> <ul style="list-style-type: none"> <li>• Lawrence stated that a lot of IK has been collected to date in Marten Falls, but he has not heard any reference to the work that was done. He asks reporting for the CAR will reference the previous work that has already been completed.</li> <li>• Tara stated that we are making use of previously gathering information, but also reaching out to other communities and trying to fill in potential gaps of information.</li> </ul>	<ul style="list-style-type: none"> <li>• MHSTCI/Karla to investigate and circle back to the Culture team about protecting Indigenous Knowledge used in the development of the CHR.</li> </ul>
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- Adria stated that AECOM is not redoing work but seeking a proper way to present information in the report without sharing sensitive information.
- Lawrence suggests that communities be contacted prior to going into the field and informing them of the type of information we are gathering for the reports. Lawrence hasn't seen this being done to date.
- Sam mentioned that the archaeology team was out in the field in the fall of 2019, after consulting with Bob Baxter about significant areas in developing the Stage 2 approach with community input. James Baxter of MFFN also participated in the field studies with the archaeology team during a portion of the Stage 2 fieldwork. This will continue for future archaeological field studies.
- Lawrence asked if AECOM is going back out to gather additional archaeological/cultural heritage information from communities due to regulatory concerns and asks if we are going to collect the same information that was previously gathered or different information.
- AECOM stated that it is not redoing the studies that have been completed but meeting the regulations of cultural heritage reporting as part of the EA process.
- Lawrence stated that the younger generations may not have the IK knowledge that the older community members have. They may not have the available information on what the traditional landscape is like and how it was used in the past. It was suggested that elders within the communities are the best to talk to. They would be the same people that were contacted previously for other studies done by Cliffs Resources.
- Jennifer stated that a lot of work has been done over the years to reach out to community elders and that AECOM will be using this info to help create reports.

Closure:

- Tara asked the MHTSCI to verify that based on the discussion the report should be prepared in CHR format with the described existing conditions and preliminary impact assessment.
- MHTSCI confirmed to follow that format but noted they are moving away from the use of CHAR/CHRA terminology. Most of the information is a combination of Indigenous knowledge and information from the Stage 1 archaeological assessment Report. The Ministry acknowledges that information generally comes from elders. The Ministry's role is focused on the property and whatever is associated with the land, and if there are any physical attributes that need to be preserved. If something could have cultural heritage values, the *Heritage Act* speaks to 9.06 and 10.06 to evaluate the value of the cultural heritage. Not everything that may have been identified previously would be appropriate to include, as it may not be associated with physical elements.

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|---|--|
| <ul style="list-style-type: none"><li>• The ministry stated that they believe they have covered everything of importance for now, and that they are always open to helping view report drafts or Table of Contents.</li><li>• Lawrence is excited to see this information and hopes it helps the younger generations of Marten Falls in the future.</li></ul> |  |
|---|--|

## **D1.4 Comments Received / Responses to Comments**



## **D1.4.1 Ministry of the Environment, Conservation and Parks**



## Soulliere, Kenndal

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**From:** Papageorgiou, Agni (MECP) <Agni.Papageorgiou@ontario.ca>  
**Sent:** Wednesday, October 9, 2019 2:15 PM  
**To:** Fiskén, Avril  
**Cc:** [REDACTED]; 'qsaddique@suslop.com'; [REDACTED]  
**Subject:** Heisey, Ariane (ENDM); MacInnis, Paul (ENDM); McLeod, Sasha (MECP)  
RE: Record of Consultation Table of Contents/ Example Template-- FOR REVIEW

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Avril,

Please see a summary of MECP's comments below. ENDM will also be providing comments.

Let us know when the team is available to discuss and we can set up a call.

Thanks,  
Agni

### **Summary of MECP comments on RoC TOC:**

- Section 1a indicates an overview of background and alternative routes. We are unsure of the purpose of this information would be presented in the ToR. Recommend any background and overview of alternative routes be high-level and brief (less than 1 page).
- Section 1bi is titled "MCEA Consultation Requirements". This should be revised.
- Section 4 Consultation with the Public (Non-Governmental Organizations, Landowners, Community Interest Groups, etc.) is broken down into:
  - i. Description
  - ii. Questions, Comments, Issues and Responses
  - iii. Record of Consultation (table)

Unsure what information would be included in description (noting that for the Indigenous community sections "description" includes the summary of consultation, questions, comments, issues, and community-specific next steps).

- Recommend combining sections 4 (Consultation with the Public) and 6 (Consultation with Businesses, Forest Management Companies, Mining Claim Holders and Crown Land Lease and Permit Holders). This would be consistent with MF's RoC example consultation snapshot.
- Please ensure that Appendices 2-4 are separated into "Aboriginal", "Public" and "Government Agencies"
- Revise the appendices to also include correspondence and comment tables (e.g., the ministry expects that comment response tables for comments received on the draft ToR will be included in the RoC for the Final ToR).

### **Summary of MECP comments on the RoC Example**

- It is noted that the dates covered in the consultation snapshot table are from Mar 4 – Sept 30, 2019. The RoC should also include any relevant consultation records from the signing of the voluntary agreement, including, but not limited to, the letters provided by MECP to communities in December 2019. It would be appropriate to include these activities in a separate section, or under

separate headers within the appropriate sections in the document. The RoC should also refer the reader to any relevant consultation records related to the screening of alternatives that are provided in that supporting document.

- The last row of the consultation snapshot should indicate that the draft ToR will be provided to all audiences and government agencies.
- The consultation dashboard should align with the method of engagement in the detailed summary table so that the source of the data is transparent.
- The documentation of issues and how they are addressed in the ToR is a vital component of the proponent's responsibilities related to consultation. The questions, comments, issues, and responses table should include identification of where in the ToR the issue is addressed. It is noted that the issues recorded relate to process rather than the ToR content. Recorded issues should include any comments, questions, issues, or concerns raised by the community, including members, through all consultation activities. This comment also applies to the detailed summary table where issues are not recorded. For example, for the May 23 meeting in Aroland, the summary indicates meetings to discuss the project and address any questions, however no issues are recorded. As the ministry was in attendance at the community meeting, it is known that comments were provided that should be recorded in this table.
- It is requested that the detailed summary table also include supporting documentation, as well as a note as to where this documentation can be found in the appendices.
- The stakeholder contact in all tables should include the contact's title and affiliation.
- For the public table, the "to" column should be completed
- It is not clear what the value of the appendix A summary table is, noting that relevant information is presented in the other sections of the document. This table would be more valuable for consultation planning (i.e., in monthly consultation reports). Alternatively, the ministry requests a summary of input by issue, including where issues are addressed in the ToR.

---

**From:** Fisken, Avril <[REDACTED]>

**Sent:** October-01-19 3:42 PM

**To:** Papageorgiou, Agni (MECP) <Agni.Papageorgiou@ontario.ca>

**Cc:** [REDACTED]

[REDACTED]; Heisey, Ariane (ENDM) <Ariane.Heisey@ontario.ca>; MacInnis, Paul (ENDM) <Paul.MacInnis@ontario.ca>

**Subject:** RE: Record of Consultation Table of Contents/ Example Template-- FOR REVIEW

Thanks Agni...happy to set up a conversation whenever you are ready to discuss. Please keep us posted on your timing.

**Avril Fisken, M.Sc**

Practice Lead, Communication and Community Engagement  
Environment

[REDACTED]  
[REDACTED]  
[REDACTED]

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**From:** Papageorgiou, Agni (MECP) <[Agni.Papageorgiou@ontario.ca](mailto:Agni.Papageorgiou@ontario.ca)>  
**Sent:** Tuesday, October 01, 2019 3:05 PM  
**To:** Fisken, Avril <[REDACTED]>  
**Cc:** [REDACTED]  
[REDACTED]; Heisey, Ariane (ENDM) <[Ariane.Heisey@ontario.ca](mailto:Ariane.Heisey@ontario.ca)>; MacInnis, Paul (ENDM) <[Paul.MacInnis@ontario.ca](mailto:Paul.MacInnis@ontario.ca)>  
**Subject:** RE: Record of Consultation Table of Contents/ Example Template-- FOR REVIEW

Hi Avril, thanks for providing these for our review. We (MECP and ENDM) need to have some internal discussions before providing feedback so I don't think it will be doable for us to meet this week. We will do our best to be ready to discuss early next week though. I'll be in touch in the next couple of days with possible meetings times early next week, once we have engaged the appropriate staff.

Thanks,  
Agni

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**From:** Fisken, Avril <[REDACTED]>  
**Sent:** October-01-19 1:52 PM  
**To:** Papageorgiou, Agni (MECP) <[Agni.Papageorgiou@ontario.ca](mailto:Agni.Papageorgiou@ontario.ca)>; Heisey, Ariane (ENDM) <[Ariane.Heisey@ontario.ca](mailto:Ariane.Heisey@ontario.ca)>; MacInnis, Paul (ENDM) <[Paul.MacInnis@ontario.ca](mailto:Paul.MacInnis@ontario.ca)>  
**Cc:** [REDACTED]  
[REDACTED]  
[REDACTED]  
**Subject:** Record of Consultation Table of Contents/ Example Template-- FOR REVIEW

Afternoon,

In follow up to our meeting a week or so back, we committed to providing you with a: 1) proposed **Table of Contents** for the RoC, and 2) a **template/ example** for key sections. Attached please find these documents for your review. Given timelines, it would be beneficial to schedule a call this week to discuss your feedback. Our intent is to begin to progress compiling this information--your review will help ensure are on track to meeting expectations.

Any questions, I can be reached on cell. Your input is greatly appreciated.

Thanks...Av

**Avril Fisken, M.Sc**  
Practice Lead, Communication and Community Engagement  
Environment



AECOM



# Marten Falls Community Access Road

## Meeting with the Ministry of Energy, Northern Development and Mines, the Ministry of the Environment, Conservation and Parks and Marten Falls First Nation

### October 11, 2019

### Introduction

On October 11, 2019, the Marten Falls First Nation (MFFN) Community Access Road Project Team met in person and via teleconference with staff from the Ministry of Energy, Northern Development and Mines (ENDM) and the Ministry of the Environment, Conservation and Parks (MECP) to discuss the

[REDACTED] Record of Consultation (RoC).

[REDACTED]

[REDACTED]

### RoC Report

[REDACTED] Adam Wright from the MFFN Project Team called in to speak with MECP and ENDM regarding comments they provided to MFFN on October 9 and 10, 2019. The comments and associated MFFN responses are outlined in the table below.

### Next Steps

- MFFN to revise RoC to align with MECP and ENDM comments

[REDACTED]





Summary of Comments Received on RoC Table of Contents (received Oct 9, 2019)		
Commenter	Comment	Response/Action
1. MECP	<ul style="list-style-type: none"> <li>Section 1a indicates an overview of background and alternative routes. We are unsure of the purpose of this information would be presented in the ToR. Recommend any background and overview of alternative routes be high-level and brief (less than 1 page).</li> </ul>	<ul style="list-style-type: none"> <li>This portion of the report has been revised accordingly.</li> </ul>
2. MECP	<ul style="list-style-type: none"> <li>Section 1bi is titled "MCEA Consultation Requirements". This should be revised.</li> </ul>	<ul style="list-style-type: none"> <li>Section 1.1.3 has been revised to "Requirements for Applicable Legislation, Policies and Guidelines".</li> </ul>
3. MECP	<ul style="list-style-type: none"> <li>Unsure what information would be included in description (noting that for the Indigenous community sections "description" includes the summary of consultation, questions, comments, issues, and community-specific next steps).</li> </ul>	<ul style="list-style-type: none"> <li>The 'Description' portion provides an overview of the Public and Agency Stakeholder groups.</li> </ul>
4. MECP	<ul style="list-style-type: none"> <li>Recommend combining sections 4 (Consultation with the Public) and 6 (Consultation with Businesses, Forest Management Companies, Mining Claim Holders and Crown Land Lease and Permit Holders). This would be consistent with MF's RoC example consultation snapshot.</li> </ul>	<ul style="list-style-type: none"> <li>The RoC report has been revised for this suggestion.</li> </ul>
5. MECP	<ul style="list-style-type: none"> <li>Please ensure that Appendices 2-4 are separated into "Aboriginal", "Public" and "Government Agencies".</li> </ul>	<ul style="list-style-type: none"> <li>RoC Appendices have been separated into these categorizations.</li> </ul>
6. MECP	<ul style="list-style-type: none"> <li>Revise the appendices to also include correspondence and comment tables (e.g., the ministry expects that comment response tables for comments received on the draft ToR will be included in the RoC for the Final ToR).</li> </ul>	<ul style="list-style-type: none"> <li>A template for Comment / Response tables has been provided in Section 5.1 of the RoC.</li> </ul>
7. ENDM	<ul style="list-style-type: none"> <li>Summary of Consultation should be included for Public / Gov't.</li> </ul>	<ul style="list-style-type: none"> <li>Section 3.1 (Public) and Section 4.1 (Government Agencies) have been revised to include a brief summary of consultation. As well, Section 10 and Section 11 of the draft ToR report provides an in-depth review of consultation.</li> </ul>





Summary of Comments Received on RoC (received Oct 9, 2019)		
Commenter	Comment	Response/Action
8. MECP	<ul style="list-style-type: none"> <li>It is noted that the dates covered in the consultation snapshot table are from Mar 4 – Sept 30, 2019. The RoC should also include any relevant consultation records from the signing of the voluntary agreement, including, but not limited to, the letters provided by MECP to communities in December 2018. It would be appropriate to include these activities in a separate section, or under separate headers within the appropriate sections in the document. The RoC should also refer the reader to any relevant consultation records related to the screening of alternatives that are provided in that supporting document.</li> </ul>	<ul style="list-style-type: none"> <li>Consultation records from the Pre-ToR Consultation period have been provided in the Appendices for the Draft Criteria and Indicators for Alternatives Evaluation report (<b>Appendix A</b> of Draft ToR).</li> </ul>
9. MECP	<ul style="list-style-type: none"> <li>The last row of the consultation snapshot should indicate that the draft ToR will be provided to all audiences and government agencies.</li> </ul>	<ul style="list-style-type: none"> <li><b>Section 1.5</b> 'Consultation Snapshot' has been revised for this.</li> </ul>
10. MECP	<ul style="list-style-type: none"> <li>The consultation dashboard should align with the method of engagement in the detailed summary table so that the source of the data is transparent.</li> </ul>	<ul style="list-style-type: none"> <li>The Consultation Overview dashboards have been revised based on guidance from MECP / ENDM.</li> </ul>
11. MECP	<ul style="list-style-type: none"> <li>The documentation of issues and how they are addressed in the ToR is a vital component of the proponent's responsibilities related to consultation. The questions, comments, issues, and responses table should include identification of where in the ToR the issue is addressed. It is noted that the issues recorded relate to process rather than the ToR content. Recorded issues should include any comments, questions, issues, or concerns raised by the community, including members, through all consultation activities. This comment also applies to the detailed summary table where issues are not recorded. For example, for the May 23 meeting in Aroland, the summary indicates meetings to discuss the project and address any questions, however no issues are recorded. As the Ministry was in attendance at the community meeting, it is known that comments were provided that should be recorded in this table.</li> </ul>	<ul style="list-style-type: none"> <li>Issues / Comments / Questions have been documented in <b>Section 2</b> of the RoC and are supported by the meeting summaries located in <b>Appendix A</b> of the RoC report.</li> </ul>
12. MECP	<ul style="list-style-type: none"> <li>It is requested that the detailed summary table also include supporting documentation (meeting notes, meeting agenda; presentation materials); letters; notices, confirmation of receipt; as well as a note as to where this documentation can be found in the appendices.</li> </ul>	<ul style="list-style-type: none"> <li><b>Appendix A to D</b> of this report provides the supporting documentation for the Draft ToR period.</li> </ul>





Summary of Comments Received on RoC (received Oct 9, 2019)		
Commenter	Comment	Response/Action
13. MECP	<ul style="list-style-type: none"> <li>The stakeholder contact in all tables should include the contact's title and affiliation.</li> </ul>	<ul style="list-style-type: none"> <li>The RoC has been revised accordingly, please note that some title and affiliation information still needs to be confirmed through follow up conversations.</li> </ul>
14. MECP	<ul style="list-style-type: none"> <li>For the public table, the "to" column should be completed</li> </ul>	<ul style="list-style-type: none"> <li>The RoC has been revised accordingly, please note that some contact information for Public Stakeholders was not available and will be updated as the Project progresses.</li> </ul>
15. MECP	<ul style="list-style-type: none"> <li>It is not clear what the value of the Appendix A summary table is, noting that relevant information is presented in the other sections of the document. This table would be more valuable for consultation planning (i.e., in monthly consultation reports). Alternatively, the Ministry requests a summary of input by issue, including where issues are addressed in the ToR.</li> </ul>	<ul style="list-style-type: none"> <li>This summary table has been removed from the RoC report.</li> </ul>
16. ENDM	<ul style="list-style-type: none"> <li>Re: Consultation Snapshot - I think the table is a good idea. Would be good to be just a bit more specific in describing the activities so that someone not familiar with the process can follow.</li> </ul>	<ul style="list-style-type: none"> <li><b>Section 1.5</b> 'Consultation Snapshot' provides additional details to help guide the reader.</li> </ul>
17. ENDM	<ul style="list-style-type: none"> <li>Re: Snapshot - What kinds of meetings were hosted? May be good to be a bit more specific (e.g., with Chief and Council, community session, open house).</li> </ul>	<ul style="list-style-type: none"> <li><b>Section 1.5</b> 'Consultation Snapshot' provides additional details regarding type of meeting.</li> </ul>
18. ENDM	<ul style="list-style-type: none"> <li>Assume RoC will be updated to reflect all activities up to the submission of the ToR.</li> </ul>	<ul style="list-style-type: none"> <li>Cutoff date for RoC report is October 24, 2019</li> </ul>
19. ENDM	<ul style="list-style-type: none"> <li>Re: Issues for INDG Communities - I note that there are no issues included here from the May 23 community meeting – and there were issues raised that ought to be included. A bit more detail from the May 23 meeting may be helpful. For each community, you will need to make sure that the issues are included.</li> </ul>	<ul style="list-style-type: none"> <li>Issues / Comments / Questions have been documented in <b>Section 2</b> of the RoC and are supported by the meeting summaries located in <b>Appendix A</b> of the RoC report.</li> </ul>
20. ENDM	<ul style="list-style-type: none"> <li>Indigenous communities do not view themselves as stakeholders. Can you not say Community/Organization Contact</li> </ul>	<ul style="list-style-type: none"> <li>RoC has been revised to "Indigenous Community Contact". This was an unintentional inclusion of this terminology.</li> </ul>





Summary of Comments Received on RoC (received Oct 9, 2019)		
Commenter	Comment	Response/Action
21. ENDM	<ul style="list-style-type: none"> <li>• Ensure community contacts are accurate (Chief, etc)</li> </ul>	<ul style="list-style-type: none"> <li>• The RoC has been updated for this based on the Indigenous contact list provided by ENDM and outreach with communities.</li> </ul>
22. ENDM	<ul style="list-style-type: none"> <li>• Re: Aroland Meeting in Summary Table - What were the outcomes of the meeting? There were issues raised at the meeting. Should they not be included in the next 3 columns</li> </ul>	<ul style="list-style-type: none"> <li>• Aroland's Issues / Comments / Questions have been documented in <b>Section 2</b> of the RoC and are supported by the meeting summaries located in <b>Appendix A</b> of the RoC report.</li> </ul>
23. ENDM	<ul style="list-style-type: none"> <li>• Re: PUBLIC section – may be helpful to define what kind of stakeholder these people are. Is this an interested person or a rep from an organization? and if so, what is the organization?</li> </ul>	<ul style="list-style-type: none"> <li>• Current version of the RoC provides these details.</li> </ul>



**To:**  
Agni Papageorgiou  
Special Project Officer  
Environmental Assessment and Permissions Branch  
135 St. Clair Avenue W. 1st Floor  
Toronto ON, M4V 1P5

**CC:**  
Qasim Saddique  
Jennifer Bruin

**Project name:**  
Marten Falls First Nation Community Access Road  
Project

**Project ref:**  
60493122

**From:**  
Christine Cinnamon

**Date:**  
November 14, 2019

# Memorandum

**Subject:** Approach to Alternatives in Terms of Reference for the Marten Falls First Nation Community Access Road Project

The Ministry of Environment, Conservation and Parks (MECP), Ministry of Natural Resources and Forestry (MNRF), and Ministry of Energy, Northern Development and Mines (ENDM) undertook a preliminary review of the process to identify the reasonable range of alternative routes for the Marten Falls First Nation Community Access Road Project (MFFN CAR; the Project). During early stages of the Terms of Reference (ToR), the process followed was an initial screening using the Code of Practice questions and 4 broad criteria developed specifically for the Project. The 4 potential alternative routes were reviewed against these questions and criteria to confirm if each route is considered a reasonable alternative that should be carried forward into the EA. Comments on this screening approach were received via email on May 29, 2019.

The Project Team provided initial responses on August 16, 2019 in advance of the August 22, 2019 and August 28, 2019 meetings with MECP and ENDM to discuss and clarify the review comments and to identify updates to be made to the Draft ToR prior to release to Indigenous communities, interested persons and government agencies. During the August 22, 2019 meeting an overview of the history of the Project and development of alternative routes was provided by Marten Falls. MECP indicated that the information shared did not come across as clearly in the initial screening and that it should be more fully documented to support the decision of focusing to two (2) alternative routes. It was determined that Marten Fall's decision to move forward with two (2) alternative routes is part of the history of identifying a reasonable range of alternatives for the Project rather than the Code of Practice initial screening (i.e., focusing) process. Therefore, the initial screening was removed from the Draft ToR and the *Marten Falls First Nation Community Access Road Supporting Document – Alternatives Development Document* (herein the "Supporting Document") was prepared to provide the history of the Project based on previous studies, including a more comprehensive documentation of the information shared by MFFN during the meeting.

This memorandum provides an updated response to the July 18, 2019 MECP review comments, which have been revised to reflect the project history of identifying the reasonable range of alternatives for the Project, as well as other updates made to the Draft ToR based on continued investigations, consultation activities and the August 2019 meetings.

No.	Comment	Response
<b>Ministry of Environment, Conservation and Parks – Environmental Assessment and Permissions Branch</b>		
1	In the ToR document, the ministry expects that the rationale for the identification for the route corridors will be clearly explained and include the results of the screening questions outlined in the Code of Practice.	<p>Prior to the provincial announcement in August 2017 that funding would be provided for a multi-purpose road, Marten Falls had been investigating an all-season road that would provide dedicated community access only. The change in the intended use of the road brought forward new considerations and community concerns with respect to alternative routes that would be reasonable for MFFN to carry out. Although 4 potential alternatives were identified prior to commencement of the ToR, it was determined that Alternative 2 and Alternative 3 are only considered viable if the Project is built as a dedicated CAR. This conclusion was based on results of consultation and investigations undertaken during the early stages of the EA process, and a Band Council Resolution signed July 31, 2019. Therefore, Alternative 1 and Alternative 4 are identified as the reasonable range of alternative methods for the Project.</p> <p>MECP indicated that the initial Draft ToR did not provide sufficient detail to support the decision of focusing to two (2) alternative routes, and that the Project Team should consider developing a supporting document that outlines the information shared by MFFN during the meeting. Marten Fall's decision to move forward with the two (2) alternative routes is part of the history of identifying a reasonable range of alternatives for the Project rather than the Code of Practice initial screening (i.e., focusing) process.</p> <p>The <i>Marten Falls First Nation Community Access Road Supporting Document – Alternatives Development Document</i> (herein the "Supporting Document") has been prepared to provide an overview of the Project history and decision-making process leading to identification of Alternative 1 and Alternative 4 as the reasonable range of alternative routes for the Project. It also includes a consideration of the four potential alternative routes against the Code of Practice questions. A summary of the Project history has also been included in Section 6.3.1 of the Draft ToR to provide transparency in the evolution of the Project (i.e., why Project notices and prior consultation materials identified four potential routes, but the Draft ToR is for the two western routes only). The screening noted in this comment has been removed from the Draft ToR.</p>
2	In addition, the ministry expects that the screening on the identified alternatives also include criteria that allow for consideration of a broader range of environmental factors, including natural, social, economic, cultural and built components. At this stage in the process, it is up to the proponent to develop these criteria based on the nature of its undertaking and in consultation with Aboriginal communities and stakeholders. As stated in the Code of Practice, screening criteria need to include consideration of key environmental factors such as the potential impacts to the natural environment, potential cultural and socio-economic impacts and impacts to Aboriginal and treaty rights. Consultation with all interested Aboriginal communities and stakeholder should be carried out during the decision-making process and during the preparation of the ToR.	<p>Refer to the response to Comment 1. A screening is no longer used to identify the reasonable range of alternatives to be assessed in the EA. Although the screening is no longer part of the Draft ToR, the approach, questions, criteria and results that identified Alternative 1 and Alternative 4 as the alternative routes for the Project was consulted on with the community of MFFN, Aroland First Nation, Fort Albany First Nation, Eabametoong First Nation, Webequie First Nation, Attawapiskat First Nation and Kichenuhmaykoosib Inninuwug First Nation. Moving forward, messaging will be clear about the history of the alternative routes to be assessed in the EA as outlined in the Supporting Document.</p> <p>The Draft ToR has been updated to include proposed criteria and indicators for the effects assessment. The list is more comprehensive through inclusion of a broader range of environmental factors, including both quantitative and qualitative criteria and identification of potential data sources. The proposed criteria, indicators and sources identified in Appendix A of the Draft ToR are preliminary and may be updated during the EA. The planned release of the Draft ToR and ongoing consultation activities will provide an opportunity to seek input specific to the content of the Draft ToR, including the proposed effects assessment criteria and indicators.</p>

No.	Comment	Response
3	The ministry also notes that the initial screening of the route corridors documented in the Project Proposal includes consultation with Marten Falls community members and that the Central Route was selected as the preferred option. In addition, screening of these alternatives should include consultation with government reviewers, Aboriginal communities and interested persons on the criteria and weighting applied in the screening.	Refer to the Response to Comment 2 regarding consultation on the screening that was undertaken with Indigenous communities other than MFFN. Since the screening is no longer a part of the process, consultation on screening criteria and the option to weight these criteria are no longer applicable to the development of the ToR and therefore, will not be covered in ongoing consultation activities.  MFFN has elected to release a Draft ToR, accompanied by a plain language Guide to the Draft ToR, for review and comment by Indigenous communities, government agencies and interested persons. Release of the Draft ToR and ongoing consultation activities will provide an opportunity to clearly message the history of the Project and decision-making process that led to the identification of Alternative 1 and Alternative 4 as the alternative routes to be assessed in the EA.
4	If proceeding with a focused approach in the ToR, the screening should be presented as supporting documentation to the ToR. This supporting documentation will be reviewed for a transparent and logical description of the methodology, and sources used to focus alternatives, including a description of the criteria used and any weighting that was applied, and how consultation influenced the screening. If there is insufficient rationale in the ToR and supporting documentation to support focusing the EA on two route corridors, the ministry will expect that the ToR carry forward all of the identified alternative route corridors for assessment in the EA.	Refer to the response to Comment 1; a screening is no longer part of the Draft ToR. A Supporting Document has been prepared that provides an overview of the Project history and decision-making process leading to identification of Alternative 1 and Alternative 4 as the reasonable range of alternative routes for the Project. Both alternative routes will be assessed in the EA.
5	The Project Team is reminded that a “do nothing alternative” must be included in the analysis and carried forward to the EA phase. The “do nothing alternative” acts as a baseline or starting point for the proponent to compare the effects and benefits of the proposed project and can provide a reference point to measure the extent the alternatives address the problem.	Marten Falls will carry the “do nothing” alternative forward to the EA. The requirement to include the “do nothing” in the analysis is made in Section 6.2 and Section 8 of the Draft ToR.
6	The Project Team is encouraged to review the other initial comments provided on the May 10, 2017 Project Proposal for applicability as it revises its analysis. The ministry expects that any previous comments that were applicable will be addressed in the analysis presented as supporting documentation to the ToR.	The Project Team has reviewed the initial set of comments from the MECPC, MNRF, ENDM and MTO on the May 10, 2017 Project Proposal. Comments received that are applicable during the stage of preparing a ToR have been incorporated in the Draft ToR to be released for review and comment.

No.	Comment	Response
<b>Ministry of Environment, Conservation and Parks – Species at Risk Branch</b>		
7	All alternatives and rationales should consider provincially threatened or endangered species and their respective habitats. With respect to caribou, where different ranges are affected, the range condition will be used as a criteria in the comparative assessment.	<p>The history of the Project and decision-making process that led to the identification of Alternative 1 and Alternative 4 as the alternative routes for the Project considered SAR, including caribou. A high-level summary of the presence / absence of SAR based on readily available information is provided in the Supporting Document. The updated Section 8 of the Draft ToR identifies the requirement to undertake an assessment and evaluation of effects on all alternative routes. The assessment will include potential effects on provincially threatened or endangered species and their habitats, including Caribou per Section 7.2.7 of the Draft ToR.</p> <p>Proposed criteria and indicators for the effects assessment are provided in Appendix A of the Draft ToR. Based on guidance from the MECP, Species at Risk are included as criteria proposed for wildlife. Species at risk or of conservation concern that are likely to be considered include breeding birds (including SAR-olive-sided flycatcher, rusty blackbird and common nighthawk); bats (including SAR-Little Brown Myotis and Northern Myotis); Fur Bearers (American Marten and SAR Wolverine); Raptors (including SAR-bald eagle); amphibians and reptiles; and woodland caribou. Habitat availability and distribution, along with population changes are proposed indicators for each of these species groups, where sufficient data is available to do so.</p> <p>Caribou is also proposed as a criterion and has habitat availability and distribution (range condition) as proposed indicators, and will measure the following:</p> <ul style="list-style-type: none"><li>• Cumulative range disturbance;</li><li>• Relative risk tolerance of the ranges that overlap with the project area;</li><li>• The relative significance of sub-range habitat features; and</li><li>• The spatial extent and distribution of category 1,2, and 3 habitats.</li></ul>
8	In the identification of alternative methods, the Environmental Assessment should document consideration of methods including an assessment of potential impacts to species at risk and their respective habitats and identify methods that can avoid or minimize potential impacts to individuals of the species and all categories or protected habitat to the extent possible.	<p>Refer to the response to Comment 7 regarding consideration of SAR undertaken to identify the alternative routes for the Project.</p> <p>Section 8 of the Draft ToR has been updated to more clearly explain the proposed methods that will be used to assess and evaluate potential effects of the alternative routes. The approach includes the step of identifying impact management measures to avoid, eliminate or minimize potential effects. Section 7.2.7 of the Draft ToR identifies potential effects on SAR and indicates that all SAR and their respective habitats will be included in the effects assessment. Net effects on SAR will be determined by recommending impact management measures specific to SAR and SAR habitat. The Draft ToR also outlines that a monitoring framework for the preferred route will be implemented to verify the predictions of the effects assessment and the effectiveness of the impact management measures implemented.</p>
9	In the identification of alternative methods, consideration should be given with appropriate documentation, to methods that may align with other planned, approved, or existing disturbances to minimize the overall disturbance footprint on the caribou range as well as other protected habitats.	<p>A Supporting Document has been prepared that provides an overview of the Project history and decision-making process leading to identification of Alternative 1 and Alternative 4 as the reasonable range of alternative routes for the Project. A high-level summary is provided in Section 6.3.1 of the Draft ToR. The evolution of various potential routes of the CAR considered were based on previously completed studies, including other existing, planned or approved disturbances (e.g., MFFN winter road, Cliffs north-south transportation corridor<sup>1</sup>) in the region.</p> <p>Further, habitat availability and distribution are identified as two of the indicators that will be used to measure the density of linear and non-linear disturbances, cumulative range disturbance, relative tolerance of the range to alteration / risk, the relative significance of sub-range habitat features, and the spatial extent and distribution of category 1, 2, and 3 habitat as a result of each alternative route (refer to Appendix A of the Draft ToR). Habitat availability and distribution are also proposed indicators for all wildlife, including SAR.</p>

<sup>1</sup> Cliffs Natural Resources (Cliffs), 2013. Amended Terms of Reference for Cliffs Chromite Project Individual Environmental Assessment. Prepared by Golder Associates Ltd.

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10	General Habitat Description mapping can be used to conduct "constraint mapping" to identify alternatives to or alternative methods to help avoid and/or minimize potential impacts to species at risk habitat.	General Habitat Description mapping is listed as a potential data source in Appendix A of the Draft ToR. This information will assist in constraints mapping that will inform the effects assessment and evaluation of alternative routes, and during detailed design of the preferred route to avoid and / or minimize potential effects on SAR and SAR habitat. The alternative routes are defined by a 5 km wide corridor, within which micro-siting will inform final routing of the CAR to avoid sensitive or unique features. Prioritizing effects avoidance and implementing effective impact management measures where avoidance is not possible may eliminate or minimize potential effects on SAR and SAR habitat.
11	Through the identification and documentation of alternative methods in the EA document, it is recommended that the proponent also strive to clearly demonstrate that <i>reasonable alternatives</i> as per the <i>Endangered Species Act</i> have been considered and fully evaluated including an avoidance alternative that would not adversely affect species at risk of their habitats.	The Draft ToR demonstrates that <i>reasonable alternatives</i> , including an avoidance alternative, as per the <i>Endangered Species Act</i> have been considered by MFFN. The alternative routes are defined by a 5 km wide corridor, within which micro-siting will inform final routing of the CAR to avoid sensitive or unique features. Prioritizing effects avoidance and implementing effective impact management measures where avoidance is not possible may eliminate or minimize potential effects on SAR and SAR habitat.
12	The following criteria and indicators are recommended, at a minimum, for inclusion in the EA to address MECP's legislative and policy framework with respect to caribou and its habitat. They will be considered in MECP's review of the EA and may be required for any subsequent ESA permits/authorizations. Criteria and indicators must be applied consistently for the preferred option and all alternatives. The following table is a summary of criteria and indicators that should be applied for the project, recognizing that the relative importance and weighting of each will vary and should be considered in the context of the project. A detailed discussion of information sources, discussion and analysis is required, and rationale for inclusion of the criteria and indicators follow below.	The Draft ToR has been updated to include proposed criteria and indicators for the EA, which are documented in Appendix A of the Draft ToR. Caribou has been included as a criterion, with indicators proposed based on those recommended by the MECP SAR Branch May 2019 letter. Habitat availability and distribution are identified as two of the indicators that will be used to measure cumulative range disturbance, relative tolerance of the range to alteration / risk, the relative significance of sub-range habitat features, and the spatial extent and distribution of category 1,2, and 3 habitats.  Section 8 of the Draft ToR has been updated to indicate that the EA will assess and evaluate both alternative routes.
13	In addition to the above-listed criteria for Caribou and their habitat, the following should also be considered when evaluating alternatives for other provincially threatened or endangered species and their respective protected habitats: <ul data-bbox="159 1219 630 1427" style="list-style-type: none"><li>• Criteria: Species Habitat Indicator: Impacts to Category 1, 2, and/or 3 habitats Information Sources: GHD, LIO Rationale: Category 1 habitats have the lowest tolerance to alternation, Category 2 habitats have a moderate tolerance to alternation, and Category 3 habitats have the</li></ul>	The Draft ToR has been updated to include proposed criteria and indicators for the EA, which are documented in Appendix A of the Draft Tow. Habitat availability, habitat distribution, and survival and reproduction are proposed indicators for all wildlife, which includes provincially threatened or endangered species and their respective protected habitats.

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	<p>highest tolerance to alternative. Both direct (e.g., habitat removal) and indirect (e.g., habitat fragmentation) impact should be assessed for each alternative.</p> <ul style="list-style-type: none"> <li>Criteria: Species Individuals</li> <li>Indicator: Impacts to individuals of the species</li> <li>Information Sources: LIO</li> <li>Rationale: Both direct (e.g., unavoidable) and indirect (e.g., increased threats to mortality) impacts to individuals of the species should be assessed for each alternative.</li> </ul>	
14	<p>For each potential impact to species at risk or their habitat, measures will have to be identified to first avoid any adverse effects and in cases where there are no practical or feasible alternatives, identify measures that minimize or mitigate the adverse effects. Such measures may be general, site-specific, or activity-specific in nature. For caribou, the province has developed Best Management Practices (BMPs) for some sectors to provide guidance to avoid, minimize or mitigate adverse effects to the species and their habitat. Where possible, it is always preferential to avoid, given that if any adverse impacts exist, the associated activities would require authorization under the ESA.</p>	<p>Both Section 7.2 and Section 8 of the Draft ToR indicate that the EA will recommend impact management measures to avoid, eliminate or minimize potential effects of the Project, including potential effects SAR such as Caribou. Impact management measures will be based on BMPs developed by the province, road development projects and other industry standard practices.</p> <p>MFFN will obtain the necessary permits and approvals from the provincial and federal government, and other jurisdictional agencies. Permits and authorizations under the ESA are included in Table 13-1 of the Draft ToR, which lists the potential permits and approvals that may be required for the project based on information available at this time (e.g., Project design).</p>
15	<p>Proponents should describe the effect that is being addressed, the measures being proposed (what will be implemented, when, where and how actions will be applied), and the anticipated net effects after measures are applied to caribou and caribou habitat. Proponents should also describe how they plan to monitor effectiveness of the impact management measures and steps they plan to take should the impact management measures be found to be ineffective.</p>	<p>Section 8 of the Draft ToR outlines the proposed approach to assess effects of the Project. This includes identifying and describing the impact management measures and identifying the net effects after the measures are applied. The EA will consider effects to Caribou, which has been identified in Appendix A of the Draft ToR as a proposed criterion for the effects assessment (refer to the response to Comment 7).</p> <p>The EA will also include information on how MFFN will evaluate the effectiveness of impact management measures during environmental monitoring for the Project (refer to the response to Comment 8).</p>
16	<p>Net effects remaining after the application of the impact management measures will be documented. The determination of net effects must be conducted for each alternative and a discussion of the net effects and comparison of the net effects for each alternative should be included.</p>	<p>Section 8 of the Draft ToR has been updated to indicate that a comparative analysis of the net effects of the alternative routes will be completed in the EA. This process will include the identification of potential effects, recommendation of impact management measures, assessment of net effects, and an evaluation of advantages and disadvantages of each alternative route. The comparative analysis will result in the identification of the Preferred Route, which will be the alternative route with comparatively more advantages and less disadvantages</p>

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17	The advantages and disadvantages of each alternative method with respect to net effects to caribou and caribou habitat for the lifecycle of the project should be documented. The proponent should consider the potential need for ESA authorizations and associated costs when assessing advantages and disadvantages associated with each alternative. High costs associated with ESA permitting requirements may be disadvantageous to some proponents.	Refer to the response to Comment 16. Per Section 8 of the Draft ToR, the advantages and disadvantages of each alternative route will be documented in the EA, which will include those related to the predicted net effects to caribou and caribou habitat for construction and operation phases of the Project. Currently there are no plans for decommissioning the CAR.  Refer to the response to Comment 14 regarding the potential need for ESA authorizations. Section 8 of the Draft ToR was also updated to identify cost as a consideration when identifying the advantages and disadvantages of the alternative routes.
18	The proponent must identify their preferred alternative (the undertaking) and provide detailed rationale for selection of that alternative. MECP recognizes that the preferred alternative may not be the best alternative for species at risk, but detailed rationale regarding why the best alternative for species at risk was not selected should be included in this part of the EA.	Refer to the response to Comment 16 regarding the proposed approach that will be followed to identify the Preferred Route. The approach includes identification of the advantages and disadvantages between the alternative routes, which will inform the rationale for the selection of the Preferred Route. When identifying and describing the Preferred Route selected, the EA will document reason why the best alternative for SAR was not selected should that be the case.
19	Evaluation of impacts to species at risk and their habitats, as described above, should be thoroughly documented in the main EA document, as well as any relevant technical appendices. For ease of agency review, MECP would suggest that a separate chapter of the EA be dedicated to the assessment of these impacts. Appropriately developed EA documentation may support meeting some of the requirements of the ESA authorization process.	Evaluation of impacts to SAR and their habitats will be thoroughly documented in the main EA document. It is anticipated that the EA will have a separate section dedicated to Caribou; however, other SAR will be documented as part of the vegetation, wildlife, and fish and fish habitat disciplines.  MFFN will obtain the necessary permits and approvals from the provincial and federal government, and other jurisdictional agencies. Permits and authorizations under the ESA are included in Table 13-1 of the Draft ToR.
20	MECP recommends that the EA contain commitments to monitoring to verify the expected effects of the proposed undertaking on species at risk and their habitat and to determine if additional impact mitigation measures or adjustments to any measures are required. Monitoring methodology for these species and their habitat should be included in the monitoring plan developed as part of the EA. If impact management measures are proposed, monitoring of the effectiveness of these measures should be included in the monitoring plan. The monitoring plan should include steps the proponent will take if impact management measures are not effective (e.g. application of additional impact management measures, changing how and where the activity will be performed, etc.).	Section 8 of the Draft ToR states that the EA will include a monitoring framework for the Preferred Route to verify the prediction of effects and the effectiveness of the impact management measures implemented, including those related to SAR and their habitat. Section 9.2 of the Draft ToR provides further information and includes the commitment to prepare plans for monitoring. These plan(s) will identify the compliance and effects monitoring activities to be undertaken during all phases of the Project, as required.

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21	<p>If MECP determines a contravention of the ESA is likely to occur as a result of the activity and proponents are unable to avoid the contravention, an authorization under the ESA will be required for the activity to proceed. During the EA process, it is in the proponent's best interest to be aware of the requirements of the ESA authorization process and information required by MECP to determine if a contravention of the ESA will occur as a result of their activity.</p> <p>The proponent should endeavour to avoid or minimize adverse impacts to species at risk during the planning of their project during the Environmental Assessment. It should be noted that requirements for overall benefit authorizations under section 17(2)(c) of the ESA are scaled and assessed on a contextual basis (e.g. species by species and activity by activity) and that activities with greater adverse impacts will be required to demonstrate greater overall benefit to the species which are impacted.</p>	<p>The Project will endeavour to avoid or minimize adverse impacts to species at risk during the planning of the Project, as reflected by the draft criteria and indicators included in the Draft ToR.</p> <p>The Preferred Route will be identified in the EA through the approach proposed in Section 8 of the Draft ToR. The EA will recommend impact management measures to avoid, eliminate or minimize potential effects of the Project on Species at Risk. The alternatives evaluation will outline the advantages and disadvantages between the alternative routes (potential effects), which would describe why the best alternative for Species at Risk was not selected should that be the case.</p> <p>The alternatives considered are defined by a 5 km wide corridor, within which micro-siting will inform final routing, avoiding sensitive or unique features where possible. Prioritizing avoidance as a mitigation measure and implementing effective mitigation measures where avoidance isn't possible will minimize predicted environmental effects for SAR species and their habitats.</p> <p>MFFN will obtain the necessary permits and approvals from the provincial and federal governments and other jurisdictional agencies prior to construction. Permits and authorizations under the ESA is listed in Table 13-1 of the Draft ToR.</p>
22	<p>MECP strongly encourages proponents to familiarize themselves with ESA authorization process requirements and prepare documentation as part of their EA that would support fulfilling these requirements. MECP will only consider issuance of an ESA authorization if the proponent is able to clearly demonstrate that they have met their <i>Environmental Assessment Act</i> requirements. Consideration of ESA permitting requirements during the preparation of EA documentation can assist proponents in avoiding duplication of efforts and avoid the need to conduct additional studies to inform ESA permitting thereby saving time in the issuance of an authorization under the ESA once the EAA approval is obtained. Proponents can contact MECP to discuss how to best coordinate study and documentation requirements from both processes.</p>	<p>Comment noted and will be considered during development of EA documentation with the goal to include as much detail as possible in the EA to support ESA authorization process requirements. ESA permitting requirements are also a consideration in relation to current work planning, including field work.</p> <p>As the EA progresses, MFFN will contact MECP to discuss how best to coordinate study and documentation requirements for both processes.</p> <p>Refer to the response to Comment 21 for further details regarding the consideration of ESA permitting requirements in the Draft ToR and EA.</p>

No.	Comment	Response
<b>Ministry of Natural Resources and Forestry</b>		
23	Currently, surface rights for the majority of the proposed project area are held by the Crown and are managed by the MNRF under the authority of the PLA. Anything deposited, constructed or developed on those lands in association with the project will require PLA approval in the form of work permits, land use permits or other instruments as appropriate (approvals under the PPCRA may also be required and the Project Team should contact the MECP for more information).	MFFN will obtain the necessary permits and approvals from the provincial, federal government and other jurisdictional agencies. Permits under the <i>Public Lands Act</i> and <i>Provincial Parks and Conservation Reserves Act</i> are listed in Table 13-1 of the Draft ToR. As the Project progresses, including preferred route determination and refinement of ancillary infrastructure requirements, MFFN will follow up with MECP and other agencies to confirm permit requirements.
24	Primary sources of land use direction of relevance to Marten Falls' proposed road corridor include: <ul data-bbox="205 651 625 906" style="list-style-type: none"><li>• Crown Land Use Policy Atlas (CLUPA) – for land use policy reports for the portion of the reference corridor that is south of the Far North planning area</li><li>• Marten Falls First Nation community based land use plan Terms of Reference</li><li>• Marten Falls First Nation community-based land use plan – in-progress</li></ul>	Comment noted and will be considered during development of EA documentation as available (i.e. CBLUP information is not yet final but we are working with the CBLUP team to allow for feedback from the CBLUP process as available and applicable). Section 7.1.4.12 of the Draft ToR now includes reference to two applicable Crown Land Use Policy Reports, one for the Geraldton Area and one for the Albany River Provincial Park, as well as the MFFN Community Based Land Use Plan.
The land use direction in these planning documents should be reviewed and the implications of that direction considered for all components of the project (e.g., the all-season road itself, aggregate pits, lay down areas, temporary work camps, etc.). The project proposal and other documentation should briefly discuss this land use direction, whether the proposed road project is consistent with it and, if not, the approach that will be pursued to address inconsistencies.		
25	In addition to land use policy, any resource management direction for the study area including forest management plans and fisheries management plans/objectives should be reviewed and considered.	The environmental effects assessment will consider the effects to the natural environment in the context of available management plans and programs. The data sources included in Appendix A of the Draft ToR, currently include forest management plans under several environmental disciplines, including vegetation, ungulates, fish, and wildlife. In addition, the Ogoki and Kenogami Forest Management Units are discussed in Draft ToR Section 7.1.4.12.

No.	Comment	Response
26	The proposed all-season road will enable access to areas that previously have been essentially inaccessible to mechanized travel except during the winter. The creation of new access can result in impacts on fish and wildlife populations (e.g., due to new or increased hunting pressure), "remoteness" and remote or "wilderness" recreation / tourism experiences, among other effects. The MNRF will consider the effects of creating new access when making decisions to issue authorizations under legislation administered by MNRF.	The effects of creating new access will be considered in the EA. Section 7.2 of the Draft ToR identifies potential effects of the Project and specifically, effects to wildlife and fish populations from the creation of new access and recreational opportunities are identified in Section 7.2.7 and Section 7.2.8 of the Draft ToR. In addition, the draft criteria and indicators for the effects assessment, included in Appendix A of the Draft ToR, include access as an indicator under the Recreation and Tourism discipline.
27	There are numerous water crossings associated with the new road proposal which will require authorization under the PLA by the MNRF. To facilitate MNRF decisions regarding water crossings, the project proposal should include the location and details of all water crossings (drainage areas, width, depth, fish species present, habitat, substrate, approach slopes, shoreline vegetation), and details regarding watercrossing structures (culverts, bridges [bridges must be approved by an engineer]). The proposal should also clearly identify potential impact to fish and aquatic ecosystems that may result from the construction and installation of crossings (impacts to beds, shoreline, waterquality, etc.), oil leaks into waterways, et. and how these impacts will be avoided or mitigated. Decommissioning and/or rehabilitation of water crossings associated with the existing winter road should also be addressed.	Water crossing information will be provided to the MNRF as part of discussions and applications to obtain authorization under the <i>Public Lands Act</i> (PLA). The EA will assess potential effects of the Project on fish and fish habitat, including construction of watercourse crossings and accidental leaks or spills. Potential interactions between the project and the environment will be considered for all phases of the Project.  Initial information is contained in Section 7 of the Draft ToR and includes the estimated number of large and small crossings for each alternative (Section 7.1.4.4 of the Draft ToR), fish community information at a regional level (Section 7.1.4.8 of the Draft ToR), and fish and fish habitat field program information (Section 7.1.4.8 of the Draft ToR). Site-specific information is being collected and will be provided in future submissions.  Impact management measures will be recommended to avoid, eliminate or minimize potential effects of the Project. It is anticipated that mitigation will include measures to decommission and rehabilitate watercourse crossings.
28	The project planning for the proposed road may proceed concurrently with the land use planning; we encourage continued frequent dialogue between the community based land use planning team and the all-season road project team, in order to consider any community interest or values that have been identified to date through the land use planning process in the siting and assessment of impacts of the proposed road.	The Project Team is working with the MFFN community-based land use planning team so that the EA will consider the most current community interest / values that have been identified.

No.	Comment	Response
29	The MNRF anticipates that the use of aggregate resources will be a key component of the proposed all-season road. The project proposal for the all-season road should describe Marten Falls' plans for obtaining the required aggregate, including identification of all existing and new sources it intends to draw from.	Potential existing sources of aggregate to be used for the Project are being identified through review of existing information and a field work program. An initial aggregate resource map and a description of associated field work has been added to Section 7.1.4.3 of the Draft ToR. Further information will be included in the EA reflecting data collected during the field program and progression of Project engineering and routing analysis.
30	To enable review of the road proposal and to lay the groundwork for future ARA applications, the project proposal should provide the following information for all new pits proposed: <ul data-bbox="159 548 617 889" style="list-style-type: none"><li>• Description of proposed pits (what material is to be extracted, location, size, approx.. quality) and associated anticipated impacts for all project phases</li><li>• If locations / size for potential new pits are not known, options / alternatives should be presented and impacts associated with each considered</li><li>• Description of access to the aggregate resource and associated impacts</li><li>• Conceptual rehabilitation plan</li><li>• Cumulative impact consideration for disturbed areas</li></ul>	Potential existing sources of aggregate to be used for the Project are being identified through review of existing information and a field work program. An initial aggregate resource map and a description of associated field work has been added to Section 7.1.4.3 in the Draft ToR. The Project Team will review the existing sources and consider if additional borrow sources will be required beyond the materials excavated through road construction. Should a need for additional aggregate sources be identified, the effects will be considered in the EA and an <i>Aggregate Resources Act</i> application will be prepared following the guidance provided.
31	Should it be confirmed through project planning that new aggregate pits are required, technical reports will need to be prepared and submitted to the MNRF as part of the ARA application.  Application for approval under the FWCA will likely be required for the proposed project as it is expected that project activities such as clearing, grubbing, blasting, dewatering, and damming will result in the destruction of beaver dams and associated ponds, furbearer dens, black bear dens and / or bird nests and eggs.	MFFN will obtain the necessary permits and approvals from the provincial, federal government and other jurisdictional agencies. MFFN agrees that permits under the <i>Fish and Wildlife Conservation Acts</i> may be required for the Project and have included them in Table 13-1 of the Draft ToR.

No.	Comment	Response
32	Refer to the MNRF's "Forest Management Guide for Conserving Biodiversity at the Stand and Site Scales (a.k.a. the Stand and Site Guide) for stand and site level direction that could be applied during planning and construction activities.	Potential effects on the environment will be considered in the context of available resource management plans for wildlife, fisheries, and forestry as indicated in the potential data sources provided in Draft ToR Appendix A, Draft Criteria and Indicators for the Alternatives Evaluation. The EA will recommend mitigation to avoid, eliminate or minimize potential effects of the Project. Impact management measures will be based on BMPs provided in guidance and objectives developed by the province. Referenced materials in the comment (e.g., Cervid Ecological Framework <sup>2</sup> and the Stand and Site Guide <sup>3</sup> ) are noted and will be considered during development of EA documentation.
33	When considering the effects of a proposal on fish, fish habitat and aquatic environment, MNRF requires information describing the fish and aquatic communities (e.g., species composition, description of habitats), physical habitat parameters (e.g., thermal regime, flow regimes, substrate), existing human use of the resource (e.g., commercial, recreational or Aboriginal fisheries), and sufficient details describing the proposal to understand the potential impacts that it will have on fisheries and aquatic resources (e.g., structure type and location, construction dates). This assessment should also include consideration of the potential impacts that may result from improved access to currently remote fisheries.	Updates to the Draft ToR includes the addition of information in Section 7.1.4 on the field investigations that will be undertaken during the EA, including fish and fish habitat to confirm desktop assumptions about fish communities, and physical habitat parameters.  The effects assessment will be based on existing information, field data collected during previous studies, and the results of field studies undertaken in support of the Project. Section 7.2 of the Draft ToR includes a preliminary identification of potential effects including those that the Project may have on existing human use of fisheries and to currently remote fisheries. The EA will recommend impact management measures to avoid, eliminate or minimize potential effects of the Project.
34	There are numerous trap line areas within or adjacent to the proposed road corridor alternatives, and trap cabins associated with these lines may be located close to or within the alternative corridors. Marten Falls should consult with trap line holders and provide information regarding potential impacts to trapping and trapline holders and proposed measure to avoid or minimize these impacts.  In addition to traplines, other commercial resource users within and adjacent to the alternatives include Bear Management Area Operators, Baitfish License Holders and Resource-based Tourism operators.	The Project Contact List developed for the Project includes tourism operators, trap line owners, and outfitter businesses. MFFN community members and neighbouring Indigenous communities who may also use traplines close to or within the study area of the alternative routes are also included on the Project Contact List. Individuals and groups on the Project Contact List receive notifications about the Project at key milestones, such as when information is available on potential effect and impact management measures.  Based on this comment and discussion with MECP at the August 28, 2019 meeting, Marten Falls plans to undertake targeted consultation with trappers and outfitters. Methods may include letters and potential targeted discussions as noted in the Draft EA Consultation Plan (Appendix B of the Draft ToR).

<sup>2</sup> Ontario Ministry of Natural Resources. 2009. Cervid Ecological Framework. Accessed from: <https://docs.ontario.ca/documents/3086/263997.pdf>

<sup>3</sup> Ontario Ministry of Natural Resources. 2010a. Forest Management Guide for Conserving Biodiversity at the Stand and Site Scales. Accessed from:

<https://docs.ontario.ca/documents/4816/stand-amp-site-guide.pdf>

Ontario Ministry of Natural Resources. 2010a. Forest Management Guide for Conserving Biodiversity at the Stand and Site Scales: Background and Rationale for Direction. Accessed from:

<http://www.ontla.on.ca/library/repository/mon/25007/308901.pdf>

Ontario Ministry of Natural Resources and Forestry. 2016. 2016 revisions to Forest management: conserving biodiversity at the stand and site scales. Accessed at:

<https://www.ontario.ca/page/2016-revisions-forest-management-conserving-biodiversity-stand-and-site-scales>

No.	Comment	Response
35	Project documentation will need to consider the direction within the Ogoki FMP regarding forestry activities, wildlife objectives and access, and address how the proposed project may impact those activities and objectives. There is also the need to consider the impacts to Kenogami Forest with respect to existing roads and the associated use management and responsibility.	The Draft ToR has been updated to include proposed criteria and indicators for the effects assessment (provided in Appendix A of the Draft ToR). Land use and access has been identified as an indicator to measure changes to the Forestry Industry criteria that will be assessed and evaluated in the EA for both alternative routes. Potential data sources have also been identified, which include Forest Management Plans. Potential effects on the environment will be considered in the context of available resource management plans for vegetation, wildlife and fisheries.
36	Harvesting (clearing) Crown trees for road development within the Ogoki Forest will require authorization by MNRFP; project documentation should provide a clear description of all harvesting/clearing activities involved with the project.	Section 5.2 of the Draft ToR provides a description of all proposed activities including harvesting / clearing for the Project. The EA will include a more detailed description of the Project, which will further refine harvesting / clearing for the Project.  MFFN will obtain the necessary permits and approvals from the provincial, federal government and other jurisdictional agencies. Licence under the <i>Crown Forest Sustainability Act</i> is listed in Table 13-1 of the Draft ToR.
37	There are likely a number of species that are considered provincially rare which occur within and adjacent to the proposed road corridor. The MNRFP encourages using the best conservation measures available to protect these species.	Section 8 of the Draft ToR confirms that the EA will recommend impact management measures to avoid, eliminate or minimize potential effects of the Project. This will include the identification of measures specific to natural heritage features. Impact management measures will be based on BMPs provided in guidance, strategies and objectives developed by the province.  The alternative routes are defined by a 5 km wide corridor, within which micro-siting will inform final routing of the CAR to avoid sensitive or unique features. Prioritizing effects avoidance and implementing effective impact management measures where avoidance is not possible may eliminate or minimize potential effects on provincially rare species. A preliminary review of the Natural Heritage Information Centre <i>Make-a-Map: Natural Heritage Areas</i> (MNRFP 2019b) database resulted in the record of one rare plant, the Northern marsh violet ( <i>Viola epipsila</i> ), occurring within the 5-km wide corridor of each alternative.
38	The project proposal and other documentation will need to identify these natural heritage features and fully consider potential impacts to and mitigation for the respective features.	Section 7.2 of the Draft ToR identifies potential effects of the Project and includes effects to vegetation (Section 7.2.6) and wildlife (Section 7.2.7). Vegetation and wildlife will consider natural heritage features (e.g., wetlands, significant wildlife habitat and areas of natural and scientific interest). Section 8 of the Draft ToR confirms that the EA will recommend impact management measures to avoid, eliminate or minimize potential effects of the Project. This will include the identification of measures specific to natural heritage features.
39	Project planning should consider the potential introduction and establishment of invasive species via construction and use of the road, impacts that could result, and measures that will be taken to avoid or minimize their spread and resultant negative environmental effects.	Section 7.2 of the Draft ToR identifies potential effects of the Project and includes effects on vegetation (Section 7.2.6), wildlife (Section 7.2.7), and fish and fish habitat (Section 7.2.8) from the spread / introduction of invasive species via construction and use of the road. The EA will recommend impact management measures to avoid, eliminate or minimize potential effects of the Project, including effects of invasive species.
40	This section provides additional, more detailed information for several examples of specific MNRFP interests that should be used to inform the development of criteria for the alternatives evaluation. MNRFP emphasizes that the following are only examples, and not an exhaustive list; the ministry anticipates that the Project Team will develop a full set of criteria for the alternatives analysis to which the ministry will then be pleased	The Draft ToR has been updated to include proposed criteria and indicators for the effects assessment (provided in Appendix A of the Draft ToR). The planned release of the Draft ToR and ongoing consultation activities will provide an opportunity to seek input specific to the content of the Draft ToR, including the proposed effects assessment criteria and indicators. The proposed criteria and indicators are preliminary and will be further refined in the EA. The final list of criteria and indicators to be used in the EA will be based on information that arises throughout the study process and incorporate comments received through consultation.

No.	Comment	Response
41	<p>2.1 Peatlands/wetlands</p> <p>Peatlands/wetland in Ontario's Far North are important on local through to global scales. The alternatives analysis should consider not only the length of road corridor that will cross through peatlands for each of the alternatives considered, but also consider how impacts to peatland/wetland function may be minimized. This should include, for example, identification and consideration of concentrated areas of peat that function as carbon sinks; impacts to biological functions of wetlands in providing wildlife habitat; effects of the project on climate change and vice versa; etc.</p>	<p>The Draft ToR has been updated to include proposed criteria and indicators for the effects assessment (provided in Appendix A). Wetland ecosystems is a proposed criterion for the effects assessment. Availability, distribution, function (i.e., as a carbon sink) and composition are proposed indicators to measure changes to wetlands. The EA will assess direct effects of the alternative routes on wetlands (Section 7.2.6), and the indirect effects on wildlife habitat (Section 7.2.7) and climate change (Section 7.2 and Section 7.2.1) from changes to wetlands and / or peatlands.</p>
42	<p>2.2 Fisheries</p> <p>Potential impacts to fisheries within the numerous waterbodies and their tributaries that the road will cross is a major environmental concern within the context of MNRF's mandate, as well as a significant social and cultural concern for the communities who traditionally fish in the area of the proposed road. Information on fisheries present along the corridor options is general (i.e., not crossing-specific) and prepared using desktop information. Fisheries field work should be conducted to confirm desktop assumptions about fish communities and provide species-specific information on sensitive areas such as spawning sites. From a social perspective, MNRF is aware that some Marten Falls First Nation members may have concerns regarding the creation of new access for recreational anglers and harvesters from other communities and resultant increased harvest of fish on which Marten Falls First Nation relies for major component of its diet. An analysis of the potential impacts to food security as related</p>	<p>Updates to the Draft ToR includes the addition of information in Section 7.1.4 on the field investigations that will be undertaken during the EA, including fish and fish habitat to confirm desktop assumptions and provide specific information on sensitive areas such as spawning sites.</p> <p>The effects assessment will be based on existing information, Indigenous Knowledge, field data collected during previous studies, and the results of field studies undertaken in support of the Project. Section 7.2 of the Draft ToR includes a preliminary identification of potential effects including those listed in this comment (i.e., traditional use, increased angling and harvesting pressure, diet). The EA will recommend impact management measures to avoid, eliminate or minimize potential effects of the Project.</p>

No.	Comment	Response
	to fisheries (and wildlife from potentially increased hunting pressure) and how anticipated negative effects may be mitigated should be presented.	
43	<p>2.3 Aggregates</p> <p>The project proposal acknowledges the importance of identifying and securing the aggregate materials that will be required for road construction and maintenance, presents high-level information regarding potential sources, and considers this in relation to routing alternatives. MNRF shares the view that the availability of suitable and sufficient amount of aggregate for the project will be a major consideration in route selection. More detailed information about the type and volume of aggregate needed to implement the project and that exists in the project area (i.e., specific sources) will need to be presented in the alternatives analysis.</p>	<p>Refer to the response to Comment 29 and Comment 30. Section 8 of the Draft ToR was also updated to identify constructability as a consideration when identifying the advantages and disadvantages of the alternative routes. Constructability is influenced by terrain conditions and location of physical features such as the availability of nearby aggregate sources.</p>
44	<p>2.4 Socio-economics</p> <p>Through its mandated interests, MNRF considers how land and resource use and users (e.g. trapping, commercial tourism) would be potentially affected by proposed development and activities. These considerations should be addressed in the alternatives analysis.</p>	<p>The Draft ToR has been updated to include proposed criteria and indicators for the effects assessment (provided in Appendix A of the Draft ToR). Under the land and resource use discipline for socio-economics, several criteria are proposed to assess how the Project may affect existing land and resource use, including trapping and commercial tourism as noted in Section 7.2.10 and Section 7.2.11 of the Draft ToR.</p>
45	<p>2.5 Consideration of other proposals and interests on Crown land in the area of the proposed road and broader region</p> <p>As the Project Team is aware, there are a number of road and other linear infrastructure proposals and interests in the project area and broader region (e.g., other community and industry access roads, broad band internet installation and electricity transmission).</p> <p>MNRF interests in this consideration relate to minimizing the number of linear corridors that are developed in the region as this, in turn, may minimize potential negative effects associated with individual linear developments and the cumulative effects that may result from multiple corridors, promote the efficient use of/maximum benefit from the use of land and resources, support achievement of the interests of other First</p>	<p>Prior to the provincial announcement in August 2017 that funding would be provided for a multi-purpose road, Marten Falls had been investigating an all-season road that would provide dedicated community access only. The change in the intended use of the road requires that the CAR be built to industrial use specifications to allow for multi-purpose use since it is possible that a supply road would be constructed from a point along the CAR to the mining claims north of MFFN. It is expected that designing the Project for multi-purpose use would limit the number of north-south transportation corridors in the region since the road will be able to accommodate heavy equipment and trucks should there be a connecting supply road in the future.</p> <p>A Supporting Document has been prepared that provides an overview of the Project history and decision-making process leading to identification of Alternative 1 and Alternative 4 as the reasonable range of alternative routes for the Project. A high-level summary is provided in Section 6.3.1 of the Draft ToR. The evolution of various potential routes of the CAR considered were based on previously completed studies, including other existing, planned or approved disturbances (e.g., MFFN winter road, Cliffs north-south transportation corridor) in the region. A review of economic development opportunities related to the mining industry was also considered. A CAR that better supports mining industry is expected to result in less linear transportation disturbance in the region due to shorter access roads connecting mines to the CAR and / or a supply road potentially connected to the CAR in the future should other projects be developed.</p> <p>The updated Draft ToR includes proposed criteria and indicators for the effects assessment. Land use and access has been identified as an indicator to measure changes to the Extractive Industry, Forestry Industry, Energy and Linear Infrastructure, and Recreation and Tourism criteria that will be assessed and evaluated in the EA for both alternative routes. Through these criteria, the EA will consider the broader interests in the region. Potential data sources that will be reviewed to identify potential effects are listed</p>

No.	Comment	Response
	<p>Nation communities in road and other infrastructure development opportunities in the region, and sustainably use public funds and recourses in the development and ongoing maintenance of major infrastructure in the region.</p> <p>The alternatives analysis should include consideration of the feasibility/suitability for that alternative to support/connect to a broad regional road network as well as support other forms of linear infrastructure such as transmission lines and broadband within its corridor.</p> <p>Consideration of the cumulative effects of road corridors on the landscape should be a major consideration when engaging with neighbouring First Nation communities.</p>	<p>for each criterion in Appendix A of the Draft ToR, which includes but is not limited to: spatial data on utilities and other infrastructure, potential energy sites, regional industry sector reports, provincial reports, and plans on energy requirements or projects.</p> <p>The EA will consider the cumulative effects that may result from a combination of the net effects of the preferred route with the effects of other past, present and future projects. However, the EA is likely to only consider reasonably foreseeable future projects as the Project Team cannot speculate about road connections or other forms of infrastructure that have not been publicly identified. Consultation provides an opportunity to identify projects that have not been publicly identified. However, these projects will only be included in the cumulative effects assessment where the proponent agrees to its inclusion and provides sufficient detail on potential net effects. Further discussions with the MECP and ENDM are needed to discuss the potential supply road and Project cumulative effects assessment.</p>
<b>Ministry of Energy, Northern Development and Mines</b>		
46	<p>While not recommending additional specific criteria, the proponent may want to consider criteria in the following areas:</p> <ul style="list-style-type: none"><li>• Health and safety</li><li>• Community wellness/well-being</li><li>• Route feasibility</li><li>• Costs of construction</li></ul>	<p>Refer to the response to Comment 2. A screening, including Project-specific screening criteria, is no longer part of the Draft ToR. However, the Draft ToR has been updated to include proposed criteria and indicators for the effects assessment (provided in Appendix A of the Draft ToR), which includes criteria that capture Health and Safety and Community Wellness/Well-being. Route feasibility and cost of construction will be considered in the assessment and evaluation when identifying the advantages and disadvantages of the alternative routes as described in Section 8 of the Draft ToR.</p>
47	<p>What has changed since the May 10, 2017 document as a result of significant discussions? The information that is currently available is a result of what?</p>	<p>The May 10, 2017 Project Proposal identified the Central Route as the preferred route for the CAR. This was based on surficial geology, land cover, watercourse crossings, values mapping and Indigenous Knowledge available at the time of reporting, as well as community consultation in March 2017.</p> <p>MFFN continued to investigate the potential routes following completion of the 2017 Project Proposal report. Field investigations were undertaken to further characterize the existing environment and consultation occurred to seek input on values and features of importance to the community. Based on the additional community consultation and outreach efforts, modifications to the May 10, 2017 Project Proposal routes (Western, Central and Eastern routes) identified four (4) routes (two western routes and two eastern routes).</p> <p>Prior to the provincial announcement in August 2017 that funding would be provided for a multi-purpose road, Marten Falls had been investigating an all-season road that would provide dedicated community access only. The change in the intended use of the road brought forward new considerations and community concerns with respect to alternative routes that would be reasonable for MFFN to carry out. Although four (4) potential alternatives were identified prior to commencement of the ToR, it was determined that Alternative 2 and Alternative 3 are only considered viable if the Project is built as a dedicated CAR. This conclusion was based on results of consultation and investigations undertaken during the early stages of the EA process, and a Band Council Resolution signed on July 31, 2019. Therefore, Alternative 1 and Alternative 4 are identified as the reasonable range of alternative methods for the Project.</p>

No.	Comment	Response
48	Confirming that more than 1 alternative will be evaluated in the EA based on the screening.	The assessment and evaluation outlined in Section 8 of the Draft ToR has been revised to indicate that all alternative routes will be assessed and evaluated in the EA. Section 6.3.1 identifies Alternative 1 and Alternative 4 as the alternative routes for the EA. The EA will also consider the "do nothing alternative" per Section 6.2 and Section 8 of the Draft ToR.

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**Project name:**  
Marten Falls First Nation Community Access Road  
Project

**Project ref:**  
60493122

**From:**  
Christine Cinnamon

**Date:**  
November 14, 2019

# Memorandum

**Subject: Draft Terms of Reference Completeness Review – Marten Falls First Nation Community Access Road Project**

The Ministry of Environment, Conservation and Parks (MECP) undertook a preliminary completeness review of the Draft Terms of Reference (ToR) for the Marten Falls First Nation Community Access Road Project (MFFN CAR; the Project). Completeness review comments were received via email on July 18, 2019 and included comments on focusing (i.e., initial screening), alternatives assessment methodology, study area, effects assessment methodology, field studies, Federal / Provincial environmental assessment (EA) coordination, and ToR Consultation.

The Project Team has reviewed the comments received and provided initial responses to the MECP on August 16, 2019. Meetings were held on August 22, 2019 and August 28, 2019 with MECP and ENDM to discuss and clarify the review comments and to identify updates to be made to the Draft ToR prior to release to Indigenous communities, interested persons and government agencies. This memorandum provides an updated response to the July 18, 2019 MECP review comments, which have been revised to reflect updates made to the Draft ToR based on continued investigations, consultation activities and the August 2019 meetings.

**Table 1. Response to MECP Completeness Review Comments**

No.	Comment	Response
<b>1</b>	<b>Rationale for Focusing Alternatives</b>	
1a	Rationale for focusing down from 4 alternative methods (routes) to 2 is incomplete as the only justification is using 4 broad screening questions that do not provide a detailed analysis or differ from the Code of Practice questions. The screening in the ToR does not provide enough information to MECP staff on which to provide a recommendation to the Minister to make an informed decision about the ToR.	<p>Marten Falls provided an overview of the history of the Project and development of alternative routes during the August 22, 2019 meeting. As part of the discussion, MFFN shared the decision-making process that led to focusing from 4 potential alternatives to the 2 alternative routes identified for the Project:</p> <p>Prior to the provincial announcement in August 2017 that funding would be provided for a multi-purpose road, Marten Falls had been investigating an all-season road that would provide dedicated community access only. The change in the intended use of the road brought forward new considerations and community concerns with respect to alternative routes that would be reasonable for MFFN to carry out. Although 4 potential alternatives were identified prior to commencement of the ToR, it was determined that Alternative 2 and Alternative 3 are only considered viable if the Project is built as a dedicated CAR. This conclusion was based on the results of consultation and investigations undertaken during the early stages of the EA process, and a Band Council Resolution signed on July 31, 2019. Therefore, Alternative 1 and Alternative 4 are identified as the reasonable range of alternative methods for the Project.</p> <p>MECP indicated that the initial Draft ToR did not provide sufficient detail to support the decision of focusing to 2 alternative routes, and that the Project Team should consider developing a supporting document that outlines the information shared by MFFN during the meeting. Marten Falls' decision to move forward with the 2 alternative routes is part of the history of identifying a reasonable range of alternatives for the Project rather than the Code of Practice initial screening (i.e., focusing) process.</p> <p>The <i>Marten Falls First Nation Community Access Road Supporting Document – Alternatives Development Document</i> (herein the “Supporting Document”) has been prepared to provide an overview of the Project history and decision-making process leading to the identification of Alternative 1 and Alternative 4 as the reasonable range of alternative routes for the Project. A summary of this history has also been included in Section 6.3.1 of the Draft ToR to provide transparency in the evolution of the Project (i.e., why Project notices and prior consultation materials identified four alternative routes, but the Draft ToR is for the two western routes only). The screening noted in this comment has been removed from the Draft ToR.</p>
1b	The Draft Alternatives Methods and Initial Screening Report does not reflect previous guidance, comments and input provided by MECP, ENDM, and MNRF in writing on May 29, 2019, and as discussed with MECP and ENDM on May 30 and June 6, 2019.	<ul style="list-style-type: none"> <li>● <b>May 29, 2019 Comments:</b> Responses have been provided separately in Draft ToR Appendix C: Record of Consultation and indicate how the comments have been addressed in the Draft ToR.</li> <li>● <b>May 30 and June 6, 2019 Comments:</b> Comments received were to discuss those provided in the MECP’s May 29, 2019 letter. The discussions focused on whether the Project-specific screening questions capture the natural, cultural and socio-economic environments, and technical considerations such as cost. It was noted that the screening seemed to rely more heavily on social considerations, and that additional focus on a broader range of environmental factors should be considered. The suggestion to undertake consultation prior to release of the Draft ToR was also noted. A high-level summary of the responses to these comments is provided here, with further documentation detailed in the May 29, 2019 response document included in Draft ToR Appendix C: Record of Consultation: <ul style="list-style-type: none"> <li>● <b>Screening Questions:</b> Refer to the response to Comment 1a. A screening is no longer part of the Draft ToR.</li> <li>● <b>Consultation:</b> MFFN continued efforts to consult with neighbouring Indigenous communities and interested persons prior to release of the Draft ToR and has updated the Draft ToR to include consultation undertaken to October 11, 2019. Although the screening is no longer part of the Draft ToR, the approach, questions and results that identified Alternative 1 and Alternative 4 as the alternative routes for the Project was consulted on with the community of MFFN, Aroland First Nation, Fort Albany First Nation, Eabametoong First Nation, Webequie First Nation, Attawapiskat First Nation and Kichenuhmaykoosib Inninuwug First Nation prior to</li> </ul> </li> </ul>

No.	Comment	Response
<p>release of the Draft ToR. A summary of these meetings is provided in Section 2.1.9 of the Supporting Document.</p>		
1c	<p>The screening does not document and demonstrate the consideration of key environmental factors such as potential impacts to the natural environment, cultural and socio-economic impacts, and potential impacts to Aboriginal and treaty rights, including consultation with all interested stakeholders during the decision-making process.</p>	<p>Refer to the response to Comment 1a. A screening is no longer part of the Draft ToR.</p>
1d	<p>MECP is awaiting comment response tables from the Project Team prior to providing further guidance and comments on this topic.</p>	<p>Refer to the response to Comment 1b.</p>
<p><b>2 Alternative Assessment Methodology</b></p>		
2a	<p>[T]he proposed approach to assessing alternative methods does not meet the requirements set out in the <i>Ontario Environmental Assessment Act</i> and Codes of Practice. The assessment of alternative methods completed as part of the EA must include an evaluation of advantages and disadvantages.</p>	<p>The assessment of alternative methods completed as part of the EA has been revised to reflect comments provided in writing and verbally by MECP. Section 8 of the Draft ToR has been updated to indicate that a comparative analysis of the potential net effects of the alternative routes will be completed in the EA (refer to the response to Comment 2b). The Draft ToR also states in Section 8 that the EA will include an evaluation of the advantages and disadvantages between the alternative routes to identify the Preferred Route. The advantages and disadvantages of the Preferred Route against the “do nothing” alternative will also be undertaken.</p>
2b	<p>As is explained in the Code of Practice for the Preparation of the Terms of Reference, focusing is permitted, however the approach should not differ drastically from the generic requirements laid out in the legislation. In this case, the proponent has proposed to focus the detailed assessment on only the preferred undertaking. This would be considered a drastic departure from the requirements.</p>	<p>The assessment of alternative methods to be completed in the EA has been revised to reflect comments received in writing and verbally by MECP. Section 8 of the Draft ToR has been updated to indicate that a comparative analysis of the net effects of the alternative routes will be completed in the EA. This process will include the identification of potential effects, recommendation of impact management measures, assessment of net effects, and an evaluation of advantages and disadvantages of each alternative route.</p>
2c	<p>While draft criteria and indicators for the alternative methods evaluation are proposed the methodology that will be used to determine the preferred route is not clear. All indicators are numerical and do not include any qualitative values or interpretation. Further, data sources are not included.</p>	<p>Section 8 of the Draft ToR has been updated to more clearly explain the proposed methods that will be used to determine the Preferred Route. Included in the updated Draft ToR is a more comprehensive list of draft criteria and indicators that will be used to assess effects. The revised list provided in Appendix A of the Draft ToR includes both quantitative and qualitative criteria and identifies potential data sources that may be used. The criteria, indicators and sources are preliminary and may be updated during the EA.</p> <p>The ToR states that following the assessment of net effects, the Preferred Route will be determined by considering the environment, cost and constructability of the alternative routes, and the advantages and disadvantages of the alternative routes. The Preferred Route will be the alternative that has comparatively more advantages and less disadvantages.</p> <p>A description of how segments of the alternative routes will be compared during the assessment and evaluation is provided in Section 8.1 of the Draft ToR.</p>

No.	Comment	Response
<b>3 Study Areas</b>		
3a	Study areas are missing and lack clarity – maps show study area for 4 routes even though only 2 (or 1?) routes are proposed to be assessed; no indication of local and regional study areas for each environmental component (e.g. ground water, surface water, caribou, etc.).	<p>A preliminary study area for the EA is identified in Section 7.1.1 of the Draft ToR. The study area maps have been revised to include the area within 2.5 km of the centreline of Alternative 1 and Alternative 4 only.</p> <p>Although the Draft ToR identifies one preliminary study area for the EA, it is understood that the study area for each environmental component may vary to capture the area within which environmental effects are anticipated to occur. Therefore, the ToR indicates that the study area will be refined in the EA through identification of discipline-specific local and regional study areas. The local and regional study areas will be consulted on with MFFN community members, neighbouring Indigenous communities and other interested persons. Study areas are included in the EA Consultation Plan under the key milestone “Evaluation Criteria and Development of Alternatives”.</p>
<b>4 Effects Assessment Methodology</b>		
4a	There is no preliminary criteria and Section 8 does not provide enough detail to understand how effects and significance of effects will be characterized and determined in order to understand how advantages will weigh against disadvantages. Preliminary criteria and indicators should be presented, along with proposed data sources and weighting.	<ul style="list-style-type: none"> <li>• <b>Preliminary Criteria, Indicators and Data Sources:</b> A more comprehensive list of draft criteria and indicators that will be used to assess effects is provided in Appendix A of the Draft ToR. The list includes both quantitative and qualitative criteria, and identifies potential data sources that may be used.</li> <li>• <b>Effects Assessment Approach:</b> Section 8 of the Draft ToR has been updated to provide further information on the methods that will be used to determine and characterize effects and significance of effects. Section 8.3 indicates that for each net effect predicted, the direction, magnitude, geographic extent, duration, reversibility, frequency and likelihood will be used to describe the effect and reach a conclusion on the significance, taking into consideration professional judgement. Refer to the response to Comment 2a and 2c for information on the evaluation of advantages and disadvantages.</li> </ul>
<b>5 Field Studies</b>		
5a	Field studies approach is incomplete for both the alternatives assessment and the effects assessment – for the alternatives assessment, is field data available equally for all of the alternatives to be assessed in the EA? For the effects assessment, MECP needs a firm commitment for what primary research and field work will be done so that compliance of the EA with the ToR can be assessed. What are the study areas for the field work? There is no specific reference to the type or field work for “Groundwater,” “Surface Water” and “Fish/Fish Habitat.”	<p>The assessment and evaluation to be undertaken in the EA will be based on readily available existing information, field data collected during previous studies, and new data collected from field studies undertaken in support of the Project. Field data will be equally available for Alternative 1 and Alternative 4.</p> <p>Section 7.1.4 of the Draft ToR has been updated to provide information on the environmental components that will be studied further in the field to allow the MECP to monitor compliance of the EA with the ToR. Field studies to characterize surface water, groundwater and fish / fish habitat conditions are identified in Sections 7.1.4.4, 7.1.4.5 and 7.1.4.8, respectively.</p>

No.	Comment	Response
<b>6 Federal / Provincial EA Coordination</b>		
6a	<p>Federal/provincial EA coordination is unclear and incorrect – the description of the proponent's intent to coordinate federal and provincial EA processes is incomplete and does not accurately describe the process, nor the requirements. The Project Team should refer to the detailed EA coordination materials provided by MECP and CEAA when drafting this section, and as indicated in previous comments work with MECP and CEAA to ensure that this section is accurate and clear.</p>	<p>Section 3.3. of the Draft ToR has been updated to reflect written and verbal comments provided by MECP as well as the release of the <i>Impact Assessment Act</i> (IAA). The Project is working with both levels of government to more fully understand what a "single, co-operative assessment" would entail, particularly given the recent passing of the IAA, and will incorporate any further feedback into the Proposed ToR.</p>
<b>7 Consultation</b>		
7a	<p>ToR consultation is incomplete and insufficient. MECP acknowledges that the proponent is aware of this and is making ongoing efforts.</p> <ul style="list-style-type: none"> <li>• Materials sent to communities to date have not been clear in terms of the input sought, nor the timelines for the preparation of the ToR. MECP has been working with the Project Team to review materials and has provided comments to help the proponent ensure that future correspondence is clear. The most recent example would be the letters to all communities which MECP provided comments on July 12, 2019. It seems that the minimal consultation that has been completed to date has focused on the screening of alternatives (supporting documentation to the ToR) rather than the content of the ToR itself (e.g., proposed studies for the EA, criteria and indicators, study areas, approach to sharing/integrating Indigenous Knowledge, consultation activities).</li> </ul>	<p>The ToR consultation program is ongoing. Section 10 of the Draft ToR identifies the consultation completed to date (i.e., ToR notice of commencement, introductory Public Information Centre, correspondence / meetings with neighbouring Indigenous communities, and meetings with MFFN community members). The Draft ToR has been updated to include consultation undertaken to October 24, 2019.</p> <p>Consultation activities on the content of the ToR are planned, including a second Public Information Centre, webinar and continued efforts to meet with neighbouring Indigenous communities. Materials prepared for future consultation activities will be developed to capture the MECP's comments regarding the need to be clear on input sought and timelines for the ToR.</p> <p>MFFN has elected to release a Draft ToR, accompanied by a plain language Guide to the Draft ToR, for review and comment by Indigenous communities, government agencies and interested persons. The Draft ToR and ongoing consultation activities will provide an opportunity to seek input specific to the content of the Draft ToR.</p>
7b	<p>Record of Consultation is incomplete – in addition to the consultation tables, the Record of Consultation should include a narrative for each Aboriginal community that summarizes the activities undertaken, issues raised, and how they have been addressed. Separate sections should also be presented for public, and government or agency consultation. Further, while the format of the issues logs is appropriate, the issues portion has largely been left blank. The issues component should document any questions, comments or feedback for follow-up or response, and indicate how those items were addressed in the ToR.</p>	<p>A meeting with the MECP was held on September 19, 2019 to discuss Project consultation, including the format and content of the Record of Consultation (RoC). The MECP clarified this comment by confirming the RoC is to include both a narrative and tabled issues log of the consultation undertaken during the ToR.</p> <p>A revised RoC has been prepared to include a narrative of the activities undertaken to October 24, 2019, issues raised and how they have been addressed. The RoC has been organized into separate sections for Indigenous communities, government agencies, and the public and other interested stakeholders. Included in the updated RoC is documentation on the issues portion per the MECP's comment.</p>

No.	Comment	Response
7c	<p>Consultation plan for the EA does not reflect previous guidance and discussions – it is not appropriate to focus consultation efforts on those Aboriginal communities that are closest in proximity. Ontario has identified a list of communities whose Aboriginal and/or treaty right may be impacted by the project. The proponent should use that list and its understanding of Aboriginal and treaty rights in the area, along with the potential area for environmental effects to propose an approach for consulting communities. Further it is noted that many of the topics identified for consultation during the EA should actually be consulted on during the preparation of the ToR (e.g., consultation plans).</p>	<p>A meeting with the MECP was held on September 19, 2019 to discuss Project consultation, including the proposed EA Consultation Plan (the Plan). Based on the discussion, a standalone Plan has been prepared and is appended to the Draft ToR (Appendix B). Section 11 of the Draft ToR provides a summary of the consultation proposed for the EA, with full details provided in the Plan.</p> <p>EA consultation activities for neighbouring Indigenous communities is documented in Sections 4.1.1 and 4.1.5 of the Plan. The activities identified in the Plan will be used as the foundation for consultation with Indigenous communities. Marten Falls acknowledges that the level of engagement desired by each Indigenous community will vary and may evolve through ongoing discussions during the Project. Community-specific engagement plans may be developed and will be shared with the Province as per the terms of the MFFN-MECP MOU on the Duty to Consult.</p> <p>Of the 22 neighbouring Indigenous communities identified for the Project, 7 have been identified to have the more frequent and deepest level of consultation and engagement based on the following criteria:</p> <ul style="list-style-type: none"> <li>• Expressed interest in meeting on the Project;</li> <li>• Geographical distance to the study area;</li> <li>• Traditional and / or current land use within the study area or of lands potentially impacted by the Project;</li> <li>• Situated downstream of the Project and with a potential to experience impacts to watercourses as a result of the Project;</li> <li>• Familial or clan connections to MFFN community; and</li> <li>• Involvement in road access planning to the Ring of Fire.</li> </ul> <p>Information that will be consulted on during each key milestone has been reviewed, updated and provided in Section 4.1.6 of the Plan to reflect information to be shared during the EA.</p>
<b>8</b>	<b>References and Sources</b>	
8a	<p>The draft ToR relies heavily on secondary references and sources, some of which appear to be outdated.</p>	<p>The Draft ToR is based on information that is readily available. Given the location of the Project in the Far North of Ontario, available information is limited in coverage, quantity and currency. A review the documentation cited has been undertaken to confirm the Draft ToR is based on the most relevant information available at this time. As part of the Project, information gaps will be filled through field investigations as outlined in Section 7.1.4 of the Draft ToR.</p>

**Ministry of the  
Environment,  
Conservation and Parks**

**Ministère de  
l'Environnement, de la  
Protection de la nature et  
des Parcs**

Environmental Assessment  
and Permissions Branch

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January 24, 2020

**MEMORANDUM**

**TO:** Lawrence Baxter, Senior Community Advisor, Marten Falls First Nation  
James McCutcheon, Project Manager, AECOM  
Sent via email to [info@martenfallsaccessroad.ca](mailto:info@martenfallsaccessroad.ca)

**FROM:** Agni Papageorgiou and Sasha McLeod  
Special Project Officers  
Environmental Assessment and Permissions Branch

**RE:** MECP Comments: Draft Terms of Reference for the Marten Falls Community  
Access Road Project  
EAIMS No. 18047

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Thank you for the opportunity to review Marten Falls First Nation's (the proponent) draft Terms of Reference (ToR) for the Marten Falls First Nation Community Access Road Project. The draft ToR was received by the Ministry of the Environment, Conservation and Parks Environmental Assessment Services Section (EASS) on November 29, 2019. EASS reviewed the draft ToR and is providing these pre-submission comments to assist the proponent in preparing a final ToR submission in accordance with the requirements of subsection 6.1(2) of the Ontario *Environmental Assessment Act* and the Code of Practice for Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario. Our comments are attached to this memo. Key comment areas include clarification on non-road alternatives, technical work plans, consultation during the ToR and consultation planning for the EA.

Members of the ministry's technical review team have also reviewed and provided comments which are also attached to this memo. Comments are provided from reviews on the following topics:

- Indigenous consultation
- Climate change-mitigation
- Surface water
- Groundwater
- Ontario Parks
- Air quality
- Wastewater
- Permitting requirements
- Pesticides
- Land use planning
- Species at Risk

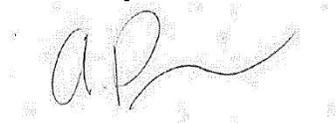
The ministry's noise, waste and climate change-adaptation reviewers did not have any comments at this time.

### **Next Steps**

As part of the formal submission of the final ToR, the ministry requests comment-response tables to the comments enclosed. In its responses, the proponent should indicate how each comment has been addressed in the ToR, along with a page reference to the revised document. This information will facilitate the ministry's review of the final ToR submission. Similarly, the ministry expects that all comments received by the proponent on the draft ToR from members of the broader government review team, Indigenous communities, and other interested persons will be documented in the Record of Consultation and addressed in the final ToR submission.

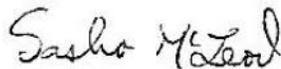
Thank you again for this opportunity to review the draft ToR. Please let us know if you have any questions about the enclosed comments.

Sincerely,



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Agni Papageorgiou  
Special Project Officer



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Sasha McLeod  
Special Project Officer

Attachment

## Environmental Assessment Services

**Agency: Environmental Assessment Services Section, Ministry of the Environment, Conservation and Parks**  
**Commenter Name and Job Title: Sasha McLeod and Agni Papageorgiou, Special Project Officers**

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
1.	Section 1 Page 1	<p><b>Minister Title</b>            The last paragraph states that the ToR will be submitted to the “Minister of MECP for review and approval”. The Minister’s correct title is the Minister of the Environment, Conservation and Parks.</p>	Please revise the Minister’s title and ensure that it is correct throughout the ToR and supporting documentation.
2.	Section 3.1 Page 5	<p><b>Class EA Requirements</b>            This section includes a preliminary list of Class EAs that may be required for the project. It states that where possible, the individual EA will be prepared to meet the Class EA requirements.</p> <p>To support efficiencies in the EA process, Class EA requirements should be identified as soon as possible so that the individual EA can be planned to meet those requirements.</p>	Recommend confirming Class EA requirements, where possible, before the submission of the final ToR. Please revise the ToR to clearly identify which Class EA requirements will be fulfilled through the individual EA. Discussion with Class EA holders is encouraged to determine and confirm requirements.
3.	Section 3.2 Page 5	<p><b>Update Federal EA Information</b>            This section indicates that a federal EA may be required. Now that IAAC has made its EA determination this section should be updated.</p>	Please update information related to the federal EA process.
4.	Section 4 Page 9	<p><b>Project Purpose</b>            Section 4 states that provincial interest is for one road to serve both community access and industrial supply needs. This statement is vague and leaves room for speculation and potential confusion.</p>	Please revise the purpose to specify the types of industrial activities (e.g., mining) that may use the road.

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
5.	<p>Sections 6.1 and 6.3 Pages 15-16</p> <p>Section 8 Page 54</p>	<p><b>Non-Road Alignment Alternatives</b> Section 5.2 lists and describes project components, including waterbody crossings, culverts, aggregate/borrow sites, temporary access roads and temporary work areas and camps. It is identified that project component areas will be revised based on design, studies and consultation.</p> <p>Sections 6 and 8, which outline the alternatives to be carried forward in the EA, only indicates that road alignment alternatives will be assessed. It is not clear if alternatives for the above project components will be considered. If so, this should be factored into the alternatives assessment methodology.</p>	<p>In sections 6 and 8 please list and describe all types of infrastructure that will be subject to an alternatives assessment and effects assessment in the EA.</p> <p>If a different methodology may apply to the assessment of non-road alternatives, this should be described in the ToR.</p>
6.	<p>Section 6.2 Page 16</p>	<p><b>Approach to Alternatives To</b> Section 6.2 states: “It is understood that the government would have considered the alternatives to the proposed Project when committing to provide funding for an all-season access road. To reach the decision of proceeding with a CAR, consideration of a range of alternatives to the CAR that are within MFFN’s ability would have been determined less preferable. Therefore, the alternatives to the undertaking have been previously identified before the study for this Project commenced under the EAA.”</p> <p>It is not clear where this understanding comes from.</p>	<p>Please confirm the statement with ENDM.</p>
7.	<p>Section 7.1 Page 19</p>	<p><b>Title of Section 7.1</b> The title of Section 7.1 is “Description of the Environment” and the intro paragraph explains that the</p>	<p>Please revise the title and intro text of section 7.1 to reflect that the section provides not only a preliminary description of the existing environment but also</p>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		<p>section provides a preliminary description of the existing environment.</p> <p>Section 7.1 also, importantly, describes the types of baseline studies that will be carried out during the EA, specifically throughout sections 7.1.3 and 7.1.4. For example, wildlife field surveys to be carried out are listed in the wildlife section. The title and intro text of section 7.1 should make this apparent.</p>	<p>describes the planned baseline work (both primary and secondary) for each environmental discipline.</p>
8.	Section 7.1.1 Page 19	<p><b>Study Areas</b> Section 7.1.1 identifies that the study area will be refined in the EA through the identification of discipline-specific local and regional study areas. If specific study areas are not included in the ToR, the ministry strongly encourages the proponent to consult on the scope of study areas at the beginning of the EA phase.</p>	<p>Please include the commitment to consult on the scope of the study areas during the EA.</p>
9.	Tables 7-1, Table 7-4 (pages 22 and 47) and Appendix A	<p><b>Consistent Environmental Disciplines and Criteria</b> The environmental disciplines and criteria listed in Tables 7-1, 7-4 and Appendix A do not match in certain cases. For example, Appendix A does not include SAR as a separate discipline, and Table 7-4 lists three Indigenous disciplines while Appendix A has five.</p>	<p>Please ensure Tables 7-1, 7-4 and Appendix A use consistent terminology and categorizations for the environmental disciplines and criteria. Ensure terminology is consistent throughout the ToR and appendices.</p>
10.	Section 7.1.3 Page 22	<p><b>Field Investigations Used in EA</b> The ToR states that the EA will document the results of field investigations that are available at the time of preparing the report. It is unclear if this implies that the EA may be finalized with incomplete information.</p> <p>The project team should ensure it is scheduling sufficient time in its project schedule to ensure that the EA</p>	<p>Please revise this statement to reflect that the EA will include complete information including the results of field investigations and any other studies that will be completed for the EA process.</p>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		includes complete information in order to adequately describe the existing environment, evaluate potential effects to the environment, identify mitigation measures and consult on the assessment.	
11.	Sections 7.1.4.1 and 7.2 Pages 24 and 48	<p><b>Climate Change in EA Guide</b> Section 7.1.4.1 indicates GHGs will be estimated and desktop information about carbon sinks will be compiled. Section 7.2 states a climate change risk assessment will be based on PIEVC and ISO principles.</p> <p>Ontario has a Guide for Consideration of Climate Change in EA, 2017, which should be used in the proponent's climate change-related assessment.</p>	Please add to these sections that the climate change guide will be used in the preparation of climate change-related assessments for the EA, including both climate change risk assessment and mitigation of climate change.
12.	Table 7-3 Pages 34-35	<p><b>Fort Albany and Kashechewan Information</b> The community profiles for Fort Albany and Kashechewan indicate that these two communities share a combined governance system with one Chief, one Deputy Chief and seven Councillors.</p> <p>Based on a search of the federal Aboriginal and Treaty Rights Information System website and the Chiefs of Ontario website, it appears that each community has its own Chief.</p>	Please confirm and update, if necessary, the governance information in the community profiles for Fort Albany and Kashechewan.
13.	Tables 7-3 and 10-1 Pages 37 and 64	<p><b>Weenusk Information</b> In Table 7-3 the community profile for Weenusk, it states that the community is affiliated with the Mushkegowuk Council. However Table 10-1 indicates Weenusk is an Independent Band. According to the Mushkegowuk Council website, it appears Weenusk is not affiliated.</p>	Please confirm and update, if necessary, the affiliation information in the community profile for Weenusk.

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
14.	Section 7.2 Page 47	<p><b>Cumulative Effects and Work Plan</b> Section 7.2 identifies that as part of the assessment, consideration will be given to confirming whether environmental effects of the undertaking could be combined with effects of other past, present, or reasonably foreseeable projects (cumulative effects). Further details are required for the ministry, other stakeholders and communities to confirm the scope of the assessment is appropriate.</p>	It is strongly recommended to include the commitment to prepare a technical work plan for the cumulative effects assessment, including identification of which other developments will be assessed, the study areas for the assessment, and the methodology for assessing effects.
15.	Section 7.2 Pages 48 and 49	<p><b>Assessment Methods</b> For the most part, section 7.2 provides a description of potential environmental effects for each discipline.</p> <p>However this section also includes assessment methodologies for some subsections (7.2.1 and 7.2.2 AERMOD modelling, quantitative noise assessment) while the majority do not (7.2.3 – 12). The level of detail in the ToR about assessment methods should be consistent for all environmental components.</p>	<p>It is strongly recommended to include commitments to develop work plans at the outset of the EA phase, including opportunities for technical review by agencies and others. The work plans should include assessment methodology appropriate for each environmental component.</p> <p>The ToR could include a high level summary table for each environmental discipline listing data collection and assessment methods, with a commitment to develop the work plans at the outset of the EA phase to provide more details.</p> <p>Consider where the information about air and noise modelling is best placed.</p>
16.	Section 8 Page 54	<p><b>Work Plans</b> Section 8 describes the approach that will be taken to evaluate alternative methods during the EA, including</p>	It is strongly recommended to include commitments to develop work plans at the outset of the EA phase, including

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		<p>proposed criteria and indicators (presented in Appendix A). The information presented is high level and does not provide an opportunity for technical review of the methodologies that will be applied to evaluate those specific criteria and indicators.</p>	<p>opportunities for technical review by agencies and others.</p>
17.	Section 8 Page 54	<p><b>Consultation on Assessment Methodology</b> MFFN acknowledges that the proposed methodology will be open to input during the draft ToR review, but also says a more detailed method will be presented in the EA. Page 47 indicates the effects assessment criteria will be developed during the EA.</p> <p>While it is appropriate to defer some detailed work planning to the EA phase, the ToR should include commitments for how technical reviewers, and other interested persons, will be consulted during the development of specific evaluation methodologies or technical work plans. It is strongly recommended that those opportunities for review occur prior to the completion of studies (e.g. prior to the submission of a draft or final EA document).</p> <p>It is not clear whether MFFN plans to consult on the more detailed methodology and criteria during the EA phase or if the ToR phase is the main opportunity to provide input.</p>	<p>Please indicate how consultation on the ToR has informed the preliminary criteria and indicators.</p> <p>Please clarify when MFFN will consult and provide opportunity for input on the detailed assessment method, including criteria and indicators (and work plans as MECP has proposed), with agencies, communities and stakeholders during the EA phase in order to finalize the methodologies before EA studies get advanced.</p>
18.	Section 8.2 Page 55	<p><b>Criteria</b> This section cites a 1983 report from Nova Scotia to describe what criteria are. For clarity, there should be reference to Ontario's Environmental Assessment Act</p>	<p>Please add a reference in section 8.2 that criteria are based on the definition of environment in the EAA.</p>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		(EAA), which defines the “environment” that needs to be studied in the EA. The Codes of Practice for Preparing and Reviewing EAs and ToRs, 2014, also note the connection between criteria and each component of the environment, as it is defined in the EAA.	
19.	Section 10 Page 60	<b>Consultation Date Range</b> Page 60 indicates that the consultation section of the ToR describes consultation conducted up to October 11, 2019. However elsewhere in the ToR and in the Record of Consultation (RoC), October 24, 2019 is used as the cut-off.	Please clarify the date range for consultation that is captured in the draft ToR (or ensure this is updated for the final ToR).
20.	Table 10-1 Page 64	<b>Asterisk for Shibogama</b> There is a double asterisk next to Shibogama Tribal Council in Table 10-1 but no associated footnote.	Please provide the associated footnote.
21.	Section 10.2.4 Page 73	<b>Technical Work Plans</b> Page 73 states that MECP has indicated it will not be commenting on work plans associated with field work until the ToR is finalized.  This statement does not reflect MECP’s guidance to the project team. MECP’s guidance, which is documented on page 69 of the RoC, is that the ToR is the mechanism to seek technical review of work plans and that discipline-specific work plans should be included with the ToR. As well, discussions that MECP has had with the project team to date are considered pre-consultation, since it is the ToR that sets out what work is to be done during the EA phase.	Please revise the statement on page 73 to state: “MFFN provided MECP and MNRF work plans associated with field work planned during 2019 for review, however MECP advised this is considered pre-consultation and that discipline-specific work plans should be appended to the ToR to allow full technical review.”  As the draft ToR did not include detailed discipline-specific work plans, the other option the ministry strongly recommends is to include commitments to develop work plans at the outset of the EA phase, including opportunities for technical review.

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
22.	Section 11.2 Page 75  Appendix B- page 8	<b>MOU</b> Page 75 states that the MOU will define roles and responsibilities in regard to the engagement of interested Indigenous communities. For clarity, this should refer to consultation and engagement of Indigenous communities since the MOU is in regard to potentially impacted and potentially interested communities.	Please revise statement on page 75 as follows: “This MOU will define the roles and responsibilities of both parties in regard to the <b>consultation and</b> engagement of <del>interested</del> Indigenous communities.”  Same comment for Appendix B page 8.
23.	Section 11.5 Page 77  Table 11-1 Page 78	<b>EA Milestones and Consultation</b> Consultation activities described in Table 11-1 should align with the consultation milestones on page 77. I.e. explain how rounds of meetings align with milestones.	Please explain how the rounds of meetings align with the EA milestones.
24.	Section 11.7 Page 80  Appendix B- page 20	<b>Record of Consultation for the EA</b> This section states the record of consultation for the EA will include notes on how questions and concerns were addressed. The ToR should indicate that these notes will specifically indicate where in the EA these questions and concerns get addressed, e.g. how was the EA revised or which section provides answers to the specific questions.  Ensuring to include this information will help to achieve one of the Guiding Principles for consultation listed on page 61 regarding demonstrating how feedback was considered and/or incorporated.	Please include a commitment that the record of consultation for the EA will specifically indicate where in the EA any questions or concerns are addressed, e.g. how the EA was revised, which section answers the questions.  Same comment for Appendix B-section 6 (page 20).
25.	Appendix A	<b>Criteria and Indicators</b> In the description of the assessment method in Section 8, it is stated that the environment, cost and constructability of the alternative routes will be considered and compared. However there are no cost or constructability-related criteria provided in Appendix A.	In Appendix A and elsewhere as required, please include the proposed cost/constructability/technical criteria planned to be used in the alternative route assessment.

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		The Plain Language Guide to the ToR includes six proposed technical criteria and the Alternatives Assessment Supporting Document includes two other constructability considerations.	
26.	Appendix B- Table 4-1, page 15	<p><b># of PICs</b> Table 4-1 of Appendix B states there will be 3 PICs in Thunder Bay and Greenstone. However page 14 of Appendix B indicates the 3 PICs will be in Thunder Bay, while Greenstone will be considered for additional PICs.</p>	<p>Please clarify the plan for PICs so that information between page 14 and Table 4-1 of Appendix B are consistent.</p> <p>Same comment for Table 11-1 on page 79 of the ToR.</p>
27.	Appendix B- Table 4-2, page 17	<p><b>Consultation Milestones</b> It is appreciated that many of the steps in the consultation milestones include a mechanism for the project team to share how feedback received to date has been incorporated into the EA process.</p> <p>These steps should also involve the Government Review Team, particularly in reviewing and providing input on alternative route impact assessment and evaluation criteria, identification of preferred route and review of draft EA. Involvement from the GRT at these stages is important to ensure the GRT can review information during the development of the EA, and that expectations and requirements from the government's EA and technical mandate perspectives are shared. This is also to help address issues early on while assessment work is still under development.</p>	Please include the Government Review Team in in Table 4-2 for the consultation milestones: alternative route impact assessment and evaluation criteria, identification of preferred route and review of draft EA.

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
28.	Alternatives Assessment Supporting Document Attachment 1 Page 4	<p><b>Public and Other Interested Stakeholders</b>  Section 2.2 indicates two presentations about the project were provided to stakeholders. It is unclear if any concerns or questions about the alternative routes were raised at these meetings.</p>	Please indicate in section 2.2 if any concerns or questions were raised by members of the public about the alternative routes.
29.	Record of Consultation Section 3.11 KI Page 32	<p><b>Caribou Assessment</b>  KI asked about mitigating impacts to a caribou route from KI territory to Marten Falls territory. Marten Falls' response is to study caribou and provide information on migration pathways and mitigation in the EA.</p> <p>It is not clear how this commitment is captured in the ToR. Section 7.1.4.9 (page 32) of the ToR states the need for and scope of additional caribou surveys is being determined in consultation with MECP and MNRF. While this is appropriate, the follow up action to address KI's issue should also be noted somewhere in the ToR, such as a commitments list.</p> <p>As per previous advice from MECP documented on PDF pages 652 and 653 of the RoC, the ToR and RoC need to specifically indicate how the ToR has addressed issues and comments raised during consultation.</p>	<p>Please capture this commitment from the RoC somewhere in the ToR, such as a commitments list and/or section 7.1.4.9 of the ToR.</p> <p>Please update the RoC to indicate which section of the ToR addresses the issue.</p>
30.	Record of Consultation Section 3.18 Webequie Page 44	<p><b>Baseline Water Data</b>  The RoC states that Webequie noted 'Mishkegowok water studies' that have been done for the region. Marten Falls' response was that this is something MFFN should look into as it would be a good source of data. However the ToR does not appear to include this data source.</p>	<p>Please consider how to capture this issue in the ToR. For example should these water studies be listed as a data source in Appendix A.</p> <p>Please update the RoC to indicate which</p>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		As per previous advice from MECP documented on PDF pages 652 and 653 of the RoC, the ToR and RoC need to specifically indicate how the ToR has addressed issues and comments raised during consultation.	section of the ToR addresses the issue.
31.	Record of Consultation Section 3.21 MNO Pages 48-49	<b>Greenstone Métis</b> The record for Greenstone Métis on pages 48-49 identify the key contact as Chief William Gordon. However the MNO website lists William Gordon as President.	Please confirm correct title for the Greenstone Métis Council leadership and update RoC as necessary.
32.	Record of Consultation Section A.3 Government Agencies	<b>Meeting Notes</b> There are several sets of meeting notes from meetings with MECP that are included in the appendices that MECP has not reviewed. MECP will need to review these, and request that in the future draft meeting notes are provided for MECP's review in advance of being included in the record.	Please ensure future draft meeting notes are provided to MECP for review.
33.	Record of Consultation PDF pages 274, 276	<b>Meeting Notes May 30, June 6, 2019</b> The list of MECP attendees should be updated for accuracy and completeness.	Please add Sasha McLeod to the list of MECP attendees at the May 30, 2019 and June 6, 2019 meetings. Please also correct the wrong spelling of McLeod in several instances.

## Indigenous Consultation

**Agency:** Client Service and Permissions Branch, Ministry of the Environment, Conservation and Parks

**Commenter Name and Job Title:** Peter Brown, Indigenous Consultation Advisor

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
1.	Overarching comment	<p>One of the main purposes of Indigenous consultation is to provide communities with opportunities to provide input into the EA process. This input could be in the form of questions, comments, concerns, requests, knowledge, etc., all of which may be considered “issues” for the purposes of documenting consultation. It is very important to clearly document all of the issues raised through consultation (that can be shared publicly) and how they have been or will be addressed through the EA (e.g., how input has informed or been considered in the ToR).</p> <p>All of the ‘raw’ input (meeting minutes, event summaries, letters, emails, etc.) received during the preparation of the ToR that can be shared publicly should be contained as part of the record of consultation, which is to be appended to the ToR. It is also helpful for the record of consultation to include summary logs for each community of all the issues raised, as well as indication of how issues have been or will be addressed. Summaries for each community of the consultation events/methods (who, what, when, where, next steps) are also helpful.</p>	<p>The proponent is asked to consider how to better document and summarize the information received through consultation in a comprehensive and clear way. Specific comments below will help illustrate this and provide some direction.</p>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		<p>This information should then be summarized in the main body of the ToR, either in each relevant section or in a stand-alone section that clearly shows key issues raised by each community and how they have informed or been considered in the ToR, with cross-references to sections in the document containing the relevant information. These essential details are generally present in the draft ToR, but it is difficult for the reader to follow how all of the input received/issues raised have been considered in the ToR.</p>	
2.	<p>Overarching comment (e.g., pages 37, 47, 52, 75)</p>	<p>It is the Ministry's preference that the term 'Aboriginal' be used in reference to Aboriginal and treaty rights as this is the term used and defined in the Constitution Act, 1982.</p>	<p>Please use the term 'Aboriginal' rather than 'Indigenous' in the context of Aboriginal and treaty rights throughout the ToR.</p>
3.	<p>Section 6.3.1, page 17</p>	<p>Good to see reference to 'feedback received during winter and spring 2019 consultations'</p>	<p>Please add cross-references in the document when feedback, input, etc. is referenced to where the relevant information can be found (e.g., in the record of consultation (Appendix X)).</p>
4.	<p>Section 7.1.2 and 7.1.3, page 22, Table 7-1; Section 7.1.4.11, page 38; Section 7.2, Table 7-4,</p>	<p>The Ministry considers Indigenous Knowledge to be a very important input to the EA process. It is the Ministry's expectation that Indigenous Knowledge shared with the proponent be used to inform all disciplines to which it may be relevant, and incorporated throughout the ToR (and EA) as applicable and to the extent possible.</p>	<p>Strongly recommend re-organizing how the environmental disciplines are structured to make it clear that Indigenous Knowledge is considered as an information source for all relevant disciplines, and to make all sections consistent. For example, using Appendix A as a basis, the environmental discipline could be 'Traditional (or Indigenous) Use of Land and Resources, and Aboriginal or Treaty Rights'. The criteria could</p>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
	pages 47-48. Section 7.2.10; Appendix A.	<p>Indigenous knowledge will be critical to the understanding of potential impacts on Indigenous and treaty rights, traditional use of land and resources, and cultural sites and practices, but may also provide important information to the assessment of effects on, e.g., vegetation, wildlife, fish and fish habitat, etc.</p> <p>Typically Indigenous Knowledge is considered an input or source of information for all disciplines, rather than characterized as a separate component of the environment.</p> <p>It would also help the reader if the components of the environment, disciplines, etc. are consistent throughout the ToR (e.g., Tables 7-1 and 7-4 and Appendix A do not match).</p>	<p>then be ‘harvesting’, ‘cultural/spiritual areas and sites’, ‘Indigenous landscapes’, ‘Reserve land’ and ‘land claims’. This discipline could fall under Socio-Economic and Built Environment or be its own component of the environment (e.g., Indigenous rights and interests).</p> <p>Please make it clear throughout these sections that Indigenous Knowledge will be used to inform all applicable disciplines.</p> <p>It also recommended that additional detail be added to Section 7.4.1.11 (page 39) about identifying and protecting confidential information (i.e., within the Indigenous Knowledge Sharing Agreements) so that the proponent can consider this information in the effects assessment, but not necessarily disclose specific confidential information to the Crown.</p>
5.	Section 7.1.4, pages 22-32	It is stated on page 22 that information for this section was partly sourced from ‘Indigenous Knowledge, where provided...’. However, it does not appear that any Indigenous Knowledge was incorporated into subsections 7.1.4.1 through 7.1.4.10.	Please remove the bullet that indicates that Indigenous Knowledge informed this description of the environment, or make sure to update this section with Indigenous knowledge, if any provided in time for the final ToR.
6.	Section 7.1.4.12, pages 39-44.	It is good to read that “The Socio-economic Assessment will integrate information from the Indigenous Knowledge... program...”. A similar statement could be added to each discipline.	Please clarify that sensitive information that is to remain confidential will be considered in the EA, but may not be disclosed to the Crown or otherwise be made public.

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		It is our expectation that the proponent will consider all information made available to it during the EA process, including Indigenous Knowledge. Sensitive information provided to a proponent by a community that is to remain confidential can be withheld from the Crown, but the proponent must still consider this information in its assessment.	Please also add a line to each discipline to the effect that Indigenous Knowledge will be integrated, as applicable.
7.	Section 7.2, page 47	In the brief discussion that precedes Table 7-4, it would be good to acknowledge that the effects assessment criteria to be developed during the EA will be informed by consultation.	Please reference that consultation will be used to help develop the assessment criteria during the EA.
8.	Section 7.1.4.10, page 32; Section 11.2, page 75; and Appendix B, Section 2.3, page 8	Please note that the Governments of Canada and Ontario have a duty to consult Indigenous communities.	Please add Ontario as having a duty to consult as well as Canada.
9.	Section 8.4, pages 57 and 58	It is great to see a commitment to incorporate Indigenous knowledge throughout the EA where appropriate. The description of existing or baseline conditions could be another “key project and EA milestone where available Indigenous Knowledge will be integrated and incorporated”	Please add the description of existing environmental conditions as a key project and EA milestone in which Indigenous Knowledge will be integrated, as appropriate.
10.	Section 10.2, page 63	It is important that the “list of issues received through consultation activities during preparation of the ToR” include all questions, comments,	Please make sure that the summary of issues raised during preparation of the ToR to be included in the final/proposed ToR includes all questions, comments and concerns raised and

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		concerns, etc. raised and how they have been or will be resolved or addressed.	how they have been or will be resolved or addressed (with cross-references to sections of the document wherever possible).
11.	Section 10.2.2, page 64	It is ok to reference the consultation reported in alternatives supporting document, but it is our expectation that supporting documents will be appended or attached to the ToR – the reference should then be a cross-reference to an appendix or attachment.	Please attach or append supporting documents to the ToR and revise the reference(s) (to the appendix rather than to an external document).
12.	Section 10.2.2, page 64; Section 11.2, page 75; and Appendix B, Section 2.3, page 8	If Mishkeegogamang First Nation has expressed interest in the project (or is likely interested), they must be consulted as per the Environmental Assessment Act.	Recommend simply indicating that Mishkeegogamang has expressed interest (or is likely interested) in the project and will therefore also be consulted accordingly.
13.	Section 10.2.2, page 65, 67	The complete record of consultation should be appended to the ToR.	Please make sure to include the complete record of consultation as an appendix to the final/proposed ToR.
14.	Section 10.2.2.1, Table 10-2, page 67	It is important for the reader to understand the issues (questions, comments, concerns) raised through consultation and how they have been or will be addressed/how they have informed the ToR.	Please add additional columns to the table (or an additional table) to identify issues raised and how they have been or will be resolved or addressed (i.e., how input has informed the ToR, with cross-references in the document to where the information/section in the document is).
15.	Section 10.2.2.1, page 68	Again a list of issues is presented without any linkages to how this input had informed the ToR. It is most helpful for the reader to see when the issues were raised and by whom, and to	Please add a summary table of issues raised by each community and how they have been or will be addressed/how the input has informed the

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		understand how the issue has been or will be resolved or addressed/how it has informed the ToR.	ToR (including cross-references to sections of the document, as applicable).
16.	Section 10.2.2.2, Table 10-3, page 69	<p>It is important for the reader to understand the key issues (questions, comments, concerns) raised through consultation by each community and how they have been or will be addressed/how they have informed the ToR.</p> <p>In comparing this table to the logs in the record of consultation, it does not appear that all key issues raised are summarized in this table. And some of the 'key comments or/or issues raised' identified in the table appear to be very specific.</p>	<p>Please add additional columns to the table (or an additional table(s)) to summarize key issues raised and how they have been or will be resolved or addressed (i.e., how input has informed the ToR or where it is addressed in the ToR, with cross-references in the document to information/section in the document).</p> <p>You are encouraged to consider how to better summarize all key issues raised and how they have been or will be addressed.</p>
17.	Section 11, page 74 and Appendix B, Section 1.4, page 4.	All documents referenced should be available to the public – to my knowledge the Draft Guidelines for Ministries on Consultation with Aboriginal Peoples related to Aboriginal Rights and Treaty Rights are not available to the public and may not be an appropriate reference.	Please remove reference to the Draft Guidelines for Ministries on Consultation with Aboriginal Peoples related to Aboriginal Rights and Treaty Rights.
18.	Section 11.5 and Appendix B	The Ministry encourages proponents to consider developing community-specific consultation plans, where appropriate.	Please consider developing community-specific consultation plans, particularly for communities that are likely to be most highly impacted.
19.	Appendix A, page 2	Indigenous Knowledge may be a data source for the Ungulates and Human Health disciplines.	Please add Indigenous Knowledge as a data source for Ungulates and Human Health.
20.	Appendix B, Section 1.2, page 3	The record of consultation for the final/proposed ToR should be appended to the ToR.	Please append the record of consultation to the final/proposed ToR.

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
21.	Appendix B, Section 3.1, page 10.	The list of communities provided by Ontario includes communities that should be consulted because they may be interested in the project <u>or</u> have or may have rights that could be impacted.	Please revise this section so that it is not implied that a community must be both interested <u>and</u> have rights affected to be consulted.
22.	Supporting Document – Draft Record of Consultation Report (Nov 2019), Section 1	When this becomes an appendix to the final/proposed ToR and EA, it is recommended that duplicative, unnecessary content (e.g., overview of the project) be removed to avoid inconsistencies/redundancies.	Suggest removing duplicative and unnecessary content from the record of consultation (e.g., overview of the project).
23.	Supporting Document – Draft Record of Consultation Report (Nov 2019), Section 3	It is great that the record of consultation with Indigenous communities is summarized by community, with the supporting details (meeting minutes, letters, emails, etc.) attached. It is a good idea to include a summary or overview of consultation in each section before the logs (and after the high-level info about the community), the most important information being key engagement methods/events (what, when, who), key issues raised and how they have been or will be addressed and next steps. It is confusing to have a ‘summary of consultation’, followed by issues raised, next steps and a ‘consultation overview’. A simple, well-organized summary or overview allows the reader to quickly understand how each community was involved and what their key issues were and how they are addressed.	<p>Recommend re-organizing the consultation summaries or overviews at the beginning of sections 3.1 through 3.22 to more simply present key engagement methods/events (what, when, who), key issues raised and how they have been or will be addressed and next steps.</p> <p>Please also make sure that all issues (questions, comments, concerns, requests, knowledge, etc.) are captured in the logs and that responses/status are indicated (e.g., follow-up actions or how input informed or was addressed in ToR).</p>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		<p>This could be carried over to the summaries in the main body of the ToR as well.</p> <p>The essential details to include in each log are generally present; however, it appears as though not all issues are captured in the logs. Issues are any question, comment, concern, request, knowledge, etc. that requires any follow-up, including consideration in the ToR.</p>	
Other minor/editorial comments			
24.	Section 2.1.1, page 3	Unclear what 'neighbourhood' Indigenous communities refers to.	Suggest using 'neighbouring' here. Later in the ToR these communities are identified as such.

**Agency: Climate Change Policy Branch, Ministry of the Environment, Conservation and Parks**  
**Commenter Name and Job Title: Patrick Fancott, Manager**

Page 24 of the ToR says the proponent will compare greenhouse gas (GHG) emissions to “provincial, national and industry profile emissions.” Suggest that the proponent should be comparing GHG emissions to the alternatives. The ToR says the project should reduce emissions from air travel – therefore suggest the proponent establish a baseline of emissions and show the expected change due to the project or the project alternatives.

Our position is that the proponent should be looking for ways to minimize GHG emissions – therefore the proponent should explore options to do so and demonstrate some evidence of that.

According to the Guide for Consideration of Climate Change in EA, the outcome of a climate change consideration is an undertaking or project that:

- Has taken into account alternative methods to reduce its greenhouse gas emissions and negative effects on carbon sinks; and,
- Is more resilient to future changes in climate and helps maintain the ecological integrity of the local environment through an assessment of present and future environmental effects in the face of a changing climate.

## Surface Water

**Agency: Ministry of the Environment, Conservation and Parks**

**Commenter Name and Job Title: Jacinth Gilliam-Price, Surface Water Specialist – Northern Region**

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
1.	<i>Draft Terms of Reference</i> (Nov. 2019), Subsection 5.2.2 Project Activities – Construction Phase, p. 13.	Subsection 5.2.2 Project Activities in the Draft Terms of Reference (TOR) mentions that construction activities such as dewatering and water use will occur; however, it does not specify or offer specifics regarding dewatering techniques that may be employed or other necessary water takings. Although these may not yet be known, possible dewatering approaches and water needs should be proposed. The type of Ministry of Environment, Conservation and Parks (MECP) permission(s) required for construction dewatering water takings are partly dependent on the dewatering approaches used. Some may qualify for an Environmental Activity Sector Registry (EASR) permissions, some are exempt from requiring a Permit to Take Water (PTTW) and some will require a PTTW. Water taking purposes generally seen for such projects include: constructions dewatering to maintain a dry work area (leakage, excavation dewatering, etc.), concrete making, dust suppression, ice roads, and ice bridges, etc.	Possible dewatering techniques that may be utilized during culvert installations and bridge construction, as well as other possible water needs (e.g. ancillary infrastructure construction dewatering, concrete making, dust suppression, ice roads, ice bridges, etc.) must be proposed in subsection 5.2.2 Project Activities, perhaps within the “Construction Phase” section.
2.	Subsection 5.2.2 Project Activities –	The project activity identified as “Discharges”, under subsection 5.2.2 does not identify domestic sewage from construction camps as a potential	Subsection 5.2.2 Project Activities – Discharges must take into consideration the potential for on-site domestic sewage discharges at construction

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
	Discharges, p. 14.	discharge. The TOR later suggests that sewage holding tanks may be utilized at construction camps and that Permits may be required from the Health Unit. However, consideration must to be given to other options for managing domestic sewage, such as on-site, temporary mobile domestic sewage units, or permanent treatment works. Camp worker numbers need to be appropriately estimated in order to confirm domestic sewage volumes and the most appropriate domestic sewage management and treatment options.	camps. Options should be based on characteristics of the domestic sewage, camp worker numbers, estimated volume of domestic sewage/day/person, etc. Options may include holding tanks as mentioned in Table13-1 Potential Permits and Approvals for the proposed Project of the TOR, temporary mobile domestic sewage units, or permanent treatment works. An Environmental Compliance Approvals (ECA) may be required for on-site discharge of domestic sewage.
3.	Subsection 7.1.3 Methods to Characterize the Environment during the Environmental Assessment, p. 22, Subsection 7.1.4.4 Surface Water, and Appendix A	<p>Neither subsection 7.1.3 nor subsection 7.1.4.4 refer to a complete list of published sources of information (additional baseline information) or reference TOR Appendix A, specifically the 'Potential Data Sources' list respecting Surface Water. The sections offer methods and resources proposed to be used to characterize the existing environment and review of available data and information but does not offer specifics.</p> <p>The following on-line resources may also be useful in the assessment of existing conditions respecting surface water and are recommended to be added to Appendix A, for additional baseline information from the MECP with respect to the Project:</p>	<p>Update either subsections 7.1.3 or 7.1.4.4 to make reference to Appendix A, specifically the 'Potential Data Sources' list respecting Surface Water, as resources proposed to be used to characterize the existing surface water environment.</p> <p>Include the following published sources of information in Appendix A as surface water-related resources to be used in characterizing the baseline surface water environment:</p> <ul style="list-style-type: none"> <li>• Ontario Lake Partner: <a href="https://www.ontario.ca/data/ontario-lake-partner">https://www.ontario.ca/data/ontario-lake-partner</a></li> <li>• Ontario Benthos Biomonitoring Network: <a href="https://www.ontario.ca/data/ontario-">https://www.ontario.ca/data/ontario-</a></li> </ul>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		<ul style="list-style-type: none"> <li>• Ontario Lake Partner: <a href="https://www.ontario.ca/data/ontario-lake-partner">https://www.ontario.ca/data/ontario-lake-partner</a></li> <li>• Ontario Benthos Biomonitoring Network: <a href="https://www.ontario.ca/data/ontario-benthos-biomonitoring-network">https://www.ontario.ca/data/ontario-benthos-biomonitoring-network</a></li> </ul>	<a href="#"><u>benthos-biomonitoring-network</u></a>
4.	Subsection 7.1.4.4 Surface Water, p. 28	<p>Additional representative baseline surface water quality data is required at water crossings along the road corridor. In addition to the in-situ parameters listed, turbidity must also be measured, and representative samples collected must be analyzed for alkalinity, total suspended solids, cations, anions, and total metals. These will provide appropriate baseline data from representative watercourses, for comparison with data collected during the project for assessment of impact.</p> <p>The ‘scaled approach’ to site selection appears appropriate; however, those rivers that may require more substantial water crossings, e.g. Albany, Ogoki, Dusey, Wabassi, Buffaloskin Rivers, and Gourlie Creek, etc. must be included in the list of surface water features requiring ground-based surface water field surveys, including water chemistry assessments.</p>	<p>Update subsection 7.1.4.4, Surface Water to include:</p> <p>Surface water samples must be collected from representative watercourse crossings along the proposed road corridor route to provide adequate baseline surface water quality. In addition to the in-situ water quality parameters to be measured, turbidity must be measured, and representative samples collected and analyzed for alkalinity, total suspended solids, cations, anions, total metals.</p> <p>Best available water quality guidelines should be used respecting the assessment of the surface water results. In most cases sample results are to be compared against Provincial Water Quality Objectives; however, the Canadian Council of Ministers of the Environment (CCME) Canadian Water Quality Guideline for the Protection of Aquatic Life may be more appropriate, specifically for suspended sediment and turbidity.</p>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
			<p>Regardless of the ‘scaled approach’ proposed to site selection, rivers that may require more substantial water crossings, requiring longer construction times e.g. Albany, Ogoki, Dusey, Wabassi, Buffaloskin Rivers, and Gourlie Creek, etc. must be included in the list of surface water features requiring ground-based surface water field surveys, including water chemistry assessments.</p>
5.	Subsection 7.2.4 Surface Water, p. 49	<p>Subsection 7.2.4 appropriately captures potential environmental effects respecting surface water; however, no mitigation measures have been proposed. Although mitigation measures and compliance and effects monitoring may not yet be known at this stage of the project, general measures to be taken to prevent/limit known potential impacts to the environment should be proposed. Mitigation measures are offered in the “Proposed Action/Solution” column.</p> <p>Mitigation measures need to be based on proven and recognized best management practices, standard protocols for stream crossings, land clearing and/or working near water with machinery that are well understood and have been applied to road construction projects throughout northern Ontario. Proposed Best Management Practices (BMPs), standard</p>	<p>Subsection 7.2.4 revised to include proposed mitigation measures to the identified environmental effect.</p> <p>Water takings for dewatering laydown yards, construction camps, aggregate extraction areas will be carried out in compliance with the conditions for registration on the Environmental Activity and Sector Registry (EASR) or a Permit to Take Water (PTTW) as applicable. Treatment and discharge of wastewater may be guided by an ECA.</p> <p>Excavated materials will not be stored or stockpiled in areas near the surface water feature to minimize the potential for sediment laden runoff. Similarly, the stockpiling of required aggregates (sand, gravel, rock, crushed rock) for the construction of the road bed, temporary access roads and ancillary work areas, and</p>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		<p>protocols and good practices are listed in the “Proposed Action/Solution” column.</p>	<p>construction and the installation of water body crossings must not be near surface water features for the same reason.</p> <p>Implement BMPs during the construction phase of the Project, ensuring the maintenance of appropriate riparian vegetation buffer strips along streams that intersect the road to attenuate runoff from the road, reduce sedimentation and erosion and provide shade cover thereby reducing stream temperature.</p> <p>Adhere to BMPs for road construction and operation and constructed in accordance with the following:</p> <ul style="list-style-type: none"> <li>• <i>Ministry of Natural Resources and Forestry’s (MNRF’s) Environmental Guidelines for Access Roads and Water Crossings (1995),</i></li> <li>• <i>Crown Land Bridge Management Guidelines (MNR 2008),</i></li> <li>• <i>Northern Land Use Guidelines – Access: Roads and Trails (INAC 2010), and</i></li> <li>• <i>Fish-Stream Crossing Guidebook (B.C. Ministry of Forests, Lands and Natural Resource Operations, B.C. Ministry of Environment and Fisheries and Oceans</i></li> </ul>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
			<p><i>Canada 2012).</i></p> <p>Construction dewatering and other water takings will be carried out in compliance with the conditions for registration on the Environmental Activity and Sector Registry (EASR) or a Permit to Take Water (PTTW) as applicable. Treatment and discharge of wastewater may be guided by an ECA.</p> <p>Adhere to the following Ontario Provincial Standard Specifications be included to the requirements related to road, bridge and ancillary area construction:</p> <ul style="list-style-type: none"> <li>• <i>Ontario Provincial Standard Specification (OPSS 805) – Construction Specifications for Temporary Erosion and Sediment Control Measures.</i></li> <li>• <i>Ontario Provincial Standard Specification (OPSS 182) – General specifications for Environmental Protection for Construction in Waterbodies and on Waterbody Banks.</i></li> <li>• <i>Ontario Provincial Standard Specification (OPSS 518) – Construction Specifications for Control of Water from Dewatering Operations.</i></li> </ul>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
			Adhere to Fisheries and Oceans Canada's (DFO's) <i>Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters (1998)</i> .
6.	Section 9. Commitments and Monitoring, p. 59	<p>Section 9 indicates that the Environmental Assessment (EA) will include developed environmental commitments and monitoring plans.</p> <p>Baseline surface water field surveys including water quality assessments have been proposed in subsection 7.1.4.4 of the TOR; however, specific detail regarding how assessments will be carried out, locations to be surveyed and sampled, etc. have not yet been confirmed. Consequently, a 'Draft Baseline Surface Water Assessment and Sampling Work Plan' will be required in addition to the surface water mitigation measures and compliance/effects monitoring plans.</p> <p>Subsection 7.2.4 of the TOR has identified the potential introduction of contaminants into surface water as a result of accidental releases but has not offered mitigation measures in responding to such incidents. A 'Spill Management Plan' and mitigation measures are required to be developed and implemented for the transportation, storage and handling of hazardous materials during construction and operations/maintenance. Hazardous materials may include but are not</p>	<p>Section 9 of the TOR must be updated to provide additional detail on the required surface water quality, streamflows and levels, (waterbody conditions, morphology, substrate, etc.) surface water field surveys and monitoring programs to be conducted during the EA. A 'Draft Baseline Surface Water Assessment and Sampling Work Plan' is required to be submitted to MECP for review prior to the EA. Additional detail regarding the required surface water field surveys and monitoring programs is provided above as comments respecting subsection 7.1.4.4 of the TOR.</p> <p>Section 9 of the TOR must confirm that a 'Spill Management Plan' will be developed as part of the EA. The Plan must include at a minimum, detail regarding the transportation, storage and handling of hazardous materials during construction and operations/maintenance of the project. Hazardous materials may include but are not limited to fuels and batteries for vehicle and equipment operation; oils, grease and liquid chemicals for vehicle and equipment maintenance; and explosives for blasting activities.</p>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		limited to fuels and batteries for vehicle and equipment operation; oils, grease and liquid chemicals for vehicle and equipment maintenance; and explosives for blasting activities.	
7.	Table 13-1: Potential Permits and Approvals for the proposed Project, Approval authority – MECP, p. 83.	<p>Dependent on the purpose of some water takings and water use, Environmental Compliance Approvals (ECA) will be needed for the treatment and discharge of wastewater generating.</p> <p>Information regarding ECA's can be found on the MECP website:</p> <ul style="list-style-type: none"> <li>• <a href="https://www.ontario.ca/page/environmental-compliance-approval">https://www.ontario.ca/page/environmental-compliance-approval</a>.</li> </ul> <p>MECP's <i>Guide to Applying for an Environmental Compliance Approval</i> can also be accessed online:</p> <ul style="list-style-type: none"> <li>• <a href="https://www.ontario.ca/document/guide-applying-environmental-compliance-approval-0">https://www.ontario.ca/document/guide-applying-environmental-compliance-approval-0</a>.</li> </ul> <p>Generally, if discharge water from construction dewatering activities requires treatment via some type of containment/settling feature such as filter bags, settling basins, ponds, etc., an ECA is required.</p>	<p>Revise Table 13-1: Potential Permits and Approvals for the proposed Project to include:</p> <p>An ECA may be required for the discharge and treatment of wastewater generated from some water takings.</p> <p>Information regarding ECA's can be found on the MECP website:</p> <ul style="list-style-type: none"> <li>• <a href="https://www.ontario.ca/page/environmental-compliance-approval">https://www.ontario.ca/page/environmental-compliance-approval</a>.</li> </ul> <p>MECP's <i>Guide to Applying for an Environmental Compliance Approval</i> can also be accessed online:</p> <ul style="list-style-type: none"> <li>• <a href="https://www.ontario.ca/document/guide-applying-environmental-compliance-approval-0">https://www.ontario.ca/document/guide-applying-environmental-compliance-approval-0</a>.</li> </ul>
8.	Table 13-1: Potential Permits and	The table identifies that an Environmental Activity Sector Registry (EASR) would be required for water takings between 50,000 to 400,000 L/day;	Revise Table 13-1: Potential Permits and Approvals for the proposed Project to include:

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
	<p>Approvals for the proposed Project, Approval authority – MECP, p. 83.</p>	<p>however, this is dependent upon the source and/or purpose of water taking.</p> <p>Further eligibility criteria are provided through the following link:</p> <ul style="list-style-type: none"> <li>• <a href="https://www.ontario.ca/page/water-taking-user-guide-environmental-activity-and-sector-registry">https://www.ontario.ca/page/water-taking-user-guide-environmental-activity-and-sector-registry</a>.</li> </ul> <p>Note – many road construction related water takings that qualify for an EASR include water takings for highway maintenance activities. EASRs may also be pursued for water takings related construction site dewatering associated with groundwater and stormwater dewatering from a building excavation. EASRs may apply where the construction dewatering is of groundwater and stormwater (not surface water).</p> <p>An exemption from requirements of a PTTW or EASR may apply under some circumstances where water is removed without the use of a pump. Such activities may include the use of cofferdams or existing structures to passively divert water away from work areas.</p> <p>The criteria outlined in O. Reg. 64/16 must be met:</p>	<p>Dependent upon meeting specific criteria (e.g. water source, purpose, etc.) of the Water Taking EASR Regulation – O. Reg. 63/16, some takings between 50,000 and 400,000 L/day may qualify for registry (EASR), while other takings may require a PTTW. *Retain the portion regarding takings over 400,000 L/day requiring a PTTW.</p> <p>Exemptions from requiring an EASR and/or PTTW may apply so long as the criteria outlined in O. Reg. 64/16 is met.</p> <p>Technical guidance document for surface water studies in support of category 3 applications:</p> <ul style="list-style-type: none"> <li>• <a href="https://www.ontario.ca/page/technical-guidance-document-surface-water-studies-support-category-3-applications">https://www.ontario.ca/page/technical-guidance-document-surface-water-studies-support-category-3-applications</a></li> </ul>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		<ul style="list-style-type: none"> <li>• <a href="https://www.ontario.ca/laws/regulation/R16064">https://www.ontario.ca/laws/regulation/R16064</a>.</li> </ul> <p>Where criteria for an EASR or exemption does not apply, a Permit to Take Water (PTTW) will be required for water takings greater than 50,000 L/day.</p> <p>Category 3 PTTW applications for surface water takings must follow MECP's guidelines: <i>Technical guidance document for surface water studies in support of category 3 applications</i>:</p> <ul style="list-style-type: none"> <li>• <a href="https://www.ontario.ca/page/technical-guidance-document-surface-water-studies-support-category-3-applications">https://www.ontario.ca/page/technical-guidance-document-surface-water-studies-support-category-3-applications</a></li> </ul>	

## Groundwater

**Agency:** Groundwater Unit, Technical Support Section, Northern Region, Drinking Water and Environmental Compliance Division, Ministry of the Environment, Conservation and Parks (MECP)

**Commenter Name and Job Title:** Shannon Heggie, Hydrogeologist

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
1.	<i>Draft Terms of Reference</i> (Nov. 2019), <b>Section 5.2 Description of the Proposed Undertaking; Subsection 5.2.2 Project Activities – Wastes</b> , p. 14.	In Subsection 5.2.2, a site was identified for domestic waste disposal generated by the project: "... immediately southwest of the intersection of Anaconda and Ogoki Road, approximately 11 km northwest of Aroland First Nation" (p. 14). MECP records indicate the proposed site is the MNRF Hanover Tower Road Waste Disposal Site (Certificate of Approval #A590005, issued Feb. 3, 1981), located ~25 km by road north-northwest of Aroland First Nation. The proponent must accurately identify the waste disposal site proposed for domestic waste in the Terms of Reference.	<b>Subsection 5.2.2 Project Activities – Wastes</b> in the <b>Terms of Reference</b> must accurately identify the proposed site for domestic waste disposal associated with the project (e.g. MNRF Hanover Tower Road Waste Disposal Site; Certificate of Approval #A590005, issued Feb. 3, 1981; located ~25 km by road north-northwest of Aroland First Nation). The proponent must provide a letter during the <b>Environmental Assessment (EA)</b> from the owner of the selected waste disposal site for the project, to verify its use and available capacity.
2.	<i>Draft Terms of Reference</i> (Nov. 2019), <b>Section 7.1 Description of the Environment; Table 7-1: Environmental Disciplines to be</b>	Table 7-1 includes a list of environmental disciplines that will be considered during the EA. 'Geochemistry' was not included in the list for the Natural (Physical and Biophysical Environment).  The consultant has committed to classification of bedrock quarry source materials, where "Samples of the bedrock will be obtained, and	<b>Table 7-1: Environmental Disciplines to be Considered during the Environmental Assessment</b> in the <b>Terms of Reference</b> must include 'Geochemistry' in the discipline list for the Natural (Physical and Biophysical Environment).  Baseline geochemistry investigations must be completed during the <b>EA</b> , with results and

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
	<p><b>Considered during the Environmental Assessment</b>, p. 22.</p>	<p>photographs of the feature will be taken in an effort to assess the suitability for quarry development.” (p. 26).</p> <p>Considering the extent of wetland areas and number of water crossings associated with the project, additional baseline data is required on the geochemistry of aggregate rock source (i.e. quarry) materials/blasted rockfill. Acid Rock Drainage and Metal Leaching (ARD/ML) from potential aggregate rock source materials must be determined prior to quarry selection and development along the proposed route, and prior to use in construction. ARD/ML sample analysis must be completed during the EA, and a commitment must be made in the Terms of Reference for inclusion of the ‘Geochemistry’ discipline in Table 7-1.</p>	<p>interpretation provided in the <b>EA</b> and applicable <b>MECP Permit To Take Water (PTTW)</b> and <b>Environmental Compliance Approval (ECA)</b> applications. These geochemistry investigations must include Acid Rock Drainage and Metal Leaching (ARD/ML) testing of representative samples from proposed aggregate rock source (i.e. quarry) material locations. The sample selection, collection, analytical testing and interpretation of results should be undertaken according to the following international guidelines:</p> <ul style="list-style-type: none"> <li>• <i>Prediction Manual for Drainage Chemistry from Sulphidic Geologic Materials</i>, MEND (Mine Environment Neutral Drainage Program) Report 1.20.1, December 2009 [<a href="http://mend-nedem.org/wp-content/uploads/1.20.1_PredictionManual.pdf">http://mend-nedem.org/wp-content/uploads/1.20.1_PredictionManual.pdf</a>]</li> <li>• <i>Global Acid Rock Drainage Guide</i>, 2009. The International Network for Acid Prevention [<a href="http://www.gardguide.com/images/5/5f/TheGlobalAcidRockDrainageGuide.pdf">http://www.gardguide.com/images/5/5f/TheGlobalAcidRockDrainageGuide.pdf</a>]</li> <li>• Price, W.A. and Errington, J.C., 1998. <i>Guidelines for Metal Leaching and Acid</i></li> </ul>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
			<p><i>Rock Drainage at Minesites in British Columbia</i>, British Columbia Ministry of Energy and Mines, August 1998  <a href="https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/permitting/ml-ard_guidelines.pdf">[https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/permitting/ml-ard_guidelines.pdf]</a></p>
3.	<p><i>Draft Terms of Reference</i> (Nov. 2019), <b>Section 7.1 Description of the Environment; Section 7.1.4.3 Physiography, Geology, Terrain and Soils</b>, p. 25-26.</p>	<p>Subsection 7.1.4.3 provides an overview of soils and overburden stratigraphy along the proposed road corridor route.</p> <p>It is noted that the central portion of the proposed route follows the general path of a series of mining claims by Canada Chrome Corporation, that include extensive (~400 m spacing) overburden exploration boreholes drilled in 2010 (refer to the Ontario Assessment File Database, #20000007482, Ministry of Energy, Northern Development and Mines). The proponent is encouraged to access the associated borehole logs and geotechnical studies to provide additional baseline information on soil stratigraphy for the EA and supporting documents for MECP PTTW and ECA applications  <a href="http://www.geologyontario.mndm.gov.on.ca/mndmfiles/afri/data/records/20000007482.html">[http://www.geologyontario.mndm.gov.on.ca/mndmfiles/afri/data/records/20000007482.html]</a>.</p>	<p>Additional baseline data for soil stratigraphy in support of the <b>EA</b> and applicable MECP <b>PTTW</b> and <b>ECA</b> applications may be obtained from Ontario Assessment File #20000007482, Ministry of Energy, Northern Development and Mines  <a href="http://www.geologyontario.mndm.gov.on.ca/mndmfiles/afri/data/records/20000007482.html">[http://www.geologyontario.mndm.gov.on.ca/mndmfiles/afri/data/records/20000007482.html]</a>.</p>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
4.	<p><i>Draft Terms of Reference</i> (Nov. 2019), <b>Section 7.1 Description of the Environment; Subsection 7.1.4.3 Physiography, Geology, Terrain and Soils</b>, p. 25-26; and <b>Figure 7-2: Potential Aggregate Sources</b>, p. 27.</p>	<p>Figure 7-2 displays existing and potential aggregate source material locations adjacent to the proposed road corridor routes; but does not indicate the source type: bedrock (quarry) versus overburden/till (borrow pit), or if the currently identified aggregate resources are sufficient for completion of the project.</p>	<p><b>Subsection 7.1.4.3 Physiography, Geology, Terrain and Soils</b> of the <b>Terms of Reference</b> must indicate if the currently identified aggregate resources shown in <b>Figure 7-2 Potential Aggregate Sources</b> are sufficient for construction purposes, and to what extent other aggregate resources will need to be identified.</p> <p>The <b>EA</b> must include maps showing proposed locations and scale of aggregate resources required for the project, with pit (i.e. glacial till) and quarry (i.e. bedrock) sources differentiated. The <b>EA</b> must indicate the volume/extent of additional aggregate resources that may be required to complete the project.</p>
5.	<p><i>Draft Terms of Reference</i> (Nov. 2019), <b>Section 7.1 Description of the Environment; Subsection 7.1.4.5 Groundwater</b>, p. 28-29.</p>	<p>Subsection 7.1.4.5 states that the Marten Falls First Nation community relies on groundwater for domestic and public water supplies. Registered and unregistered groundwater supply wells were <u>not</u> identified on any maps within the Nov. 2019 <i>Draft Terms of Reference</i>.</p> <p>The proponent must provide more detailed information on the well locations and depths (including borehole logs, if available), with maps displaying the location of domestic and public water wells in the Marten Falls First</p>	<p><b>Subsection 7.1.4.5 Groundwater</b> of the <b>Terms of Reference</b> must describe and identify on a map, the registered domestic and public groundwater supply wells within the Marten Falls First Nation community and surrounding inhabited areas. Registered wells and water well records can be found at the following website [<a href="https://www.ontario.ca/environment-and-energy/map-well-records">https://www.ontario.ca/environment-and-energy/map-well-records</a>].</p> <p>The <b>EA</b> must include the results of a door-to-door water well survey for inhabited areas</p>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		<p>Nation community and surrounding inhabited areas within 2 km of the proposed road corridor/aggregate pits and quarries/work camps. Radius of influence calculations for groundwater takings associated with the project should be completed to determine risk to local well water supplies.</p>	<p>within 2 km of the proposed road corridor/aggregate pits and quarries/work camps, to identify <u>un</u>registered water supply wells and to verify the locations of registered wells. Dewatering radius of influence (ROI) calculations must be included in the <b>EA</b> for any planned groundwater takings associated with the project.</p> <p>Additional baseline groundwater level and groundwater quality measurements will be required for MECP <b>PTTW and ECA</b> applications, where registered and/or unregistered water supply wells may be affected by blasting, water taking or discharge activities associated with the project.</p>
6.	<p><i>Draft Terms of Reference</i> (Nov. 2019), <b>Section 7.1 Description of the Environment; Subsection 7.1.4.5 Groundwater</b>, p. 28-29.</p>	<p>Subsection 7.1.4.5 states that baseline groundwater elevation measurements will be recorded during the geotechnical drilling program, and signs of groundwater upwelling will be recorded if encountered during the surface water field program.</p> <p>Additional baseline groundwater quality and quantity monitoring field programs are required to evaluate groundwater impacts associated with the project.</p>	<p><b>Subsection 7.1.4.5 Groundwater</b> of the <b>Terms of Reference</b> must provide additional detail on the required baseline groundwater quality and quantity monitoring field programs that will be undertaken during the <b>EA</b>.</p> <p>Specifically, groundwater quality samples and groundwater elevation measurements must be collected from representative areas along the proposed road corridor route, and at proposed aggregate source locations and construction camps. Baseline groundwater flow measurements will also be required for</p>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
			<p>proposed aggregate source locations. The identification of representative areas must consider: terrestrial terrain, local hydrogeology, bedrock and overburden geology and geochemistry. Level loggers in monitoring wells are recommended to record seasonal groundwater elevation fluctuations, if wells are deep enough to prevent freezing.</p>
7.	<p><i>Draft Terms of Reference</i> (Nov. 2019), <b>Section 7.2 Potential Environmental Effects; Subsection 7.2.5 Groundwater</b>, p. 50.</p>	<p>Subsection 7.2.5 provides an overview of potential effects on groundwater resources associated with the project.</p> <p>This section must include potential groundwater quality effects associated with use of quarried aggregate rock source materials that have acid rock drainage and/or metal leaching (ARD/ML) potential.</p> <p>This section must also include potential groundwater quality effects from construction camp sewage systems.</p>	<p><b>Subsection 7.1.4.5 Groundwater</b> of the <b>Terms of Reference</b> must be edited to include the following effects:</p> <ul style="list-style-type: none"> <li>• Use of quarried aggregate rock source materials during construction has the potential to result in groundwater and surface water quality effects from acid rock drainage and/or metal leaching (ARD/ML).</li> <li>• Groundwater quality may be affected by discharge from construction camp sewage systems.</li> </ul>
8.	<p><i>Draft Terms of Reference</i> (Nov. 2019), <b>Section 9 Commitments and Monitoring</b>, p. 59.</p>	<p>In Section 9, the proponent indicated that environmental commitments and monitoring plans will be developed and included in the EA. Based on the absence of baseline groundwater quality and quantity monitoring information and the potential environmental risks associated</p>	<p><b>Section 9 Commitments and Monitoring</b> of the <b>Terms of Reference</b> must provide additional detail on the required baseline groundwater quality and quantity monitoring programs that will be undertaken during the <b>EA</b>. Submission of a <i>Draft Baseline</i></p>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		<p>with quarry material geochemistry, the following plans will be required in addition to the groundwater impact management/mitigation measures and compliance/effects monitoring plans:</p> <ul style="list-style-type: none"> <li>• Draft Baseline Groundwater Work Plan (description of baseline groundwater quality and quantity field programs); and</li> <li>• Aggregate Material Geochemical Management Plan (testing, results interpretation, storage, handling, and mitigation measures for materials that are likely to result in acid rock drainage and/or metal leaching [ARD/ML]).</li> </ul>	<p><i>Groundwater Work Plan</i> is required <b>prior to the EA</b>, with review by a Ministry of the Environment, Conservation and Parks (MECP) Northern Region Technical Support Hydrogeologist. The baseline groundwater monitoring program must include the collection of groundwater quality samples and groundwater elevation measurements from representative areas along the proposed road corridor route, and at proposed aggregate source locations and construction camps. Baseline groundwater flow measurements will also be required for proposed aggregate source locations. The identification of representative areas must consider: terrestrial terrain, local hydrogeology, bedrock and overburden geology and geochemistry. Level loggers in monitoring wells are recommended to record seasonal groundwater elevation fluctuations, if wells are deep enough to prevent freezing.</p> <p>An <i>Aggregate Material Geochemical Management Plan</i> must be included in the <b>EA</b>. This plan must include details on testing procedures, results interpretation, storage, handling, and mitigation measures for quarry/blasted rockfill materials that are likely to result in acid rock drainage and/or metal leaching (ARD/ML). The sample selection,</p>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
			<p>collection, analytical testing and interpretation of results should be undertaken according to the following international guidelines:</p> <ul style="list-style-type: none"> <li>• <i>Prediction Manual for Drainage Chemistry from Sulphidic Geologic Materials</i>, MEND (Mine Environment Neutral Drainage Program) Report 1.20.1, December 2009 [<a href="http://mend-nedem.org/wp-content/uploads/1.20.1_PredictionManual.pdf">http://mend-nedem.org/wp-content/uploads/1.20.1_PredictionManual.pdf</a>]</li> <li>• <i>Global Acid Rock Drainage Guide</i>, 2009. The International Network for Acid Prevention [<a href="http://www.gardguide.com/images/5/5f/TheGlobalAcidRockDrainageGuide.pdf">http://www.gardguide.com/images/5/5f/TheGlobalAcidRockDrainageGuide.pdf</a>]</li> <li>• Price, W.A. and Errington, J.C., 1998. <i>Guidelines for Metal Leaching and Acid Rock Drainage at Minesites in British Columbia</i>, British Columbia Ministry of Energy and Mines, August 1998 [<a href="https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/permitting/ml-ard_guidelines.pdf">https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/permitting/ml-ard_guidelines.pdf</a>]</li> </ul>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
9.	<i>Draft Terms of Reference</i> (Nov. 2019), <b>Section 13 Other Permits and Approvals; Table 13-1: Potential Permits and Approvals for the proposed Project</b> , p. 83.	Table 13-1 provides a list of potential permits and approvals required for the project. Water well installation will be required for construction camp water supply and groundwater monitoring activities in accordance with Ontario Regulation 903 under the <i>Ontario Water Resources Act</i> (1990).	Revise <b>Table 13-1: Potential Permits and Approvals for the proposed Project</b> of the <b>Terms of Reference</b> to include:  Well drilling for water supply and groundwater monitoring in accordance with O. Reg. 903 under the <i>Ontario Water Resources Act</i> (1990).
10.	<i>Draft Terms of Reference</i> (Nov. 2019), <b>Section 13 Other Permits and Approvals; Table 13-1: Potential Permits and Approvals for the proposed Project</b> , p. 83.	Table 13-1 provides a list of potential permits and approvals required for the project. Environmental Compliance Approval (ECA) may be required for discharge associated with Category 1, 2 and 3 Permits To Take Water (PTTW) and discharge associated with Environmental Activity and Sector Registration (EASR) for construction site dewatering.	Revise <b>Table 13-1: Potential Permits and Approvals for the proposed Project</b> of the <b>Terms of Reference</b> to include:  Environmental Compliance Approval (ECA) under Environmental Protection Act (1990) and Ontario Water Resources Act (1990) may be required for discharge associated with Category 1, 2 and 3 Permits To Take Water (PTTW), and discharge associated with Environmental Activity and Sector Registration (EASR) for construction site dewatering.
11.	<i>Draft Terms of Reference</i> (Nov. 2019), <b>Section 13 Other Permits and Approvals;</b>	Table 13-1 provides a list of potential permits and approvals required for the project. Aggregate source locations are not defined for the project. Pits and quarries are not eligible for Environmental Activity and Sector	Revise <b>Table 13-1: Potential Permits and Approvals for the proposed Project</b> of the <b>Terms of Reference</b> to state:

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
	<p><b>Table 13-1: Potential Permits and Approvals for the proposed Project</b>, p. 83.</p>	<p>Registration (EASR), and Permits To Take Water (PTTW) will be required.</p> <p>The EASR for Water Taking for Construction Site Dewatering, states: “construction site” does not include a site at which any work or undertaking occurs that is associated with mine development, pits or quarries (O. Reg. 63/16: REGISTRATIONS UNDER PART II.2 OF THE ACT – WATER TAKING under Environmental Protection Act, R.S.O. 1990, c. E.19, <a href="https://www.ontario.ca/laws/regulation/160063">https://www.ontario.ca/laws/regulation/160063</a>)</p>	<p>Further consultation is required with the Ministry of the Environment, Conservation and Parks (MECP) regarding Permit To Take Water (PTTW) requirements and the applicability of Environmental Activity and Sector Registration (EASR) for aggregate extraction operations associated with the Project.</p>
12.	<p><i>Draft Terms of Reference</i> (Nov. 2019), <b>Section 13 Other Permits and Approvals; Table 13-1: Potential Permits and Approvals for the proposed Project</b>, p. 83.</p>	<p>Table 13-1 provides a list of potential permits and approvals required for the project. Environmental Compliance Approval (ECA) will be required for aggregate wash water systems with capacity greater than 10,000 L/day.</p> <p>Aggregate wash water systems contain “sewage”, as it is waste from an industrial process, and as such is “industrial waste” as defined in the <i>Environmental Protection Act</i> and <i>Ontario Water Resources Act</i>.</p> <p>Aggregate wash water systems are classified as “sewage works”, as defined in the <i>Ontario Water Resources Act</i>.</p>	<p>Revise <b>Table 13-1: Potential Permits and Approvals for the proposed Project</b> of the <b>Terms of Reference</b> to include:</p> <p>Environmental Compliance Approval (ECA) under <i>Environmental Protection Act</i> (1990) and <i>Ontario Water Resources Act</i> (1990) will be required for aggregate wash water systems with capacity greater than 10,000 litres per day.</p>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		Aggregate wash water systems are not exempted by any provision of the <i>Ontario Water Resources Act</i> or the approval exemption regulation (O. Reg. 525/98).	
13.	<i>Draft Terms of Reference</i> (Nov. 2019), <b>Section 13 Other Permits and Approvals; Table 13-1: Potential Permits and Approvals for the proposed Project</b> , p. 83.	Table 13-1 provides a list of potential permits and approvals required for the project. Category 3 Permit To Take Water (PTTW) applications must follow the guidelines in the following document:  <i>Technical guidance document for hydrogeological studies in support of category 3 applications</i> [ <a href="https://www.ontario.ca/page/technical-guidance-document-hydrogeological-studies-support-category-3-applications">https://www.ontario.ca/page/technical-guidance-document-hydrogeological-studies-support-category-3-applications</a> ] Accessed on January 7, 2020.	Revise <b>Table 13-1: Potential Permits and Approvals for the proposed Project</b> of the <b>Terms of Reference</b> to reference the following guideline for Category 3 PTTW applications:  <i>Technical guidance document for hydrogeological studies in support of category 3 applications</i> [ <a href="https://www.ontario.ca/page/technical-guidance-document-hydrogeological-studies-support-category-3-applications">https://www.ontario.ca/page/technical-guidance-document-hydrogeological-studies-support-category-3-applications</a> ] Accessed on January 7, 2020.
14.	<i>Draft Terms of Reference</i> (Nov. 2019), <b>Appendix A – Draft Criteria &amp; Indicators for Alternatives Evaluation</b> , p. A-1.	In Appendix A, it is recommended that the following Ontario government data source is used for additional baseline Ground Water and Surface Water information from the Ministry of the Environment, Conservation and Parks with respect to the project:  Data Catalogue [ <a href="https://www.ontario.ca/search/data-catalogue?publisher=%5B%22Environment,%20Conservation%20and%20Parks%22%5D&amp;sort=asc&amp;status=%5B%2230%22%5D">https://www.ontario.ca/search/data-catalogue?publisher=%5B%22Environment,%20Conservation%20and%20Parks%22%5D&amp;sort=asc&amp;status=%5B%2230%22%5D</a> ]	Include the following source of information in <b>Appendix A – Draft Criteria &amp; Indicators for Alternatives Evaluation</b> of the <b>Terms of Reference</b> :  Ministry of the Environment, Conservation and Parks – Data Catalogue [ <a href="https://www.ontario.ca/search/data-catalogue?publisher=%5B%22Environment,%20Conservation%20and%20Parks%22%5D&amp;sort=asc&amp;status=%5B%2230%22%5D">https://www.ontario.ca/search/data-catalogue?publisher=%5B%22Environment,%20Conservation%20and%20Parks%22%5D&amp;sort=asc&amp;status=%5B%2230%22%5D</a> ]

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		0Conservation%20and%20Parks%22%5D&sort=asc&status=%5B%2230%22%5D]	
15.	<i>Draft Terms of Reference</i> (Nov. 2019), <b>Appendix A – Draft Criteria &amp; Indicators for Alternatives Evaluation</b> , p. A-1.	<p>In Appendix A, it is recommended that the following data source is used for additional baseline soil and overburden stratigraphy data along the proposed road corridor route:</p> <p>Ontario Assessment File Database, #20000007482, Ministry of Energy, Northern Development and Mines, [<a href="http://www.geologyontario.mndm.gov.on.ca/mndmfiles/afri/data/records/20000007482.html">http://www.geologyontario.mndm.gov.on.ca/mndmfiles/afri/data/records/20000007482.html</a>].</p>	<p>Include the following source of information in <b>Appendix A – Draft Criteria &amp; Indicators for Alternatives Evaluation</b> of the <b>Terms of Reference</b>:</p> <p>Ontario Assessment File Database, #20000007482, Ministry of Energy, Northern Development and Mines, [<a href="http://www.geologyontario.mndm.gov.on.ca/mndmfiles/afri/data/records/20000007482.html">http://www.geologyontario.mndm.gov.on.ca/mndmfiles/afri/data/records/20000007482.html</a>].</p>

**Ontario Parks**

**Agency: Ontario Parks, Ministry of the Environment, Conservation and Parks**

**Commenter Name and Job Title: Kevin Leveque, Manager – Northwest Zone Ontario Parks**

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
1.	Page 83, Table 13-1	Work Permits within Provincial Parks (PP) and/or Conservation Reserves (CR) (provincially protected areas) are required under the Provincial Parks and Conservation Reserves Act, Section 22. Provincial protected areas are managed by Ontario Parks as part of MECP	Include this requirement for when the proposed road and associated structures (bridges, culverts or other) or clearing, is planned within a PP or CR. Please add this to the MECP section under the Approval Authority column of the table
2.	Page 83, Table 13-1	Occupational Authority (OA) within Provincial Parks and/or Conservation Reserves (provincially protected areas) are required under the Provincial Parks and Conservation Reserves Act, Provincially protected areas are managed by Ontario Parks as part of MECP	Include this requirement for when the proposed road and associated structures (bridges, culverts or other), are planned within a PP or CR. Please add this to the MECP section under the Approval Authority column of the table
3.	Section 7.1.4.9 Page 32	Lake Sturgeon (Southern Hudson Bay-James Bay population) has been recorded to occur within Ogoki River Provincial Park waterways, captured within projected project area (Alternative 4).	The population within Ogoki River is valuable to note for information purposes as well as considered under PPCRA requirements as it pertains to the protection of ecological integrity in protected areas.
4.	Table 13-1 Page 83	Research authorization to conduct surveys within Provincial Parks sits with Ontario Parks in MECP, not MNRF as currently listed.	Please adjust the required authorizations to fall under MECP jurisdiction.

**Agency: Technical Support, Northern Region, Ministry of the Environment, Conservation and Parks**  
**Commenter Name and Job Title: Guowang Qiu, Air Quality Analyst**

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
1.	Section 7.1.4.1	The Draft ToR indicates that a one-year air quality monitoring program is planned to measure concentrations of nitrogen oxides, particulate matter (e.g, PM <sub>2.5</sub> , PM <sub>10</sub> , total suspended particulate), carbon monoxide, sulphur dioxide, benzene, toluene, ethylbenzene, and xylene, which will be used to establish baseline air quality for the project. It is recommended that the proponent consult the ministry as early as possible to ensure that the proposed ambient air monitoring program will meet requirements as specified in the Operations Manual for Air Quality Monitoring in Ontario (2018 revised version).	Section 7.1.4.1 should include a discussion on how the planned air quality monitoring program will meet the requirements of the Operations Manual for Air Quality Monitoring in Ontario to ensure the collection of accurate air monitoring data.
2.	Section 7.2.1	The Draft ToR states that “The 90 <sup>th</sup> percentile of background concentrations will be combined with modelling concentrations and compared against the standards under Ontario Regulation 419/05 (O.Reg.419/05)”. It should be noted that Ontario’s Ambient Air Quality Criteria (AAQCs) are for assessment purposes, while standards under O. Reg. 419/05 are for compliance, although AAQCs and standards are the same for most contaminants. Canadian Ambient Air Quality Standards (CAAQS), and National Ambient Air Quality Objectives (NAAQO) may also be used	The following change is recommended for the last sentence of the Section 7.2.1: The 90 <sup>th</sup> percentile of background concentrations will be combined with modelling concentrations and compared against the applicable criteria, objectives and standards.

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		for assessment if there are no AAQCs, or CAAQS and/or NAAQO have more stringent standards/objectives compared to AAQCs for some contaminants.	
3.	Appendix A	Ambient Air Quality Criteria should be added into the Appendix A – Draft Criteria & Indicators for Alternatives Evaluation as one of the Potential Data Sources.	Please add Ontario’s Ambient Air Quality Criteria into the Appendix A as one of the Potential Data Sources for Atmospheric Environment.

## Wastewater

**Agency: EAPB, Ministry of the Environment, Conservation and Parks**  
**Commenter Name and Job Title: Hitesh Vaja, P.Eng., Senior Wastewater Engineer**

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
1.	<i>Draft Terms of Reference</i> (Nov. 2019), <b>Section 13 Other Permits and Approvals; Table 13-1: Potential Permits and Approvals for the proposed Project</b> , p.83.	<p>Table 13-1 provides a list of potential permits and approvals required for the project. Environmental Compliance Approval (ECA) will be required for aggregate wash water systems with capacity greater than 10,000 L/day.</p> <p>Aggregate wash water systems are classified as “sewage works”, as defined in the <i>Ontario Water Resources Act</i>.</p>	<p>Revise <b>Table 13-1: Potential Permits and Approvals for the proposed Project</b> of the <b>Terms of Reference</b> to include:</p> <p>Environmental Compliance Approval (ECA) under <i>Environmental Protection Act</i> (1990) and <i>Ontario Water Resources Act</i> (1990) will be required for aggregate wash water systems with capacity greater than 10,000 litres per day.</p>
2.	<i>Draft Terms of Reference</i> (Nov. 2019), <b>Section 13 Other Permits and Approvals; Table 13-1: Potential</b>	<p>Table 13-1 provides a list of potential permits and approvals required for the project.</p> <p>Management and/or disposal of wastewater and sewage, including hazardous and nonhazardous waste, generated at camp sites:</p> <ul style="list-style-type: none"> <li>● On-site sewage works at the workers camp sites, even if temporary in use during the</li> </ul>	<p>Relevant approvals under s53 Ontario Water Resources Act be sought for the sewage works proposed prior to the establishment or construction of such works.</p>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
	<p><b>Permits and Approvals for the proposed Project,</b> p.83.</p>	<p>construction period, require approval under s53 OWRA if the rated capacity of the works is over 10,000 L/d.</p> <ul style="list-style-type: none"> <li>• Stormwater management facilities will require approval under s53 OWRA.</li> </ul>	

**Permitting Requirements**

**Agency: Thunder Bay District Office, Ministry of the Environment, Conservation and Parks**  
**Commenter Name and Job Title: Mike Landers, Senior Environmental Officer**

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
1.	5.2.2 Project Activities  Construction:  Operation Phase:  Emissions:  Discharges:  Waste:  Spills, sediment ect. Pgs13,14  Handling and disposal of waste oil, lubricants and other fluid products from the	<p>Particulate (dust) while construction of aggregate pits, road, landings, and camp location (if used) affecting natural environment and human health</p> <p>Human controlled sediment into waterway may cause impairment to the natural environment.</p> <p>Spills of hydro carbon, oils and other contaminants require mitigation and clean up.</p> <p>All of the above is classified as a spill to the natural environment. Instances of spills to the natural environment is to be reported to the Spills Action Center (18002686060), forthwith. Clean up maybe required.</p> <p>Waste is regulated in the EPA and Regulation 347.</p> <p>Registration with HWIN may be required for subject waste if field exemptions are not met.</p> <p>Waste generated and stored on site will require to be stored in an approved manner to limit waste causing adverse effect to the natural environment ex. Closed leak proof containers. Secondary containment...</p>	<p>In the ToR should include mitigation and clean up measures.</p> <p>Please ensure that at the EA phase, the waste management plan will include details such as but not limited to the types of waste, volumes of waste, waste storing capabilities on site, expected location(s) of waste final destination.</p>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
	maintenance of equipment, vehicles including solid non hazardous wastes.	If storage of waste is greater than 90 days, A notice of Storage will be required to be submitted to the Director, if waste is stored for longer than 24 months approval for a Waste site maybe required.	
2.	<p>7.1.4.4 Aggregate source extraction and production Pg 26</p> <p>Air emissions from movement and exhaust of equipment and vehicles</p>	<p>Particulate (dust) and noise issues may have an adverse affect from this activity.</p> <p>An Environmental Compliance Approval (ECA) may be required for this activity depending on the process of extraction and refining of the aggregate. Ex. Crusher activity will require ECA for Air/Noise. Front End Loader may not require an ECA</p> <p>If aggregate extraction is below the water table and water is to be removed (pumped) a Permit To Take Water (PTTW) may be required if takings are greater than 50,000L per day. If water is contaminated (sediment), an Industrial sewage ECA may also be required for discharge of a contaminant other than water.</p> <p>Fugitive dust created from the construction/maintenance of supply road may be regulated by the MECP.</p> <p>Off site impacts may be regulated/abated/investigated by MECP, if people and the natural environment are adversely affected.</p>	<p>Should include particular (dust) and noise as potential effects of aggregate extraction.</p> <p>Provincial permits list should include possible ECA requirements for air, noise and industrial sewage for aggregate extraction and refining.</p> <p>Comment for awareness during permitting phase and included mitigative fugitive dust best management practices.</p>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
3.	7.1.4.2 Acoustic Environment 23  7.2.2 Acoustic Environment Pg 49	Due to the nature of the potential road base, vibration may also become an issue if road is located near sensitive receptors. Even though NPC 300 is listed and speaks to Noise and Vibration. The addition of "Vibration" to the wording in the text will ensure it is identified to members involved in the review, approval and compliance stages.	Include wording and definition of Vibration in ToR and EA text. Include noise assessment and any vibration testing sites in the EA if not screened out.
4.	7.2.5 Groundwater Pg 50	Adverse effect for user/owner of wells.	Identify in the EA location of wells and to include a Well monitoring plan to ensure issues (if any) are identified forthwith and mitigated. Ex. Minimize the complaints/issues surrounding the well had previously produced potable water, after the blasting, the well no longer produces potable water. The plan must include risk level, mitigation and corrective actions.
5.	9.1 Environmental Commitments Pg 59	Broad statement of a commitment to develop and implement measures that may relate to effects that may be an issue.	In the EA ensure, itemized impacts to natural environment and human health. Include risk level and mitigation factors to minimize environmental and health impacts. Ex, waste oil spills, med level, training on prevention, spill kits, contract with approved hauler to remove waste material.

**Agency: Northern Region, Ministry of the Environment, Conservation and Parks**

**Commenter Name and Job Title: Madhi Ramadoss, Ph.D., Regional Pesticides Specialist**

Pesticides Section: Marten Falls Community Access Road Project – Draft Terms of Reference

As requested, I reviewed draft terms of reference for the proposed Marten Falls Community Access Road Project. Proposed 190-230 km all season road construction shall clear forest vegetation mainly in Ogoki Forest and Kenogami Sustainable Forest Management units (Page 21 and Page 50). The vegetation expected to be cleared are black spruce, jack pine, white spruce, and poplar species (Page 23). The proponent expect to get cutting permit from MNRF (Page 91). The D-TOR proposal did not mention use of Pesticides; it is my understanding the vegetation is expected to be cleared by manual cutting, or mechanical means.

To clear vegetation in the managed forest lands in Ogoki and Kenogami Forests, the proponent is encouraged to approach MNRF-District office and Ogoki and Kenogami forest management units to include in their annual work schedule as per Crown Forest Sustainability Act 1994 (Forest Management Planning Process). This approval facilitates the use pesticides if needed to clear conifer trees for road construction.

**Ministry of the Environment,  
Conservation and Parks**

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January 17, 2020

**MEMORANDUM**

**TO:** Sasha McLeod, Special Project Officer, EAPB, MECP

**FROM:** Carrie Hutchison, Environmental Assessment Coordinator, MECP

**RE:** **Marten Falls Draft Terms of Reference**

As requested, I have reviewed the *Draft Terms of Reference Marten Falls Community Access Road* (TOR) dated November 2019. My review centers specifically on how the proposed undertaking may interact with known requirements of environmental planning (e.g. municipal planning), or Class Environmental Assessment (Class EA) as these relate to the mandate of the Ministry of the Environment, Conservation, and Parks (MECP). I have also considered the information in this TOR regarding activities known to the ministry as a result of separate municipal planning or Class EA activities. It is my understanding that the District Office will comment on issues related to site specific conditions or concerns regarding the TOR.

The Municipality of Greenstone is the closest organized municipal area to the proposed undertaking. The City of Thunder Bay is the closest major center. The TOR indicates that both municipalities will be consulted during the process. This is appropriate, however, the distance between the location of the undertaking and the borders of these municipal areas is substantial, making it unlikely that the undertaking would negatively impact policies and direction as outline in their Official Plans. Northern Region EA/Planning is not aware of any conflicts between the direction in the Official Plans for these municipalities and the proposed undertaking that correspond with MECP's mandated areas of concern.

It is noted that the Community Based Land-Use Planning (CBLUP) process for this area is considered in development of the TOR. The CBLUP process supports development of a Community Based Land-Use Strategy, which is a strategic plan related to lands and resources and is not associated with a Planning Act approval. CBLUP instead looks to outline land and natural resource use approaches in the area (e.g. where will parks and protected areas be located, where will forestry occur, etc...). The CBLUP process relates strongly to this undertaking because the location of roads greatly impacts

potential use of the landscape in question. As such, it is encouraging to see that the CBLUP process is being strongly considered in development of the TOR.

The TOR provides a list of six Class EA processes that may be triggered as a result of the proposed undertaking. The TOR also indicates that where possible, the Individual EA will be prepared in a manner that meets the requirements of applicable Class EA processes. It will be important for the Individual EA documentation, and any notices issued, to describe how they are meeting the requirements of a Class EA process in order to be transparent regarding how these requirements are being addressed. Please add some description in the TOR that outlines that the Individual EA, and all appropriate notices, will describe specifically if they are intended to meet Class EA requirements, and if so which requirements, in order to assist transparency regarding how Class EA triggers are being addressed.

### **Conclusions**

Please feel free to contact me if you have any questions or need for clarification regarding our supplied direction.

Sincerely,



Carrie Hutchison  
Regional Planner/ EA Coordinator  
Technical Support Section, Northern Region  
Suite 331, 435 James Street South  
Thunder Bay, Ontario  
P7E 6S7

Copy: Dave Manol, TSS Manager Northern Region, Northern Region MECP  
Mike Landers, Senior Environmental Officer, Thunder Bay MECP

Ministry of the Environment,  
Conservation and Parks

Ministère de l'Environnement, de  
la Protection de la nature et des Parcs



Species at Risk Branch

Direction des espèces en péril

40 St. Clair Avenue West  
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January 9, 2020

Christine Cinnamon  
Provincial Environmental Assessment Lead  
AECOM Canada Ltd.

## Re: Review of Draft Terms of Reference for Proposed Marten Falls First Nation Community Access Road

In conducting our review, Species at Risk Branch understands that the Draft Terms of Reference (November 2019) is high-level and not intended to provide the level of detail / specific information that would be required at the formal Environmental Assessment (EA) stage or to meet application requirements for permits and authorizations that would be needed to implement the project. That said, we have carried out our review with a view to both the EA and future regulatory authorizations in order to provide you with information that will help enable an efficient approach to project planning and preparation of applications for any necessary *Endangered Species Act* (ESA) authorizations.

Specifically, attention should be paid to the following requirements that form the basis of many of our ESA authorizations:

- **Minimize adverse effects** – you must take reasonable steps to minimize the adverse effects of your activity on the species at risk and their habitat that are likely to be affected by your activity.
  - Ways to minimize the adverse effects of your activity on species at risk and their habitat may include modifying the:
    - location of the activity
    - geographic scale of the potential effects
    - activity design (e.g. engineering and technological)
    - timing of the activity
    - duration and frequency of the effects
    - approaches and timing for any site restoration or rehabilitation (such as doing progressive rehabilitation while other parts of the activity are still happening)

- general operational protocols
- **Consider reasonable alternatives** – you will need to show the Ministry of the Environment, Conservation and Parks that you have considered reasonable alternatives to your activity.
  - Alternative approaches to your activity include:
    - Changing the location of the activity
    - Using alternative methods, equipment or technical designs
    - Changing the timing of the activity to avoid times when the species is there or is most sensitive to disturbance
    - Changing the geographic scale, duration and/or frequency of the potential adverse effects
    - Adding or changing approaches and timing of site restoration or rehabilitation after the activity is done
  - When considering reasonable alternatives to your activity, you must:
    - Consider at least one alternative that would completely avoid any adverse effects on species at risk
    - Identify alternatives that you considered but did not think were reasonable because of biological, technical, social or economic limitations
    - Explain why the approach you have chosen is the best alternative

In addition, should an Overall Benefit Permit be required for the project, as determined through MECP's review and assessment of all the project details, the following requirement would also need to be considered:

- **Achieve overall benefit** – providing an overall benefit to a species means undertaking actions that contribute to improving the circumstances for the species. It must include more than steps to minimize adverse effects on the species or habitats.
  - Achieving an overall benefit to a species may involve providing the species with a range of benefits, such as:
    - increasing the number of individuals of the species living in the wild and capable of reproducing
    - increasing the distribution of the species within its natural range
    - increasing the viability or resilience of existing populations of the species
    - slowing or reversing population declines by addressing key threats to the species' survival
    - increasing the quality or amount of habitat for the species

- Activities such as filling information gaps, education and outreach may contribute to an overall benefit plan for a species at risk. However, alone they are unlikely to meet the overall benefit requirement.
- Recovery strategies and government response statements, where available provide information that can be used to form plans to achieve an overall benefit for species at risk.

Further guidance on the level of information that would be required for assessing the need for an ESA authorization can be found in our "Information Gathering Form for activities that may affect species or habitats protected under the *Endangered Species Act*" as well as the accompanying guide found on our website:

<http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/MinistryResults?Openform&SRT=T&MAX=5&ENV=WWE&STR=1&TAB=PROFILE&MIN=018&BRN=21&PRG=31>

Should you have any questions please do not hesitate to contact me at [Nikki.boucher@ontario.ca](mailto:Nikki.boucher@ontario.ca) or 705-564-7873.

Sincerely,



Nikki Boucher  
A/Species at Risk Specialist  
Permissions and Compliance, Species at Risk Branch  
Ministry of the Environment, Conservation and Parks

**Agency:** Species at Risk Branch – Permissions & Compliance, Ministry of the Environment, Conservation and Parks  
**Commenter Name and Job Title:** Kevin Green, Species at Risk Recovery Biologist; Michelle Karam, Management Biologist; Nikki Boucher, A/Species at Risk Specialist

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
1.	General	Woodland Caribou has been renamed Caribou (Boreal population) in Ontario.	Update the ToR to replace all references to “Woodland Caribou”, with the exception of referenced document titles, with “Caribou (Boreal population)”.
2.	General	Recommendation to prevent delays should ESA authorization be required.	It is strongly recommended that the project be planned, and the environmental assessment prepared, with the requirements of the <i>Endangered Species Act, 2007</i> (ESA) in mind. This can potentially facilitate the authorization process under the ESA, where authorization is required. In order to inform any future ESA authorization requirements, reasonable route/project alternatives should be assessed for impacts to all species at risk and their respective habitats, and at least one avoidance alternative should be included. Please refer to the MECP “Avoidance Alternatives Form” for activities that may require an overall benefit permit under clause 17(2)(c) of the Endangered Species Act” and accompanying guide for reference. <a href="http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/sbforms.nsf/MinistryResults?Openform&amp;SRT=T&amp;MAX=5&amp;ENV=WWE&amp;STR=1&amp;TAB=PROFILE&amp;MIN=018&amp;BRN=21&amp;PRG=31">http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/sbforms.nsf/MinistryResults?Openform&amp;SRT=T&amp;MAX=5&amp;ENV=WWE&amp;STR=1&amp;TAB=PROFILE&amp;MIN=018&amp;BRN=21&amp;PRG=31</a> )

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
3.	s.5.2 and 5.2.1 / pg 11	<p>Contradictory information is provided regarding the width of the ROW. Section 5.2 identifies a ROW of 100 m, with additional space being required for access, borrow areas and temporary work areas. Section 5.2.1 identifies a ROW of 100 m cleared to a width of 60 m for permanent use with additional temporary clearing occurring in certain locations for construction to accommodate activities such as aggregate sources, temporary laydown areas, and debris and/or timber stockpiles.</p> <p>Clarity is needed on if the ROW cleared will be 100 m plus additional areas OR 60 m plus additional areas.</p>	Update the ToR to provide clarity on the area that will be cleared for permanent use and temporary use.
4.	s.5.2.1.3 and 5.2.1.4 / pg 12	<p>This section does not indicate that all borrow areas, temporary access roads and other ancillary infrastructure will be identified in the EA.</p> <p>It will be important to clearly identify this in the EA to appropriately assess all impacts to Species at Risk (SAR).</p>	Update the ToR to clearly indicate that all borrow areas and temporary access roads will be provided in the EA.
5.	s.5.2.2 / pg 13	<p>The Planning and Design Phase identifies that the detailed design process will begin once the Project has received EA approval and it's expected to take 3-4 years to complete. Further, the Construction Phase identifies that construction will partially overlap with planning and design phase, with construction anticipated</p>	No action required

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		<p>to start approximately 1 year following EA approval.</p> <p>If ESA authorization is required, project details including location and extent of infrastructure (e.g., road, temporary access roads, laydown areas, etc) will need to be identified prior to permitting to ensure complete assessment of impacts to SAR.</p>	
6.	s.5.2.2 / Wastes / pg 14	<p>Identifies that unusable timber and material will be collected and burned at designated sites.</p> <p>This type of material can often be stockpiled and used in the restoration of temporary disturbance features (e.g., temporary access roads) to minimize the impacts to Caribou (Boreal population). By placing this type of material on temporary access roads during restoration, predator efficiencies can be reduced and lower the likelihood of predation on caribou by wolves.</p> <p>It is recommended that unusable timber and materials be stockpiled during construction and used in the restoration of temporary access roads.</p>	Update ToR to include that, where appropriate, unusable timber and material will be stockpiled and used in the restoration of temporary access roads to reduce predator efficiencies. All other unusable timber and material will be collected and burned at designated sites as appropriate.
7.	s.7.1.1 / pg 19	The draft ToR limits the Study Area to only a 5 km width (2.5 km on either side of the ROW). This limited extent is inappropriate to assess the impacts to SAR that use broad landscapes,	Update section 7.1.1 and Figure 6-1 in ToR to identify the Study Area at multiple spatial scales, including Project Footprint, Local Study Area and Regional Study Area.

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		<p>specifically Caribou (Boreal population) and Wolverine.</p> <p>Multiple spatial extents need to be considered as part of the Study Area (e.g., Project Footprint, Local Study Area, Regional Study Area) to appropriately consider and assess impacts of the Project to SAR.</p> <p>It is recommended that 20 km (10 km on either side of the ROW) be used to define the Local Study Area to ensure all potential impacts to Caribou sub-range habitat features (e.g., category 1 habitat such as nursery areas and winter use areas) are considered. This aligns with provincial policy direction (i.e., <i>General Habitat Description for the Forest-dwelling Woodland Caribou (Rangifer tarandus caribou)</i> (2013) (GHD)) and best management practices for caribou.</p> <p>Further, the range-level direction provided in the GHD, <i>Range Management Policy in Support of Woodland Caribou Conservation and Recovery</i> (2014) (RMP) and Ontario's Woodland Caribou Conservation Plan (CCP) needs to be considered, which acknowledges the importance of multiple spatial scales for caribou. As such, it is recommended that the</p>	<p>Update information provided in section 7 of ToR to reflect the updated Study Area in the Existing Environment and Potential Environmental Effects.</p>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		impacted range(s) be used to define the Regional Study Area.	
8.	s.7.1.4.7 / pg 30	“File surveys conducted in Spring” – will the results from this be included in the ToR or in the EA?	A Work plan should be committed to in the ToR for field work to be completed and where necessary should be designed to target specific Species at Risk. MECP would like to advise on survey methodology. This will ensure that the proponent does not apply efforts that are not required or likewise they will not miss aspects that will require repeated effort.
9.	s.7.1.4.9 / pg 31	<p>Additional information should be provided, in table format, for each SAR that have the potential to occur in the area of the Project, including, but not limited to:</p> <ul style="list-style-type: none"> <li>- Scientific name</li> <li>- Common name</li> <li>- Species Status under SARA (Federal)</li> <li>- Species Status under ESA (Provincial)</li> <li>- Conservation Ranking (i.e., N-Rank, S-Rank)</li> <li>- Information Source(s) used to identify potential occurrence within the area of the Project</li> <li>- Indication of whether a field survey(s) has been conducted already to identify species presence and, if so, whether or not it was observed</li> <li>- General list of habitat requirements</li> </ul>	Update the draft ToR to include additional information for each SAR that have the potential to occur in the area of the Project.

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		<ul style="list-style-type: none"> <li>- Indication of whether the required habitat exists within the Study Area (i.e., as per comment 5, should include Project Footprint, Local Study Area and Regional Study Area)</li> </ul>	
10.	s.7.1.4.9 / pg 31	<p>The Bank Swallow is not included in the list of <i>Wildlife</i> species that have the potential to occur in the area of the Project. We do note that it is identified under <i>Bird Surveys</i> on page 32.</p> <p>As a <i>Threatened</i> species, they receive both species and habitat protection under the ESA. There is potential for them to occur in the area of the Project, specifically along steep, sandy portions of the banks on the Albany or Ogoki Rivers. This species should be included in the list on page 31 of the draft ToR and the impacts of the Project should be assessed for this species.</p>	Update the draft ToR to include Bank Swallow in the list of <i>Wildlife</i> species in which the impacts of the Project will be assessed.
11.	s.7.1.4.9 / pg 32	<p>Based on the information provided in this section, it is unclear what data collection has already been conducted versus what data collection will be conducted during the development of the EA for SAR.</p> <p>For example, it is unclear whether the information provided on page 32 for the <i>Bat maternity Roost Monitoring</i> and <i>Bird Surveys</i> have already occurred or are being planned. If they have already occurred, additional</p>	<p>Update the draft ToR to clearly identify any data collection (i.e., surveys) for SAR that have already been conducted. In each case, provide survey methodology, dates, etc.</p> <p>Update the draft ToR to clearly identify any data collection that will be conducted for SAR during the development of the EA (i.e., data collection and monitoring work plan). Include a brief description of the data collection methodology that will be used. This should include details for</p>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		<p>information on the methodology, survey extent, dates, etc. is required.</p> <p>Further, there is no mention of the 2018 Winter aerial caribou survey conducted by Zoetica, as mentioned in the <i>Response to MFFN – Request for Information</i> dated 2019-07-30, or any of the field work proposed in the Technical Memorandum provide to MECP on June 6, 2019 which outlined the planned breeding bird point count surveys, marsh bird call back surveys, bank swallow and barn swallow visual habitat assessments, Eastern Whip-poor-will surveys, Bat Maternity Roost Monitoring Surveys, Remote Camera Surveys, Vegetation Surveys, and Aerial Reconnaissance Survey. All previous field work related to SAR should be identified and summarized in the Draft ToR.</p> <p>This will assist in determining whether additional SAR surveys are required (i.e., to identify occupancy, distribution, etc.)</p> <p>Specifically for Caribou, Winter Aerial Surveys, Summer Calving Survey, Telemetry Studies and (to a more limited extent) Camera Trap Surveys each provide valuable information that can provide inform on baseline conditions and impacts.</p>	<p>surveys and methods MFFN is committing to carry out during the EA, including, but not limited to, the following:</p> <ul style="list-style-type: none"> <li>- <b>Caribou</b> (e.g. aerial/ground surveys, telemetry study, camera traps, etc.)</li> <li>- <b>Wolverine</b> (e.g. telemetry study, hair traps, camera traps, etc.)</li> <li>- <b>Northern Myotis and Little Brown Myotis</b> (e.g. bat hibernaculum screening, bat maternity roost habitat assessments, bat acoustic surveys, etc.)</li> <li>- <b>Bank Swallow</b> (e.g., nesting surveys, etc.)</li> <li>- <b>Barn Swallow</b> (e.g., nesting surveys, etc.)</li> <li>- <b>Eastern Whip-poor-will</b> (e.g., habitat assessments, breeding surveys, etc.)</li> </ul>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		<p>Refuge from predation is the ultimate factor influencing caribou distribution and habitat use in the Boreal forest. One of the key threats to caribou is habitat fragmentation due to development activities, particularly those that increase and/or introduce linear features to the landscape. These types of disturbances increase predator efficiency which may have a detrimental effect on caribou populations within the LSA and RSA. Understanding how caribou respond to habitat fragmentation and increased predator access will be an important aspect to assessing the impacts of the Project.</p> <p>Particularly, the deployment of radio satellite collars on caribou within proximity of the alternative corridors under consideration (e.g., LSA), that would enable tracking of caribou before/during/after construction, provides important baseline information and contributes towards assessing impacts of the Project on caribou habitat movement and habitat selection/use within proximity to new linear features.</p>	
12.	s.7.1.4.9 / pg 32	"Field survey conducted in Spring" – Spring would not be the advised time to survey bat maternity roosting.	MECP can advise on surveys necessary and the survey protocol for SAR bat species.
13.	s.7.1.4.9 / pg 32	Bat maternity roost monitoring – acoustic monitoring. The study design is not outlined so	Submit the acoustic monitoring design and data collected for review and further advice.

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		it is difficult to comment on if the study was satisfactory for identification of SAR bats and their habitat.	
14.	s.7.1.4.9 / pg 32	Habitat types that may support part of the life cycle for Species at Risk bats should be considered (e.g., hibernacula, foraging habitat, general roosting, swarming).	Mapping of potential habitat for SAR bats should be carried out (desktop exercise). MECP advises the use of geological mapping to identify areas of potential hibernacula. In the desktop analyses as well as information pertaining to abandoned mines or mapped hibernacula. After this analysis is done, MECP can advise if any field investigations might be required and can provide survey methodologies.
15.	s.7.1.4.9 / pg 32	Mention of Wolverine being present but there is no mention of field surveys that will be carried out for this species.	Outline of study methodology for wolverine should be in work plan e.g. aerial surveys, telemetry study, hair traps, camera traps, etc.
16.	s.7.1.4.9 / pg 32	While Lake Sturgeon (Southern Hudson Bay-James Bay populations) do not receive species or habitat protection under the ESA, it is listed as Special Concern. As such, it is recommended MFFN consult with MNRF on the need for field surveys, particularly in portions of the Project where long-span bridges will be constructed across the Albany River, where Lake Sturgeon are known to occur.	Consult with MNRF on the need for field surveys for Lake Sturgeon.
17.	s.7.1.4.9 / pg 32 (footnote)	“*4. Initial surveys were completed in 2018” – there are no details of what these surveys were or what the outcome was, therefore it is difficult to advise on whether or not they were satisfactory and if they covered all the SAR that may be present.	Submit the survey methodology and data collected for review and further advice.

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
18.	<p>Table 7-4 / s. 7.2 / pg 47</p> <p>and</p> <p>s.7.2.9 / pg 52</p>	<p>Preliminary consideration of potential effects to SAR needs to be included, above and beyond those applicable to vegetation (s.7.2.6), wildlife (s.7.27) and fish and fish habitat (s.7.2.8).</p> <p>Both Table 7-4 and s.7.2.9 are lacking any information specific to SAR (e.g., increased mortality risk to caribou resulting from predator efficiencies related to additional linear features, increase in predator/prey populations, etc.).</p> <p>This should include a preliminary list of potential effects, in a table format, including, but not limited to, the following:</p> <ul style="list-style-type: none"> <li>- Project Component or Activity <ul style="list-style-type: none"> <li>o Field surveys, staking, layout</li> <li>o Vegetation clearing and grubbing</li> <li>o Construction of supportive infrastructure (e.g. storage and laydown yards, temporary access roads, construction camps, aggregate extraction areas)</li> <li>o Construction of the road</li> <li>o Aggregate extraction and production</li> <li>o Emissions, discharge and waste</li> <li>o Operations and maintenance</li> </ul> </li> <li>- Potential Effects</li> </ul>	<p>Update the draft ToR to include additional information for preliminary potential effects of the Project components specific to SAR.</p>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		- Mitigation Measures	
19.	s.8 / pg 54	<p>Bullet five identifies a number of recommended impact management measures (i.e., direction, magnitude, geographic extent, direction frequency, reversibility and likelihood to determine significance.</p> <p><i>Direction</i> is identified twice.</p> <p><i>Duration</i> is not identified and should be.</p> <p>This may be a typo as <i>Duration</i> is identified in Table 8-1 on page 55.</p>	Update the draft ToR to remove duplicate measures and include 'duration' as an additional measure.
20.	s.8.1 / pg 55	<p>The first bullet identifies <i>Segment AB of Alternative 1 vs. Segment AC of Alternative 4.</i></p> <p>Should this not identify <i>Segment <b>BC</b> of Alternative 1 vs. Segment AC of Alternative 4?</i></p>	Update the draft ToR to correct reference to segment BC of Alternative 1
21.	s.10.2.5 / pgs 73 and 73	<p>The Draft ToR indicates that MFFN provided MECP and MNRF work plans associated with field work planned during 2019 for review, but that the agencies indicated they will not be commenting on work plans until the ToR is finalized.</p> <p>As per comment 8, MECP SARB is seeking a data collection and monitoring work plan to be included in the ToR outlining the data collection methodology that will be conducted for SAR</p>	<p>Update the draft ToR to clearly identify any data collection that will be conducted for SAR during the development of the EA (i.e., data collection and monitoring work plan). Include a brief description of the data collection methodology that will be used. This should include details for surveys and methods MFFN is committing to carry out during the EA, including, but not limited to, the following:</p> <ul style="list-style-type: none"> <li>- <b>Caribou</b> (e.g. aerial/ground surveys, telemetry study, camera traps, etc.)</li> </ul>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		during the development of the EA to inform baseline and environmental effects to SAR.	<ul style="list-style-type: none"> <li>- <b>Wolverine</b> (e.g. telemetry study, hair traps, camera traps, etc.)</li> <li>- <b>Northern Myotis and Little Brown Myotis</b> (e.g. bat hibernaculum screening, bat maternity roost habitat assessments, bat acoustic surveys, etc.)</li> <li>- <b>Bank Swallow</b> (e.g., nesting surveys, etc.)</li> <li>- <b>Barn Swallow</b> (e.g., nesting surveys, etc.)</li> <li>- <b>Eastern Whip-poor-will</b> (e.g., habitat assessments, breeding surveys, etc.)</li> </ul>
22.	Appendix A – Ungulates – Wildlife – Potential Data Sources / pg 2	<p>Additional published sources of information should be included for all SAR:</p> <ul style="list-style-type: none"> <li>- Policy Guidance on Harm and Harass under the Endangered Species Act (2014)</li> <li>- Categorizing and Protecting Habitat under the Endangered Species Act (2012)</li> <li>- Endangered Species Act Submission Standards for Activity Review and 17(2)(c) Overall Benefit Permits (2012)</li> <li>- Wolverine Government Response Statement (2016)</li> <li>- Wolverine Recovery Strategy (2013)</li> <li>- Little Brown Myotis, Northern Myotis and Tri-colored Bat in Ontario – Ontario Recovery Strategy Series (2019)</li> </ul>	Update the draft ToR to include additional data sources.

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
23.	Appendix A – Ungulates – Caribou - Indicator / pg 2	<p>This section speaks to some, but not all, indicators by which we assess the current status of a caribou range and impacts of a proposed development. As per MECP’s response to a request for information dated November 1, 2019, and further discussed during the teleconference call on July 31, 2019, the following criterion &amp; indicators should be included for evaluation:</p> <ul style="list-style-type: none"> <li>• Caribou (Habitat Protection) – Range Condition</li> <li>• Caribou (Species Protection) – Population Size Estimates at the Range Level <ul style="list-style-type: none"> <li>○ e.g., minimum animal count based on available information</li> </ul> </li> <li>• Caribou (Species Protection) – Population Trend Estimates at the Range Level</li> <li>• Caribou (Habitat Protection) – Cumulative Disturbance at Range Level <ul style="list-style-type: none"> <li>○ Quantify additional disturbance being added to the range (footprint and footprint + 500 metre buffer)</li> <li>○ Alignment with existing disturbance</li> </ul> </li> </ul>	Update the Draft ToR to reflect the complete list of indicators that will be evaluated in the EA for impacts to caribou from each alternative route.

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		<ul style="list-style-type: none"> <li>○ Length of new linear disturbances</li> <li>● Caribou (Habitat Protection) – Habitat Amount and Arrangement</li> <li>● Caribou (Habitat Protection) – Categorized Habitat at the Sub-range Level               <ul style="list-style-type: none"> <li>○ Category 1: High Use Area – <i>Nursery Areas</i> Habitat potentially impacted                   <ul style="list-style-type: none"> <li>▪ Number of Nursery Areas within the Range</li> <li>▪ Number of Nursery Areas potentially impacted by the Project (e.g., how many intersect with project footprint, are within 2 km, are within 10 km)</li> <li>▪ Relevant information on that habitat, such as average age of forest, condition of forest, etc. for each Nursery Area potentially impacted by the Project</li> <li>▪ Area (ha) of each Nursery Area potentially being impacted</li> </ul> </li> </ul> </li> </ul>	

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		<ul style="list-style-type: none"> <li>▪ Area (ha) of each Nursery Area removed by Project</li> <li>○ Category 1: High Use Area – <i>Winter Use Areas</i> potentially impacted <ul style="list-style-type: none"> <li>▪ Number of Nursery Areas within the Range</li> <li>▪ Number of Nursery Areas potentially impacted by the Project (e.g., how many intersect with project footprint, are within 2 km, are within 10 km)</li> <li>▪ Relevant information on that habitat, such as average age of forest, condition of forest, etc. for each Nursery Area potentially impacted by the Project</li> <li>▪ Area (ha) of each Nursery Area potentially being impacted</li> <li>▪ Area (ha) of each Nursery Area removed by Project</li> </ul> </li> <li>○ Category 1: High Use Area – <i>Travel Corridors</i> potentially impacted</li> </ul>	

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		<ul style="list-style-type: none"> <li>▪ Number of Nursery Areas within the Range</li> <li>▪ Number of Nursery Areas potentially impacted by the Project (e.g., how many intersect with project footprint, are within 2 km, are within 10 km)</li> <li>▪ Relevant information on that habitat, such as average age of forest, condition of forest, etc. for each Nursery Area potentially impacted by the Project</li> <li>▪ Area (ha) of each Nursery Area potentially being impacted</li> <li>▪ Area (ha) of each Nursery Area removed by Project</li> </ul> <ul style="list-style-type: none"> <li>○ Category 2: Seasonal Ranges impacted <ul style="list-style-type: none"> <li>▪ Area (ha) of Seasonal Ranges potentially being impacted</li> <li>▪ Relevant information on that habitat, such as average age of forest, condition of forest, etc. for</li> </ul> </li> </ul>	

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		<p>Seasonal Ranges potentially impacted by the Project</p> <ul style="list-style-type: none"> <li>▪ Area (ha) of Seasonal Range removed by Project</li> </ul> <p>○ Category 3: Remaining Areas in the Range impacted</p> <ul style="list-style-type: none"> <li>▪ Area (ha) of Seasonal Ranges potentially being impacted</li> <li>▪ Relevant information on that habitat, such as average age of forest, condition of forest, etc. for Seasonal Ranges potentially impacted by the Project</li> <li>▪ Area (ha) of Seasonal Range removed by Project</li> </ul> <ul style="list-style-type: none"> <li>● Caribou (Species Protection) – Incidental mortality due to anthropogenic impacts (e.g. vehicular collisions, increased hunting pressure)</li> <li>● Caribou (Species Protection) – Indirect mortality due to increase in alternate prey sources (moose and deer) leading to increased predation (wolves, bears,</li> </ul>	

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		<p>etc.) and increased potential for spread of disease (e.g. brainworm)</p> <ul style="list-style-type: none"> <li>• Caribou (Species Protection) – Indirect impacts due to sensory disturbance (e.g. light, sound, vibration, olfactory) within 10 km of the Project</li> <li>• Other direct and indirect impacts to individuals of the species</li> </ul>	
24.	Appendix A – Ungulates – Caribou – Potential Data Sources / pg 2	<p>This section speaks to some, but not all, potential data sources which can inform the assessment of impacts on each indicator. As per MECP’s response to a request for information dated November 1, 2019, and further discussed during the teleconference on December 18, 2019, the following information sources should also be included in the ToR to evaluate caribou indicators:</p> <ul style="list-style-type: none"> <li>- Recovery Strategy for Woodland Caribou (Forest-dwelling, Boreal population) in Ontario (2008)</li> <li>- Ontario’s Woodland Caribou Conservation Plan (CCP)</li> <li>- Range Management Policy in Support of Woodland Caribou Conservation and Recovery (RMP)</li> </ul>	Update the Draft ToR to reflect the complete list of potential data sources that will be used to evaluate impacts to caribou from each alternative route in the EA.

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		<ul style="list-style-type: none"> <li>- Integrated Range Assessment for Woodland Caribou and their Habitat – Nipigon Range 2010</li> <li>- Integrated Range Assessment for Woodland Caribou and their Habitat – Pagwachuan Range 2011</li> <li>- Integrated Range Assessment for Woodland Caribou and their Habitat – The Far North of Ontario 2013</li> <li>- State of the Woodland Caribou Resource Report (2014)</li> <li>- Woodland Caribou (<i>Rangifer tarandus caribou</i>) in the Far North of Ontario: Background information in support of land use planning (2014)</li> <li>- General Habitat Description for the Forest-dwelling Woodland Caribou (<i>Rangifer tarandus caribou</i>) (GHD)</li> <li>- General Habitat Mapping Product for Boreal Caribou (i.e., Categorized Habitat)</li> <li>- Best Management Practices for Aggregate Activities and Forest-dwelling Woodland Caribou</li> </ul>	

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		<ul style="list-style-type: none"> <li>- Best Management Practices for Tourism Activities and Woodland Caribou in Ontario</li> <li>- Best Management Practices for Mineral Exploration and Development Activities and Woodland Caribou in Ontario</li> <li>- Best Management Practices for Renewable Energy, Energy Infrastructure and Energy Transmission Activities and Woodland Caribou in Ontario</li> <li>- Natural Heritage Information Centre (NHIC), including:               <ul style="list-style-type: none"> <li>o Species Search Area</li> <li>o Species Observation, Provincially Tracked</li> <li>o Species Monitored Subject Tracking Point</li> </ul> </li> </ul>	

**Responses to the April 14, 2020 MECP Follow Up Comment Table: Marten Falls Draft ToR**

**Proposal:** Marten Falls Community Access Road Project – Draft Terms of Reference

**Proponent:** Marten Falls First Nation

**Agency:** Ministry of the Environment, Conservation and Parks (MECP)

Proponent's Code – AECOM ID#	MECP Follow-up Comments on Responses Provided on March 25, 2020	MFFN Response
<b>EA Branch and Indigenous Consultation Section</b>		
71	Request discussion. Response indicates EA will not confirm the preferred alternative for ancillary infrastructure, but will assess the alternatives. This does not fulfill purpose of alternatives assessment, which is to assess and select preferred alternatives. EA approval is on a specific undertaking. The ToR Code refers to more detailed planning later in the EA process, not some other planning process outside the EA.	We look forward to meeting with you to discuss this further.
72	When will the proponent consult with ENDM to confirm the statement? This should be completed prior to Final ToR submission so that the document can be updated accordingly.	MFFN will arrange for a discussion with ENDM prior to releasing the Proposed ToR such that the document can be updated accordingly.
74	Consultation on study areas should occur prior to work being completed, i.e. at the beginning of the assessment rather than at the draft EA stage. Suggest consultation on study areas be added as a milestone in the consultation plan.	Consultation on Study Areas is part of the milestone “Indigenous Community Outreach – Introduction of EA Process” and “Alternative Route Impact Assessment and Evaluation Criteria” (Table 4-2 of the EA Consultation Plan). The consultation associated with these milestones occur after the Notice of Commencement early in the EA phase before the Draft EA is released for comment. Since consultation on study areas will occur early during the EA, a Study Area-specific milestone is not proposed.
75	We are available to review drafts of the environmental disciplines and criteria.	Noted.
83	Request discussion, as noted in the response. Concerned consultation approach may not be sufficient. We have heard that First Nation communities expect a high level of engagement during the EA so request clarity whether this is an objective. Also, this response refers to one work plan but earlier responses refer to multiple work plans – please clarify.	We look forward to meeting with you to discuss this further.
100/109/113/114/115/121/122	Request discussion on overall approach to documenting and incorporating consultation input. Need clearly documented links between what the communities say through consultation and the content of the ToR. Also, response refers to “public issues,” however a reminder that all input is public unless otherwise specifically requested/identified otherwise.	We look forward to meeting with you to discuss this further. It is anticipated that documentation and incorporation of consultation may be part of the MFFN's proposed working meeting with MECP and IAAC to discuss how best to collaborate consultation through the EA and IA processes.

Proponent's Code – AECOM ID#	MECP Follow-up Comments on Responses Provided on March 25, 2020	MFFN Response
104	<p>If IK was used, the text should be clear where IK was incorporated (and if there was none, then remove).            And/or proponent could reference a specific section of the ToR where the input is documented.            E.g. "Community X provided local knowledge that certain waterbodies near the project site are abundant in fish species Y" (assuming community did not indicate information is sensitive). As another example, how is the IK referred to in comment #95 identified in the ToR (caribou migration route from KI to MFFN)?</p>	<p>Given ongoing efforts to finalize Indigenous Knowledge Sharing Agreements with Indigenous Communities at the time of preparing the ToR, limited Indigenous Knowledge is available.</p> <p>The subject bullet in Section 7.1.4 will be removed and a paragraph addressing the importance of Indigenous Knowledge (and associated sharing agreements) in contributing to the characterization of baseline conditions in the EA has been added. The paragraph will conclude that baseline conditions included in the EA will incorporate relevant Indigenous Knowledge provided, where possible.</p>
105	<p>Part of the comment is not addressed: "Please also add a line to each discipline to the effect that Indigenous Knowledge will be integrated, as applicable."</p>	<p>The response will be revised to the following:</p> <p>A critical component of the EA is the integration of Indigenous Knowledge into Project planning and design. A statement will be added to each discipline noting that information from the Indigenous Knowledge Program will be integrated into each discipline.</p> <p>Input that can be publicly shared as part of the Record of Consultation will be appended to the Proposed ToR. Sensitive and confidential information will not be shared publicly but will be considered in the EA.</p>
107	<p>Comment is not addressed. It appears a paragraph from 103 was erroneously copied as the response.</p>	<p>Thank you for identifying this error. The response will be corrected to the following:</p> <p>Section 7.1.4.10 'Aboriginal and Treaty Rights' and section 2.3 'Duty to Consult' in Appendix B will be updated to reflect the Government of Ontario and Canada as having the duty to consult.</p>

Proponent's Code – AECOM ID#	MECP Follow-up Comments on Responses Provided on March 25, 2020	MFFN Response
108	Response indicates a critical component of the EA is integration of IK into the process. While this is appreciated, it is unclear how this commitment is currently being achieved at the ToR stage. E.g. comments #95 and #96 raised questions about why IK MFFN has received was not included in the ToR (KI caribou migration pathway and Mushkegowuk water studies).	<p>The MFFN Project Team is still in the early stages of consultation and engagement. While meetings and discussions have occurred with at least 6 other Indigenous Communities related to the sharing of Indigenous Knowledge, associated sharing agreements have not yet been finalized. Given the sensitive nature of Indigenous Knowledge, sharing agreements must be in place prior to including Indigenous Knowledge in the ToR. It is also important to note that trust and relationship building is key to finalizing these agreements, and this is an ongoing priority of the MFFN Project Team. Upon finalization of the sharing agreements, Indigenous Knowledge provided will be incorporated into the EA as described in the ToR, wherever possible.</p> <p>The MFFN Project Team is currently working towards obtaining the 'Mushkegowuk water studies', which have yet to be received. Thus, we are unable to include any information related to these studies in the ToR at this time.</p>
110	The alternatives supporting document should be part of the ToR as an appendix or attachment. The Minister will be considering the proponent's rationale for focusing alternatives in making a decision on the ToR. If the alternatives document is not part of the ToR, there may be insufficient rationale in the ToR to allow focusing.	We would like to meet with you to discuss this further.
<b>Climate Change and Resiliency Division</b>		
124	The proponent has indicated they will follow the recommendation to review baseline GHG emissions and compare GHG emissions for project alternatives. However, the proponent indicates that the alternative option chosen may not be the same option which allows for the lowest GHG emissions due to overall project benefits. If that case occurs, the proponent should, as already suggested, demonstrate evidence of exploring how further GHG emissions reductions could occur for whichever option is chosen.	The EA will identify the measures considered to reduce GHG emissions.

Proponent's Code – AECOM ID#	MECP Follow-up Comments on Responses Provided on March 25, 2020	MFFN Response
<b>Surface Water Unit, Technical Support Section</b>		
126	<p>The Proponent has indicated that the current plans for domestic sewage will be to contain it temporarily on-site and then dispose of it off-site in an appropriate facility. It is recommended that nearby licensed wastewater treatment facility(ies), capable of accepting domestic sewage from the proposed on-site holding tanks be identified during the EA.</p>	<p>The following will be added to the response:</p> <p>Nearby licensed wastewater treatment facilities that may be capable of accepting domestic sewage from construction camps will be investigated during the EA.</p>
128	<p>The Proponent has indicated that no sampling and analysis of water chemistry parameters has been performed. This is understood. It is further understood that Project components are not anticipated to create exposure pathways for metals and that should these be identified as part of the ongoing project design; sampling programs will be conducted. However, the Proponent has not included a response pertaining to the analysis of basic chemistry parameters (alkalinity, total suspended solids, turbidity, cations, anions) from representative watercourse crossings and those watercourses that may require more “substantial” crossings, along with the use of best available water quality guidelines.</p> <ul style="list-style-type: none"> <li>• It is recommended that a draft of the Surface Water Work Plan, which addresses the above comments, is submitted to the MECP for review prior to the EA.</li> <li>• It is further advised that monitoring of surface water features that may be located in close proximity to supportive infrastructure (e.g. storage and laydown yards, access/haul roads, construction camps, aggregate extraction and storage areas, domestic sewage discharges, etc.) should also be conducted and should be proposed in the Surface Water Monitoring Workplan. The workplan should also document surface water monitoring to be carried post-construction.</li> </ul> <p>Furthermore, the workplans need to be submitted to agencies far enough in advance that sufficient time is provided for effective commenting, consult, discussions if necessary, etc. (e.g. at least 60 days prior to conducting baseline studies).</p>	<p>The response will be revised to the following:</p> <p>The ToR will include a commitment to prepare a Work Plan at the onset of the environmental assessment, including an opportunity for technical review by applicable agencies. The Work Plan will outline the proposed methods to characterize baseline conditions.</p>
<b>Groundwater Unit, Technical Support Section</b>		
133	<p>The proponent has agreed to include additional information on the waste disposal site proposed for domestic waste in <i>Section 5.2 Description of the Proposed Undertaking; Subsection 5.2.2 Project Activities – Wastes</i> of the Terms of Reference. The response addresses concern #133, with respect to the Terms of Reference for this project.</p>	<p>We appreciate the confirmation that the response addresses the concern.</p>

Proponent's Code – AECOM ID#	MECP Follow-up Comments on Responses Provided on March 25, 2020	MFFN Response
134	<p>The proponent has agreed to include Geochemistry in the discipline list for the <i>Natural (Physical and Biophysical Environment of Table 7-1: Environmental Disciplines to be Considered during the Environmental Assessment, Section 7.1 Description of the Environment</i> of the Terms of Reference. The proponent will include a commitment in the Terms of Reference to prepare a Work Plan at the onset of the Environmental Assessment (EA).</p> <ul style="list-style-type: none"> <li>• It is recommended a draft of the Geochemistry Work Plan is submitted to the MECP for review prior to the EA.</li> <li>• The consultant should note the complete list of guidelines with respect to ARD/ML testing of representative samples from proposed aggregate rock source (i.e. quarry) material locations: <ul style="list-style-type: none"> <li>○ <i>Prediction Manual for Drainage Chemistry from Sulphidic Geologic Materials</i>, MEND (Mine Environment Neutral Drainage Program) Report 1.20.1, December 2009 [<a href="http://mend-nedem.org/wp-content/uploads/1.20.1_PredictionManual.pdf">http://mend-nedem.org/wp-content/uploads/1.20.1_PredictionManual.pdf</a>];</li> <li>○ Global Acid Rock Drainage Guide, 2009. The International Network for Acid Prevention [<a href="http://www.gardguide.com/images/5/5f/TheGlobalAcidRockDrainageGuide.pdf">http://www.gardguide.com/images/5/5f/TheGlobalAcidRockDrainageGuide.pdf</a>];</li> <li>○ Price, W.A. and Errington, J.C., 1998. <i>Guidelines for Metal Leaching and Acid Rock Drainage at Minesites in British Columbia</i>, British Columbia Ministry of Energy and Mines, August 1998 [<a href="https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/permitting/ml-ard_guidelines.pdf">https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/mineral-exploration-mining/documents/permitting/ml-ard_guidelines.pdf</a>].</li> </ul> </li> </ul>	<p>The response will be updated to clarify that the commitment to prepare a Work Plan at the onset of the environmental assessment includes the opportunity for technical review by applicable agencies.</p>
135	<p>With respect to <i>Section 7.1 Description of the Environment; Subsection 7.1.4.3 Physiography, Geology, Terrain and Soils</i>, the proponent has noted the additional information, and indicated that the Terms of Reference will include a commitment to prepare a Work Plan prior to the EA.</p> <p>It is recommended that a draft of the Physiography, Geology, Terrain and Soils Work Plan is submitted to the MECP for review prior to the EA.</p>	<p>The response will be updated to clarify that the commitment to prepare a Work Plan at the onset of the environmental assessment includes the opportunity for technical review by applicable agencies.</p>

Proponent's Code – AECOM ID#	MECP Follow-up Comments on Responses Provided on March 25, 2020	MFFN Response
136	<p>The proponent indicated that a separate document is being compiled with respect to aggregate source materials for the project, with inclusion of information in the EA. Due to the uncertainty with respect to the sourcing (quarries, pits), locations, and extent of aggregate extraction associated with the project, it is recommended that the proponent clearly indicate this uncertainty in <i>Section 7.1 Description of the Environment; Subsection 7.1.4.3 Physiography, Geology, Terrain and Soils</i> of the Terms of Reference. In this regard, additional review is requested of the amended Terms of Reference document.</p>	<p>The response will be updated to clarify an edit will be made to the Terms of Reference, as follows:</p> <p>The ToR will be updated to clarify that the development of the identification and preliminary investigation of aggregate sources is currently being compiled, which will inform the quality, suitability, chemical composition, availability and quantity of aggregate required for the Project. The EA will use this information to indicate the volume, suitability and extent of aggregate resources that may be required to complete the Project.</p>
137	<p>With respect to <i>Section 7.1 Description of the Environment; Subsection 7.1.4.5 Groundwater</i> of the Terms of Reference, the consultant has committed to preparing a Work Plan with respect to the identification of domestic water supply wells in the Marten Falls First Nation community and surrounding inhabited areas. It is recommended that a draft of the Groundwater Work Plan is submitted to the MECP for review prior to the EA.</p>	<p>Noted. The current response identifies that technical review by applicable agencies, which includes MECP for work plans covering groundwater, will occur at the onset of the EA.</p>
138	<p>Regarding the requested information in <i>Section 7.1 Description of the Environment; Subsection 7.1.4.5 Groundwater</i> of the Terms of Reference, the consultant has committed to preparing a Groundwater Work Plan prior to the Environmental Assessment, with review by MECP. It is recommended that a draft of the Groundwater Work Plan is submitted to the MECP for review prior to the EA.</p>	<p>Noted. The current response identifies that technical review by applicable agencies, which includes MECP for work plans covering groundwater, will occur at the onset of the EA.</p>
139	<p>The consultant has committing to including the requested information in <i>Section 7.2 Potential Environmental Effects; Subsections 7.2.5 Groundwater and 7.2.4 Surface Water</i> of the Terms of Reference. The response addresses concern #139, with respect to the Terms of Reference for this project.</p>	<p>We appreciate the confirmation that the response addresses the concern.</p>
140	<p>With respect to the comments under <i>Section 9 Commitments and Monitoring</i> of the Terms of Reference, the consultant indicated that a Groundwater Work Plan and an Aggregate Material Geochemical Management Plan will be provided to MECP for comment. It is recommended that drafts of the Groundwater Work Plan and Aggregate Material Geochemical Management Plan are provided to the MECP for review prior to the EA.</p>	<p>Noted. The current response identifies that technical review by applicable agencies, which includes MECP for work plans covering groundwater, will occur at the onset of the EA.</p>

Proponent's Code – AECOM ID#	MECP Follow-up Comments on Responses Provided on March 25, 2020	MFFN Response
141	<p>The consultant provided additional information on camp water supply and committed to follow O. Reg. 903 in <i>Section 13 Other Permits and Approvals; Table 13-1: Potential Permits and Approvals for the proposed Project</i> in the Terms of Reference.</p> <p>The response addresses concern #141, with respect to the Terms of Reference for this project.</p>	<p>To clarify, no change is proposed to be made in Section 13 of the ToR. The response states:</p> <p><i>Well drilling for water supply and groundwater monitoring will be done in accordance with O.Reg. 903, however at this time we do not anticipate any permitting requirements for well installation related to the project and so no edit to Table 13-1 is required. Any water taking related to construction camp water supply will be permitted through the Permit to Take Water process, which is already identified in Table 13-1.</i></p>
142	<p>The consultant has agreed to make the recommended edits to <i>Section 13 Other Permits and Approvals; Table 13-1: Potential Permits and Approvals for the proposed Project</i> in the Terms of Reference, with respect to potential requirements for Environmental Compliance Approvals (ECA) associated with discharge for PTTW and EASR.</p> <p>The response addresses concern #142, with respect to the Terms of Reference for this project.</p>	<p>We appreciate the confirmation that the response addresses the concern.</p>
143	<p>The consultant has agreed to make the recommended edits to <i>Section 13 Other Permits and Approvals; Table 13-1: Potential Permits and Approvals for the proposed Project</i> in the Terms of Reference, with respect to further consultation with the MECP to discuss PTTW and discharge requirements for pits and quarries.</p> <p>The response addresses concern #143, with respect to the Terms of Reference for this project.</p>	<p>We appreciate the confirmation that the response addresses the concern.</p>
144	<p>The consultant has agreed to make the recommended edits to <i>Section 13 Other Permits and Approvals; Table 13-1: Potential Permits and Approvals for the proposed Project</i>, in the Terms of Reference, with respect to the requirement for an Environmental Compliance Approval (ECA) for Aggregate Wash Water Systems with capacity greater than 10,000 L/day.</p> <p>The response addresses concern #144, with respect to the Terms of Reference for this project.</p>	<p>We appreciate the confirmation that the response addresses the concern.</p>

Proponent's Code – AECOM ID#	MECP Follow-up Comments on Responses Provided on March 25, 2020	MFFN Response
145	<p>The consultant will include the referenced MECP technical document for preparation of hydrogeological studies in support of Category 3 PTTW applications within <i>Section 13 Other Permits and Approvals; Table 13-1: Potential Permits and Approvals for the proposed Project</i>, in the Terms of Reference.</p> <p>The response addresses concern #145, with respect to the Terms of Reference for this project.</p>	We appreciate the confirmation that the response addresses the concern.
146	<p>The consultant has considered the additional data source recommended for baseline groundwater and surface water information.</p> <p>The response addresses concern #146, with respect to the Terms of Reference for this project.</p>	We appreciate the confirmation that the response addresses the concern.
147	<p>The consultant has considered the additional data source recommended for additional baseline soil and overburden stratigraphy data along the propose route.</p> <p>The response addresses concern #147, with respect to the Terms of Reference for this project.</p>	We appreciate the confirmation that the response addresses the concern.
<b>Species at Risk Branch</b>		
176	<p>Please clarify that details on methodology, survey sites and results of the baseline investigations related to <i>Species at Risk</i> will be presented in the EA, not <i>Surface Water</i> as referenced in the response.</p>	Thank you for identifying this error. The response will be corrected.
181	<p>Please note that MECP's original comment directed MFFN to consult with MNRF regarding Lake Sturgeon field surveys, given that this population of the species is not currently protected under the <i>Endangered Species Act</i>. MFFN's response to engage with MECP is not appropriate here as MFFN should be engaging with MNRF.</p>	Thank you for the clarification.
182	<p>MECP is seeking additional clarity on MFFN's response that "<i>the ToR will include a commitment to prepare Work Plans at the onset of the environmental assessment, including an opportunity for technical review by applicable agencies</i>".</p> <p>Please clarify that, in addition to an outline of proposed additional SAR wildlife surveys, the Work Plan will also include a summary of survey methodologies and results for the initial field studies that were completed in 2018.</p>	MFFN would like to set up a meeting with MECP to confirm expectations with respect work plans.



## **D1.4.2 Ministry of Energy, Northern Development and Mines**



## Government Review Team Comments

**Proposal:** Marten Falls Community Access Road - Approach to Alternatives in Terms of Reference (May 10, 2017 Project Proposal)

**Proponent:** Marten Falls First Nation

**Ministry/Agency:** Ministry of Energy, Northern Development and Mines

**Commenter Name and Job Title:** Ariane Heisey, Team Lead: Environmental Assessment and Land Use Planning

**Date:** May 2019

Comment #	Section and Page #	Comments
1.	Page 2: paragraph 2	While not recommending additional specific criteria, the proponent may want to consider criteria in the following areas: <ul style="list-style-type: none"><li>• Health and safety</li><li>• Community wellness/well-being</li><li>• Route feasibility</li><li>• Costs of construction</li></ul>
2.	Page 2: paragraph 3	What has changed since the May 10, 2017 document as a result of the significant discussions? The information that is currently available is a result of what?
3.	Page 2: paragraph 4	Confirming that more than 1 alternative will be evaluated in the EA based on the screening.

## Soulliere, Kenndal

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**From:** Fisken, Avril  
**Sent:** Thursday, October 10, 2019 4:29 PM  
**To:** Heisey, Ariane (ENDM); [REDACTED] Qasim Saddique; Jennifer Bruin; Cinnamon, Christine; Ross, Kathryn; Wright, Adam; [REDACTED] Papageorgiou, Agni (MECP); McLeod, Sasha (MECP); MacInnis, Paul (ENDM)  
**Cc:** Qureshi, Afsana (ENDM)  
**Subject:** RE: Comments on MFCAR Record of Consultation Report  
**Attachments:** RE: Record of Consultation Table of Contents/ Example Template-- FOR REVIEW

Hi Ariane, Agni

Thank you for your review and suggestions on the Record of Consultation template provided. Many of these have been addressed as we progressed the document, and others we will ensure are addressed as we finalize the record. There are a couple of items we feel would be worth discussing, and wondered whether you would have time after tomorrow's meeting to discuss these with Don and Adam.

Please let me know if this works for you—we felt it would be nice to review in person.

Cheers...AV

**Avril Fisken, M.Sc**  
Practice Lead, Communication and Community Engagement  
Environment

[REDACTED]  
[REDACTED]  
[REDACTED]

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**From:** Heisey, Ariane (ENDM) <Ariane.Heisey@ontario.ca>

**Sent:** Wednesday, October 09, 2019 5:14 PM

**To:** Fisken, Avril [REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] Papageorgiou, Agni (MECP) <Agni.Papageorgiou@ontario.ca>; McLeod, Sasha (MECP) <Sasha.McLeod@ontario.ca>; MacInnis, Paul (ENDM) <Paul.MacInnis@ontario.ca>

**Cc:** Qureshi, Afsana (ENDM) <afsana.qureshi@ontario.ca>

**Subject:** Comments on MFCAR Record of Consultation Report

Good Afternoon Avril:

Thank you for the opportunity to review the draft Record of Consultation Report. Comments are attached.

Look forward to a discussion in the near future.

Ariane

Ariane Heisey MES MCIP RPP  
Team Lead: Environmental Assessment and Land Use Planning  
Ring of Fire Policy Coordination Branch  
Strategic Policy Division  
Ministry of Energy, Northern Development and Mines  
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[ariane.heisey@ontario.ca](mailto:ariane.heisey@ontario.ca)

## Draft Table of Contents – Record of Consultation for the Marten Falls Community Access Road

### Table of Contents

1. Introduction
  - a. Overview of the Project
    - i. Background
    - ii. Alternative Routes
  - b. About the Record of Consultation
    - i. MCEA Consultation Requirements
  - c. Approach to Consultation During the Terms of Reference
  - d. Consultation Snapshot
2. Consultation with Indigenous Communities
  - a. Indigenous Community #1
    - i. Description
      1. About the Community
      2. Summary of Consultation
      3. Questions, Comments, Issues and Responses
      4. Community-Specific Next Steps
    - ii. Efforts
      1. Community Consultation Dashboard
    - iii. Record of Consultation (table)
  - b. Indigenous Community #2 to #22
3. Consultation with Provincial Territorial Organizations / Tribal Councils
  - i. Description
  - ii. Questions, Comments, Issues and Responses
  - iii. Record of Consultation (table)
4. Consultation with the Public (Non-Governmental Organizations, Landowners, Community Interest Groups, etc.)
  - i. Description
  - ii. Questions, Comments, Issues and Responses
  - iii. Record of Consultation (table)
5. Consultation with Agencies and Other Government Bodies
  - i. Description
    1. Federal
    2. Provincial
    3. Municipal (includes lower tier governments)
  - ii. Record of Consultation (table)
6. Consultation with Businesses, Forest Management Companies, Mining Claim Holders and Crown Land Lease and Permit Holders
  - i. Description
  - ii. Questions, Comments, Issues and Responses
  - iii. Record of Consultation (table)
7. Conclusion and Next Steps

**Commented [SK(1)]:** Why is this here and not in 3, 4, 5, 6?

**Commented [RK2]:** Comment for MECP: Sub bullets above repeat for each individual Indigenous community

Appendices

1. Indigenous Communities Summary Table
2. Meeting Summaries/ Meeting Minutes
3. Meeting Presentations/ Handouts
4. Meeting Notices (public and INDG communities)
  - a. *Including tear sheets from newspapers/ advertisements*

See Draft Table of Contents RoC—for a full list of items to be included in the Record of Consultation

# **DRAFT** - Marten Falls First Nation Community Access Road Record of Consultation Report

September **XX**, 2019

*The following document provides an example of the type of information that will be included in the Draft Terms of Reference Record of Consultation; providing a lower level view to the approach planned. For a full list of items to be included in the RoC see Draft Table of Contents RoC.*

See Draft Table of Contents RoC—for a full list of items to be included in the Record of Consultation

## Contents

Introduction .....	3
Overview of the Project .....	3
Background .....	3
Alternative Routes .....	3
About the Record of Consultation .....	3
MCEA Consultation Requirements.....	<b>Error! Bookmark not defined.</b>
Approach to Consultation during the ToR .....	3
Consultation Snapshot .....	3
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Aroland First Nation .....	5
<b>Public Stakeholders .....</b>	<b>9</b>

## Appendices

Appendix A Summary Sheet

See Draft Table of Contents RoC—for a full list of items to be included in the Record of Consultation

## Introduction

Overview of the Project

Background

Alternative Routes

About the Record of Consultation

Requirements of Applicable Legislation Policies and **Guidelines**

**Commented [HA(1):** With respect to consultation?? Be clear to what the requirements refer

Approach to Consultation during the ToR

Consultation **Snapshot**

**Commented [HA(2):** Does this refer to the table below. I think the table is a good idea. Would be good to be just a bit more specific in describing the activities so that someone not familiar with the process can follow.

Project Phase	Draft Terms of Reference (ToR)			
Dates Covered	Mar 4, 2019 – September 30, 2019			
Activity	Audience			
	All Audiences	Indigenous Communities	Public Stakeholders	Agencies & Government Bodies
<b>Consultation and Engagement Activities (completed September 6 2019)</b>				
<ul style="list-style-type: none"> <li>Distribution of Notice of Commencement for the Terms of Reference (ToR)</li> <li>Distribution of Notice of Public Information Centre #1 (PIC #1)</li> <li>Hosted PIC #1 in two (2) locations – Thunder Bay and Geraldton with attendance from Indigenous community members.</li> </ul>	✓			
<ul style="list-style-type: none"> <li>Circulated Field Study Notices (2)</li> </ul>		✓	✓	

**Commented [HA(3):** Assume this will be updated to reflect all activities up to the submission of the ToR.

See Draft Table of Contents RoC—for a full list of items to be included in the Record of Consultation

<ul style="list-style-type: none"> <li>• Follow up letter on the NoC (from Chief Bruce Achneepineskum)</li> <li>• Distribution of Notice of Marten Falls First Nation (MFFN) Community Meeting             <ul style="list-style-type: none"> <li>○ Hosted two (2) rounds of meetings with MFFN Community Members</li> </ul> </li> <li>• Hosted meeting with; Aroland First Nation, Webequie First Nation, Fort Albany First Nation, KI First Nation, Attawapiskat First Nation, Eabametoong First Nation.</li> </ul>		✓		
<b>Future Consultation and Engagement Activities</b>				
<ul style="list-style-type: none"> <li>• Distribution of Notice of Public Information Centre #2 (PIC #2)</li> <li>• Public Information Centre for the Draft ToR</li> </ul>	✓			
<ul style="list-style-type: none"> <li>• Circulating the Draft ToR for comment</li> <li>• Circulating English and translated Ojibway syllabics Plain Language Guide to accompany the Draft ToR, along with a letter regarding opportunity to provide input to the Draft ToR</li> <li>• Ongoing outreach and meeting coordination with neighbouring Indigenous communities (see below for details)</li> </ul>		✓	✓	

**Commented [HA(4):** What kinds of meetings were hosted? May be good to be a bit more specific (e.g. with Chief and Council, community session, Open House).

**Commented [HA(5):** Not sure what this is? Do you mean the Consultation with Indigenous Communities for each community? May be helpful to be more specific.

\*Refer to Appendix A for Summary Table (pg. XX of document)

**Consultation with Indigenous Communities** **EXAMPLE—to be repeated for each Indigenous Community**

**Commented [HA(6):** I really like the set up of this section for each community.

**Aroland First Nation**

**About the Community**

- Location / Affiliation: Nishnawbe-Aski Nation (NAN), located in Treaty 9
- Tribal Council: Matawa First Nations Management
- Key Contact: Sheldon Atlookan, Jon Glover
- Relationship with Marten Falls: Aroland First Nation is leading the proposed Painter Lake Road upgrades project, which is currently planned to connect to the proposed MFFN Community Access Road. The two communities are working together to develop a Memorandum of Understanding and an Indigenous Knowledge Sharing Agreement.

**Summary of Consultation**

- On May 23, 2019, MFFN Chief and Project Team met with Aroland Chief and Council, followed by a meeting with Aroland community members as an opportunity to introduce the Community Access Road project.
- Since that meeting, MFFN Project Team has reached out multiple times [\(see detailed summary\)](#) to meet with AFN, however, AFN was awaiting funding from the Provincial Government. AFN received funding in late September 2019 and is ready to re-engage and continue discussions from May, 2019.
- The Memorandum of Understanding between MFFN and AFN is progressing and the MFFN Project Team is in the process of booking an upcoming meeting in October 2019.

**Summary of Questions, Comments, Issues and Responses**

Questions, Comments, Issues	Response or Action Required/ Taken
Interested in developing a Memorandum of Understanding to guide meaningful involvement of Aroland in the MFFN EA.	MFFN Project Team is currently working with Aroland to finalize MOU.
Interested in developing with MFFN an Indigenous Knowledge Sharing Agreement to guide the transfer and use of confidential information pertaining to Aroland’s Indigenous Knowledge, traditional ecological knowledge, land use and occupancy data and values.	MFFN Project Team is currently working with Aroland to finalize an Indigenous Knowledge Sharing Agreement.
Aroland noted they would like to meet in Fall 2019	MFFN Project Team is following up with Aroland to confirm timing for meeting, aiming for early October 2019. MFFN sees this as an opportunity to help further develop the MoU to effectively progress discussions

**Commented [HA(7):** I note that there are no issues included here from the May 23<sup>rd</sup> community meeting – and there were issues raised that ought to be included. A bit more detail from the May 23<sup>rd</sup> meeting may be helpful. For each community, you will need to make sure that the issues are included.

**Community-Specific Next Steps**

- Work with band office and Chief’s administration to organize an in-person meeting the Fall (2019) with Chief and Council and the broader community.
- Continue outreach on key milestones in the Project (e.g., notices for Open Houses, ToR submission, EA consultation).
- Distribute letter regarding Draft Terms of Reference (ToR) release and opportunity to input, along with plain-language version of the Draft ToR.

**Community Consultation Dashboard**

The following table provides an overview of the formal and informal communications held with Aroland FN to-date.

Method of Engagement	Number of Occurrences
Formal Notifications	4
Electronic Touchpoints and Phone Calls	6+
Chief and Council Meetings and Community Representative Meetings	1
Community Session	1

**Detailed Summary of Consultations/ Communications To-date.**

Communication date	Method of Engagement	MFCAR Team Member	Stakeholder Contact	Summary of Engagement	Summary of Issue	Response to Issue	Status of Issue
Mar 05, 2019	Email – outgoing	James McCutcheon (MFCAR Project Team)	Alice Towedo	Sent letter and NoC for the ToR to Chief <b>Alice Towedo</b> , Aroland First Nation.	N/A	N/A	N/A
Mar 05, 2019	Letter – outgoing	James McCutcheon (MFCAR Project Team)	Dorothy Towedo	Letter regarding updates and NoC sent by mail to Dorothy Towedo.	N/A	N/A	N/A
Apr 04, 2019	Fax	James McCutcheon (MFCAR Project Team)	Dorothy Towedo	MFCAR Project Team sent a letter regarding the issued Notice of Commencement via fax and encouraged any questions to be forwarded to the provided contact information.	N/A	N/A	N/A

- Commented [HA(8):** Indigenous communities do not view themselves as stakeholders. Can you not say Community/Organization Contact
- Commented [HA(10):** Assume these sections will be filled in as appropriate as you move forward
- Commented [HA(9):** Helpful to do a thorough check to make sure the contacts are correct
- Commented [HA(11):** Alice Towedo is not the Chief, Dorothy Towedo is. This should be corrected throughout this chart and in any communications
- Formatted:** Highlight
- Commented [HA(12):** Perhaps this should be Alice Towedo?? Please check.

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



Apr 05, 2019	Email – outgoing	James McCutcheon (MFCAR Project Team)	Alice Towedo	Sent a follow-up letter and NoC to Chief <b>Alice Towedo</b> , Aroland First Nation sharing information of the NoC that was sent out.	N/A	N/A	N/A
May 23, 2019	In-person / face-to-face	MFFN Chief and MFCAR Project Team/ Aroland Chief and Council and Community members	Aroland Community	Meeting with Aroland First Nation to discuss the project and address any questions; separate meetings with Chief and Council and Community were held.	N/A	N/A	N/A
Jun 11, 2019	Email and Letter - outgoing	Adam Wright (Dillon Consulting Limited), James McCutcheon (AECOM)	Dorothy Towedo	Email and letter sent with updates regarding a notice for field studies for the Marten Falls First Nation All Season Community Access Road and WaWang'Wajing Road.	N/A	N/A	N/A
June 14, 2019	Email – outgoing	Qasim Saddique (MFCAR Project Team)	Jon Glover, SVS	Project Team emailed AFN consultants (SVS) to enquire about the potential for a meeting on either June 24 or 27, 2019.	Jon Glover noted that AFN would like to meet with MFFN to discuss the Project but noted that AFN is waiting to confirm funding with the Province for their road Project and as such would like to press pause until that has occurred. AFN also noted that they would prefer to see the MOU 2 weeks in advance of meeting with MFFN.	Project team will continue to work with Aroland to find a time to meet once Aroland indicates they are in a position to do so.	Ongoing

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Commented [HA(13)]: What were the outcomes of the meeting? There were issues raised at the meeting. Should they not be included in the next 3 columns

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



Jun 27, 2019	Email – outgoing	Lawrence Baxter (Marten Falls First Nation), Qasim Saddique (Marten Falls First Nation), Bruce Achneepineskum (Marten Falls First Nation)	Dorothy Towedo, Sheldon Atlookan, Jon Glover	MFCAR Project Team provided a draft MOU as well as a draft Indigenous Knowledge information sharing agreement for Aroland's review and discussion. Extended invitation to Aroland meet to discuss the MFCAR project.	Subsequently Don Richardson noted that Aroland's legal counsel will be reviewing and providing comments on the draft Indigenous Knowledge sharing agreement.	Project team will continue to work with Aroland on the Indigenous Knowledge sharing agreement.	Ongoing
Jul 11, 2019	Email and Letter - outgoing	Adam Wright (Dillon Consulting Limited), James McCutcheon (AECOM)	Dorothy Towedo	The MFCAR project team sent an email and letter with updates regarding notice for field studies for the Marten Falls First Nation All-Season Community Access Road and WaWang'Wajing Road.	N/A	N/A	N/A
Jul 17, 2019	Email – incoming	Qasim Saddique (Marten Falls First Nation)	Jon Glover, Dorothy Towedo, Sheldon Atlookan	John Glover representing Aroland First Nation noted that they had reviewed the draft Indigenous Knowledge Information Sharing Agreement that was provided on June 27th and provided suggested edits to include. Aroland also responded to the Project Team's invite to meet in early August noting they wish for their conversations with Ontario to be completed before meeting again on the MFCAR project.	N/A	N/A	N/A

**Consultation with the Public** EXAMPLE

- An initial contact list of public and other stakeholders was developed based on discussions prior to the initiation of the provincial EA and during preparation of the ToR. This list will be expanded as the project progresses.
- Public stakeholders are individuals and groups that could have an interest in the Project, including but not limited to communities/ residents in the region, recreational users or those with recreational interest (e.g., hikers, campers, hunters, and environmental groups), and those with commercial interests (e.g., forestry, trappers, outfitters, and mineral claim and tenure holders in the area).

**Summary of Consultation**

- Distribution of Notice of Commencement (NoC) for the ToR
- Distribution of Notice of Public Information Centre #1 (PIC #1)
  - Hosted PIC #1 in two (2) locations – Thunder Bay and Geraldton
- Notice of Field Studies for Fall / Winter 2019 (1)

**Questions, Comments, Issues and Responses**

Questions, Comments, Issues	Response or Action Required/ Taken
No comments received resulting from circulation of notices (NoC, Field Studies).	Will continue providing project notices for field studies, open houses and relevant Project documents for review by the public.

**Next Steps**

- Continue outreach on key milestones in the Project (e.g., notices for Field Studies, Open Houses, ToR submission, EA consultation).
- Distribute letter regarding Draft ToR release and opportunity to input, along with plain-language version of ToR.

Communication date	Method of Engagement	MFCAR Team Member	Stakeholder	Summary of Engagement	Summary of Issue	Response to Issue	Status of Issue
Mar 06, 2019	Email and Letter - outgoing	James McCutcheon (AECOM)	Brian Desrochers	The MFCAR project team sent a letter regarding NoC and project updates to stakeholder representatives with business and tourism interests.	N/A	N/A	N/A

**Commented [HA(14):** Will there be a separate entry for each stakeholder? While this might work for organizations, how will individual interested persons comments/issues/concerns be recorded?

**Commented [HA(15):** May be helpful to define what kind of stakeholder these people are. Is this an interested person or a rep from an organization, and if so, what is the organization.

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



Apr 16, 2019	Email – outgoing	James McCutcheon (AECOM)	Brian Desrochers	The MFCAR project team sent an Open House invitation to Business and Tourism operators.	N/A	N/A	N/A
Jul 11, 2019	Email – outgoing	Adam Wright (Dillon Consulting Limited)		Project team circulated a field study notice to all 22 Indigenous communities and other interested persons. Project Team noted that as field studies progress MFCAR will be sure to provide additional information regarding dates and locations. Also provided MFCAR Project Team contact information for any questions / concerns.	N/A	N/A	N/A
Aug 29, 2019	Email – outgoing	Adam Wright (Dillon Consulting Limited)		Project team circulated a field study notice to all 22 Indigenous communities, Business owners in the region and other interested persons. Project Team noted that as field studies progress MFCAR will be sure to provide additional information regarding dates and locations. Also provided MFCAR Project Team contact information for any questions / concerns.	N/A	N/A	N/A



**APPENDIX A: Indigenous Communities Summary Table**

Indigenous Community	Key Contact	Number of Meetings (to date)	Meetings Planned	Estimated Timing of Next Meeting	Next Steps / Actions
<b>Aroland First Nation</b>	<ul style="list-style-type: none"> <li>Contact</li> </ul>	<ul style="list-style-type: none"> <li>Include the number and dates of each meeting.</li> </ul>	<ul style="list-style-type: none"> <li>Not at this time.</li> <li>Milestone Timing (e.g. after Review of Draft ToR)/ OR Frequency of meetings (if expected to be regular)</li> </ul>	<ul style="list-style-type: none"> <li>Include timing of next meeting</li> </ul>	<ul style="list-style-type: none"> <li>Include any specific next steps (i.e., only those that pertain directly to this community)</li> </ul>
<b>Attawapiskat First Nation</b>					
<b>Constance Lake First Nation</b>					
<b>Eabametoong First Nation</b>					
<b>Fort Albany First Nation</b>					
<b>Ginoogaming First Nation</b>					
<b>Kasabonika Lake First Nation</b>					
<b>Kashechewan First Nation</b>					
<b>Kingfisher Lake First Nation</b>					
<b>Kitchenuhmaykoosib Inninuwig (KI)</b>					
<b>Marten Falls First Nation</b>					
<b>Neskantaga First Nation</b>					
<b>Nibinamik First Nation</b>					
<b>Wapekeka First Nation</b>					
<b>Wawakapewin First Nation</b>					
<b>Weenusk First Nation</b>					
<b>Webequie First Nation</b>					

MARTEN FALLS FIRST NATION  
ALL SEASON COMMUNITY ACCESS ROAD



<b>Wunnumin Lake First Nation</b>					
<b>Animbiigoo Zaagi'igan Anishinaabek</b>					
<b>Long Lake #58 First Nation</b>					
<b>Métis Nation of Ontario, Region 2</b>					
<b>Red Sky Independent Métis Nation</b>					

## Comments Table

**Proposal:** Marten Falls Community Access Road Project – Draft Terms of Reference

**Proponent:** Marten Falls First Nation

**Agency:** Ministry of Energy, Northern Development and Mines

**Commenter Name and Job Title:** Ariane Heisey, Paul MacInnis, Claire Pineau

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
<b>Instructions:</b>	Provide specific volume, section and page number	<p>Provide your comment along with explanation for why issue is important for ToR/EA purposes. Identify significance of issue (e.g. must be addressed at ToR phase, should be addressed at EA or permitting phase, or both).</p> <p>If major concerns or “showstoppers” are identified, please highlight below and notify Ariane Heisey who will notify MECP Project Officers as soon as possible.</p>	Describe in detail what action you recommend to address your comments. Actions may include but are not limited to: revisions to the document, information requests, proposed commitments or conditions, future permits and approvals etc.
1. ROFS	Section 1 Pg 1 Paragraph 3,4,5,	<ul style="list-style-type: none"> <li>- Par. 3 - References to other documents should be accurate, W.L. Lees 2011 and MFFN 2017 are different documents</li> <li>- Par. 4- Reference to MFFN as the proponent or owner... MFFN is the proponent, the ownership of the road is yet to be determined</li> <li>- Par. 5 - Reference throughout Draft ToR to community-led provincial EA beginning in par. 5</li> </ul>	<ul style="list-style-type: none"> <li>- Ensure that documents are referenced appropriately and used in the appropriate context. What is the MFFN 2017 document?</li> <li>- Delete the reference to owner as MFFN is the proponent for the EA. This reference appears in a number of places throughout the document. The reference should be changed throughout the document.</li> <li>- It would be helpful to define what community-led process is at the first reference or indicate where in the document that concept is defined.</li> </ul>

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		<ul style="list-style-type: none"> <li>- Par. 7 – submitted to MECP for review and <b>approval</b></li> <li>- <b>Once</b> the ToR is approved</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest - review and <b>decision</b> so outcome is not pre-determined</li> <li>- Suggest – <b>Should</b> the ToR be approved so outcome is not pre-determined.</li> <li>- Check throughout the document</li> </ul>
2. ROFS	Section 1 Pg 2 Maps and all maps	<ul style="list-style-type: none"> <li>- All maps related to the project should contain the appropriate disclaimer, including wording provided by Ontario and outlined in data share agreement.</li> <li>- Boundary Lines – consider changing the legend symbol of both the Far North Boundary Line and the District Municipal Line as it has been identified at outreach sessions to be confusing with Proposed Corridors</li> </ul>	<ul style="list-style-type: none"> <li>- All maps should be updated</li> <li>- Adjust map symbol and update on all maps</li> </ul>
3. ROFS	Section 2.1.1 P.3	<ul style="list-style-type: none"> <li>- Par. 2 and 3 reference to proponent or “owner” of the project</li> <li>- Bullet 2: “requirements of the EA process”</li> </ul>	<ul style="list-style-type: none"> <li>- Delete “owner” See comment 1 above</li> <li>- Delete process and change to the EA Act</li> </ul>
4. ROFS	Section 3.1 Pg 5	<ul style="list-style-type: none"> <li>- Please clarify which Class EAs may be required any why? Not sure what the ENDM Class EA would be used for as it is only for ENDM activities. Not sure that any ENDM withdrawals would need to go through an EA process.</li> <li>- Similarly, why would the Public Works Class EA be required?</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest reviewing the Class EAs to be surer of which ones would be required and why they would be required. adding in brackets why each Class EA might be required</li> </ul>
5. ROFS	Section 3.2 Page 5	<ul style="list-style-type: none"> <li>- Par. 2 – Suggest updating this section “A Detailed Project Description is being prepared and is anticipated to be submitted to the</li> </ul>	Suggest updating this whole section to reflect current status of the federal IA.

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		Impact Assessment Agency of Canada (IAAC) in fall 2019...”	
6. ROFS	Section 3.4 Pg. 6,7	<ul style="list-style-type: none"> <li>- Par. 1 submit to MECP for <b>approval</b> and <b>Once</b> the ToR is approved</li> <li>- P. 7, par 2, bullets 1 and 3 party/person</li> <li>- P.7, par.2, bullet 4 – the first 2 sub-bullets are undertaken before a decision is made</li> </ul>	<ul style="list-style-type: none"> <li>- See Comment 1, sub. 4 for suggested wording</li> <li>- Suggest use “persons” in both places for consistency</li> <li>- Suggest adding language “before making a decision, the Minister may refer...”</li> </ul>
7. ROFS	Section 4 Page 9	<ul style="list-style-type: none"> <li>- Reference to ‘provincial interest is for one road to serve both community access and industrial supply needs’. This is unclear and would benefit from more clarity</li> </ul>	<ul style="list-style-type: none"> <li>- Adjust text to indicate it is a community and provincial interest for one multi-use road/ infrastructure corridor in the area, who would be the major users (e.g. support industrial use). Various documents indicate minimizing infrastructure corridors in the Far North and the areas, specifically the MFFN Community Based Land Use Plan which is a strategic planning document for the area.</li> </ul>
8. ROFS	Section 5.1 Page 10, 11	<ul style="list-style-type: none"> <li>- Par. 5 Consider adding to the rationale: community social needs, community health needs, community economic needs, community education needs, community wellness, basic service needs. These are key reasons for the proposed MFFN CAR road</li> <li>- Par. 3 Consider adjusting text related to MFFN realignment of the winter road and MNRF 2011 approval. Review purpose, rationale, and what</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest enhancing the sections to emphasize the key rationale for the road</li> <li>- Correct name of the MOI plan Building Better Lives: Ontario’s Long-Term Infrastructure Plan 2017. Please make change throughout document.</li> </ul>

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		<p>was actually completed (only ½ of upgrades completed)</p> <ul style="list-style-type: none"> <li>- Par.3 Reference to ROF and lack of access should be a separate paragraph and highlighted at the end of the section - could be confused with rationale for the CAR.</li> <li>- Pg. 11, par. 1 – Ontario Infrastructure Plan – please use the correct title</li> </ul>	
9. ROFS	Section 5.2 Pg 11	<ul style="list-style-type: none"> <li>- Par. 1, last line Options for... suggest adding operations to the list</li> <li>- Reference to borrow areas, aggregate sites (sources), quarries sites etc. Clearly identify /explain the terms to limit confusion during consultation, outreach etc. Breakdown aggregate sites (Cat 9, Cat 10 etc.)</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest adding operations into the list of options</li> <li>- Suggest clarifying terminology related to borrow areas, aggregate sites, quarries throughout the document</li> </ul>
10. ROFS	Section 5.2 Pg 11	<ul style="list-style-type: none"> <li>- Reference to MNRF providing recommended practices... adjust to include that MTO has also provided recommendation/direction/standards etc.</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest adjusting text to include MTO direction as MTO standards are the standards, direction etc. being followed for this project.</li> </ul>
11. ROFS	Section 5.2.1 Pg 11	<ul style="list-style-type: none"> <li>- Reference that the project will propose design standards and criteria reviewed and approved by MTO and MNRF prior to use. MNRF does approve design standards...MTO standards are being used, MTO will not be approving standards.</li> </ul>	<ul style="list-style-type: none"> <li>- Adjust text to indicated that already approved MTO standards are being used in road design. Remove reference that MNRF approves standards.</li> </ul>
12. ROFS	Section 5.2.1.4 Pg 12	<ul style="list-style-type: none"> <li>- Ancillary Infrastructure – consider using terms which community and stakeholders will</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest adjusting text throughout the document</li> </ul>

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		understand clearly. Ask MFFN Project Team FN for a different term.	
13. ROFS	Section 5.2.2 Pg. 12	- Planning and Design Phase ... an <b>approval</b> under the Ontario EAA... <b>Once</b> the ToR is approved	- See comment 1, sub 4
14. ROFS	Section 5.2.2 Pg 12-13	<ul style="list-style-type: none"> <li>- Suggest adding graphic to show the timelines and scheduling. A graphic can help to simplify concepts</li> <li>- Construction Phase – review timing of construction activities, timing etc. In the project area, on average there are only 5 months of non-frozen conditions.</li> </ul>	- Suggest adding a graphic to show timelines and scheduling
15. ROFS	Section 5.2.2 Pg 14	<ul style="list-style-type: none"> <li>- Review Wastes section; consider seeking direction from MNRF related to usable timber (winter road realignment projects/broadband)</li> <li>- Please seek clarification on closest waste management site, the proposed site may not be operational. Perhaps allow yourselves some flexibility in finding an approved waste management site</li> </ul>	- Suggest updating section once clarification is provided from MNRF.
16. ROFS	Section 6.2 Pg. 16	- Par. 1 – Suggesting repositioning this paragraph to talk more about the reasonable range of alternatives given Marten Falls’ unique situation and community needs as explained in section 5.1 Rationale for the Proposed Undertaking. It has already been addressed in previous paragraphs, that the Project Team has made the case for the CAR	<ul style="list-style-type: none"> <li>- Suggest something along the lines of:</li> <li>- Given Marten Falls unique circumstances as a remote First Nation community with an airport with non-daily service and high costs per trip, and a winter road system that only provides seasonal service and is increasingly unreliable, or a railroad which does not provide the freedom of movement, it is not reasonable to</li> </ul>

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		<p>being identified in provincial documents so no need to repeat that again.</p> <ul style="list-style-type: none"> <li>- At the end of this section, it can be reiterated that for all these reasons (e.g. previous studies, community needs, reasonable range of alternatives that can be implemented, do nothing alternative etc), the only way to address the problem is through an all-season road.</li> </ul>	<p>consider these alternatives as they do not meet the community needs. To reach the decision of proceeding with a CAR, the consideration of reasonable range of alternatives that are within MFFN's ability to implement is limited to an all-season road.</p>
17. ROFS	Section 6.2 Pg 16	<ul style="list-style-type: none"> <li>- Par. 2, line 2 "The alternative to "do nothing" is the option of not proceeding with the Project..."</li> <li>- The way that the sentence is written is looks like the opposite of doing nothing is doing nothing which I do not think this is the intent.</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest deleting the word "to" or rewrite the beginning of the sentence to say: The "do nothing" alternative to, is the option of not proceeding with the project...</li> </ul>
		<ul style="list-style-type: none"> <li>- Par. 3, line 4 Adjust reference to Provincial Interest; it is both community and provincial interest to align infrastructure development to be multipurpose; MFFN CBLUP highlights this interest as well</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest adding in after the Provincial interest sentence, that the community shares the provincial interest.</li> </ul>
18. ROFS	Section 6.3.1 Pg 17	<ul style="list-style-type: none"> <li>- Par. 1, Reference to July 31, 2019 BCR and suggestion that the eastern routes are only considered viable if the road is built as a dedicated CAR. Through engagement and consultation, many concerns were raised related to the eastern routes including impact to water (watersheds), bridge to close to community etc.</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest adding text to include the additional community concerns with eastern routes</li> </ul>

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19. ROFS	Section 6.3.1 Pg 17	<ul style="list-style-type: none"> <li>- Suggest additional information be provided for Alternative 1 should be updated to indicate, the Anishinabek Knowledge related to the Ogoki River system....consider adding important reference that since 2009 a corridor approximately 10-20 m wide was cleared and remains with limited growth on the majority of the route prior to it turning east towards MFFN. It was cleared to facilitate geotechnical work completed by the claim holder in co-operation with MFFN and Aroland First Nation. (MNRF approved water crossing)</li> <li>- Alternative 4 should include that the at the proposed crossing location of the Ogoki River there is Anishinabek Knowledge associated with various communities.</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest updating text to have most accurate information related to the alternatives</li> <li>- Important to indicate that Alt 1 has a ROW clearing and water crossing were approved in 2009 by MNRF.</li> </ul>
20. ROFS	Section 6.3.1 Pg 18,19	<ul style="list-style-type: none"> <li>- A routing alternative that has been discussed appears to be missing close to MFFN (follows the MFFN Trail to Pym Island). It was shared at Marten Falls engagement sessions. Please confirm whether this alternative is still being considered</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest updating the maps to show the additional alternative if it is still being considered.</li> </ul>
21. ROFS	Section 7.1.2 Table 1 Pg. 22	<ul style="list-style-type: none"> <li>- Not sure that Indigenous Knowledge is an 'environment or a discipline'. Indigenous Knowledge informs environment and disciplines. Would the environment not be the land and the discipline not be traditional land use</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest using alternate wording for the environment and discipline. Make sure that this is consistent with Table 7.4 and Appendix A.</li> </ul>

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22. ROFS	Section 7.1.3 and 7.1.4 Pg 22	<ul style="list-style-type: none"> <li>- In the list in 7.1.3 and in 7.1.4, there may be merit to include the studies that have already been undertaken specific to the project or it can be included in the more detailed descriptions in 7.1.4</li> <li>- Description of Existing Environment – may have merit to review language developed by MFFN and Ontario for MFFN CBLUP and broadband project to help ensure consistency between the documents. Can discuss further with ENDM ROF if desired.</li> </ul>	<ul style="list-style-type: none"> <li>- Consider including information about the completed studies to date.</li> <li>- Consider reviewing language in other related documents to help ensure consistency, as appropriate.</li> </ul>
23. MMD	Section 7.1.4.3 Pg. 25	<ul style="list-style-type: none"> <li>- Physiography and geology sections were reviewed, and the information contained in this section is consistent with Ontario Geological Survey mapping. In August 2019, mineral values information including geology, surficial geology, mineral deposits, mineral potential and exploration activity mapping was prepared and sent to ENDM's EA Coordinator in response to a Federal EA for the same project.</li> </ul>	<ul style="list-style-type: none"> <li>- No action required</li> </ul>
24. ROFS	Section 7.1.4.10 Pg 32	<ul style="list-style-type: none"> <li>- Ensure that when referencing communities, tribal councils etc. proper names are used (ie Matawa Council – Matawa First Nation Management Inc.) – Correct throughout document</li> </ul>	<ul style="list-style-type: none"> <li>- Review document and correct names throughout.</li> </ul>
25. ROFS	Section 7.1.4.10 Pg 32	<ul style="list-style-type: none"> <li>- Par. 1 – Line 4. Sentence beginning with "Aboriginal and treaty rights... Use Aboriginal instead of Indigenous when referring</li> </ul>	<ul style="list-style-type: none"> <li>- Replace sentence on line 4 with the following language</li> </ul>

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		<p>Aboriginal and treaty rights (Check through out document). Ontario also has a duty to consult, not just Canada. Use the word Crown instead which covers both federal and provincial government. Change sentence to reflect.</p>	<ul style="list-style-type: none"> <li>- “Aboriginal and Treaty rights are guaranteed under section 35 of the Constitution Act, which includes recognition of existing Aboriginal and Treaty rights for all First Nation, Inuit and Metis people of Canada. As part of these rights, the Crown has the duty to consult Aboriginal communities for this project.”</li> </ul>
26. ROFS	Section 7.1.4.10 Pg 33 Map	<ul style="list-style-type: none"> <li>- Suggest Updating Treaty Boundaries map to include all of the FN with whom MFFN is engaging</li> </ul>	<ul style="list-style-type: none"> <li>- Update map as indicated</li> </ul>
27. ROFS	Section 7.1.4.10 Table 7-3 Pg 34-37	<ul style="list-style-type: none"> <li>- Note that MFFN as a potentially affected community is not included in the Table</li> <li>- Attawapiskat. Consider updating for accuracy. Important to state which of the two reserves includes the permanent community (91a). Reserve 90 is on the Ekwan River and not close to the mouth of the Attawapiskat R.</li> <li>- Fort Albany/Kashechewan: Would be helpful to know the population of each community rather than combined. It is ENDM’s understanding that they have separate elections and separate Chiefs and Council, so while they may have a shared system of governance, they have separate governments and separate Chiefs and Councils. Please</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest MFFN is included in Table 7-3 to be complete and you can reference section 7.1.4.12 for the details</li> <li>- Suggest following up with ENDM/IAO and updating for accuracy and make any changes as appropriate.</li> <li>- Suggest following up with ENDM/IAO and updating for accuracy and make any changes as appropriate.</li> </ul>

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		<p>review and make any changes as appropriate to both community entries.</p>	
		<ul style="list-style-type: none"> <li>- Long Lake #58: ENDM's understanding is that Long Lake #58 is a signatory to Robinson-Superior Treaty, not Treaty 9, but they are affiliated with Matawa First Nations Management Inc. Please review and make changes as appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest following up with ENDM/IAO and updating for accuracy and make any changes as appropriate.</li> </ul>
		<ul style="list-style-type: none"> <li>- Nibinamik: Having been to Summer Beaver a number of times, there are definitely more than 62 people living there. It would be helpful to review and make any changes as appropriate</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest following up with ENDM/IAO and updating for accuracy and make any changes as appropriate.</li> </ul>
		<ul style="list-style-type: none"> <li>- Weenusk: ENDM's understanding is that they are an independent First Nation but have some affiliation with Mushkegowuk to offer certain services. They are not included on the Mushkegowuk website.</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest following up with ENDM/IAO and updating for accuracy and make any changes as appropriate.</li> <li>- Make sure that the information is consistent between this table and Table 10-1 on pg. 64</li> </ul>
		<ul style="list-style-type: none"> <li>- For all communities: there are some FNs that have been planning as part of CBLUP but have not been included in the table (e.g. Neskantaga, Fort Albany, Kash, Kasibonika and Attawapiskat – planning not under CBLUP). Suggest working with MNR to make sure that the status of CBLUPs is accurately characterized</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest following up with ENDM/IAO and updating for accuracy and make any changes as appropriate.</li> </ul>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
28. ROFS	7.1.4.10 Pg. 37	<ul style="list-style-type: none"> <li>- Par. 2 – are there any federal land claims being considered by the federal government.</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest that there be follow-up and update as appropriate.</li> </ul>
29. ROFS	Section 7.1.4.11 Pg 38-39	<ul style="list-style-type: none"> <li>- Par. 1 - Little Current River, not Current River</li> <li>- Par. 9 - Reference to Section 7.1.4.11 in Section 7.1.4.11 – suggest checking for accuracy</li> <li>- Par. 9 – “MFFN will collaborate with communities...to develop collection methodology...but MFFN may already have methods that they use</li> <li>- P. 39, par. 1 - Knowledge and traditional land and resource use data collection – should relate to the study after, add, in the study area.</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest reviewing this section and updating to ensure current accurate information is provided.</li> <li>- Suggest adding ‘...or will build on methods already used’ after to develop collection methodology...</li> <li>- Suggest adding in “...in the study area” after “Knowledge and traditional land and resource use data collection” in line 1</li> <li>-</li> </ul>
30. ROFS	Section 7.1.4.12 Pg 39-40	<ul style="list-style-type: none"> <li>- The focus of this section is on Marten Falls but there may be other proximate First Nations that will need to be considered in the socio-economic assessment and may warrant a short paragraph similar to that of Aroland which is included in a short paragraph at the end of par. 5 on pg. 40.</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest considering other proximate First Nations in this section with a short paragraph similar to the Aroland paragraph.</li> </ul>
31. MMD	Section 7.1.4.12 Pg.42	<ul style="list-style-type: none"> <li>- Par. 2 Within the <b>preferred 5km corridor</b>, there may be conflicting land use which involves 3,303 active mining claims, affecting 5 claim holders.</li> <li>- Also, overlaps in part 6, existing lands withdrawal orders for mineral and surface rights.</li> </ul>	<ul style="list-style-type: none"> <li>- Potentially, consent to dispose of surface rights may be required from claim holders for each active claim.</li> <li>- Lands alienated could potentially be for indigenous lands concerns, otherwise, there may be land use conflicts to mitigate.</li> </ul>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
32. MMD	Section 7.1.4.12 Pg.42	<ul style="list-style-type: none"> <li>- <b>Alternate 3.5km corridor.</b> There may be conflicting land use involving 1,357 active mining claims, affecting 3 claim holders</li> <li>- Also, overlaps in part 6, existing lands withdrawal orders for mineral and surface rights.</li> </ul>	<ul style="list-style-type: none"> <li>- Potentially, consent to dispose of surface rights may be required from claim holders for each active claim</li> <li>- Lands alienated could potentially be for indigenous lands concerns, otherwise, there may be land use conflicts to mitigate.</li> </ul>
33. MMD	Section 7.1.4.12 Pg.42	<ul style="list-style-type: none"> <li>- <b>Alternative 4.5km corridor.</b> There may be conflicting land use involving 259 active mining claims, affecting 2 claim holders.</li> <li>- Also, overlaps in part 4, existing lands withdrawal orders for mineral and surface rights.</li> </ul>	<ul style="list-style-type: none"> <li>- Potentially, consent to dispose of surface rights may be required from claim holders for each active claim</li> <li>- Lands alienated could potentially be for indigenous lands concerns, otherwise, there may be land use conflicts to mitigate.</li> </ul>
34. ROFS	Section 7.1.4.12 Pg. 43	<ul style="list-style-type: none"> <li>- Human Health – suggest adding Community Safety to the Heading because both human health and community safety are discussed in this section</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest adding Community Safety to the Heading</li> </ul>
35. ROFS	Section 7.2 Pg. 47, 48	<ul style="list-style-type: none"> <li>- Table 7.4 Social, Economic and Built Environment – suggest including social cohesion</li> <li>- Under Human Health discipline include Community safety (see comment 32)</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest adding in as a potential effect changes to social cohesion in the Social discipline</li> <li>- Suggest adding community safety to discipline heading</li> </ul>
36. MMD	Section 7.2.4. Pg. 49	<ul style="list-style-type: none"> <li>- Par. 2 - Should also consider listing aggravating flooding may be a specific area of interest. Also consider this for the draft criteria &amp; indicator evaluation list detailed in Appendix A.</li> </ul>	<ul style="list-style-type: none"> <li>- Recommendation: ensure further clarification regarding flows and potential for aggravated flooding specifically which may help ensure appropriate studies are conducted during the EA phase of the Project.</li> </ul>

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		<ul style="list-style-type: none"> <li>- OFAT is currently detailed in the potential data source column, and LiDAR is referenced (section 7.1.3) however, it may be a worthwhile area to flag early on or as a specific subsection under surface water. The areas identified for the Project may not offer a great deal of baseline data and hosts short field seasons for data gathering and ground truthing.</li> </ul>	
37. ROFS	Section 7.2.11 Pg. 52-53	<ul style="list-style-type: none"> <li>- Par. 1, Bullet 1 suggest including changes to community cohesion her as well.</li> <li>- Bullet 2, suggest including public safety</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest adding in changes to community cohesion at the end of bullet 1.</li> <li>- Suggest adding in public safety after human health in line 1 of bullet 2.</li> </ul>
38. ROFS	Section 8.4 Pg. 58	<ul style="list-style-type: none"> <li>- Bullet 2 – title suggest Impact Management instead of Mitigation for consistency</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest deleting mitigation in title and substitute with Impact Management</li> <li>- <b>Developing Impact Management Measures</b></li> </ul>
39. ROFS	Section 10 Pg. 60	<ul style="list-style-type: none"> <li>- Focus of consultation is during the ToR, so should provide the start and end date for the consultation. Is the start date from the Notice of Commencement onward? Presumably this section will be updated to include all activities until ToR submission.</li> <li>- Is there merit to document somewhere in the ToR the consultation that took place prior to the Notice of Commencement and still related to the proposed EA and that more details can be found in the relevant supporting documentation?</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest reviewing this section and updating to ensure current accurate information is provided.</li> <li>- May be helpful to make it clear in the ToR from what point forward consultation is being considered in the ToR with a note that earlier consultation is included in the consultation record in the supporting documentation or in the consultation related to alternatives screening supporting documentation, if the</li> </ul>

<b>Comment #</b>	<b>Reference to ToR</b>	<b>Comments &amp; Rationale</b>	<b>Proposed Action/Solution</b>
			focus in the ToR is on consultation post Notice of Commencement
40. ROFS	Section 10 Pg. 62	- Figure 10-2 Suggest updating to reflect where MFFN is at the time of submission	- Suggest updating Figure 10-2
41. ROFS	Section 10.2.1 Pg. 63	- Par. 1 – if the notices for Indigenous communities are going to be described elsewhere, it would be helpful to describe where. - Par. 2 Not sure why Indigenous Communities are not included in the Project Notifications. Why would you not include them in the list as presumably they would have received the same notice?	- Suggest including the section number where the Indigenous notices are described
42. ROFS	Section 10.2.2 Pg. 64	- Table 10-1: Under Shibogama First Nations Council – what does the double asterisk mean - There appears to be some inconsistency with this Table and Table 7-3 Community Profiles. (e.g Weenusk affiliated with Mushkegowuk in Table 7-3 and independent in Table 10-1	- Suggest defining the double asterisk or remove - Suggest reviewing both Tables to ensure consistency with respect to affiliations and other matters
43. ROFS	Section 10.2.2 Pg. 65	- Par. 2 – Update the paragraph to include that the MOU was signed on January 7, 2020.	- Suggest paragraph be updated to reflect signing of the MOU on January 7, 2020
44. ROFS	Section 10.2.2 Pg. 67	- Par. 2 – Only 18 Aboriginal communities whose Aboriginal or treaty rights may be adversely affected by the proposed road project were invited to request participant funding to support the review of the ToR and	- Suggest amending the wording to say the following. The Province of Ontario has made available participant funding to 18 Aboriginal communities whose Aboriginal or treaty rights may be adversely affected by the proposed road project. These communities were invited

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
		EA, not 22. The 4 interested communities were not invited.	to request participant funding to support the review of the ToR and EA.
45. ROFS	Section 10.2.2.1 Pg 67	<ul style="list-style-type: none"> <li>- Consultation with MFFN as proponent compared to MFFN as community not clearly defined. Important to highlight in this section</li> <li>- Information shared only indicates what was shared at the sessions listed and not the previous sessions prior to January 2019.</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest making the dual roles of Marten Falls as proponents and as potentially affected community clearer. Perhaps describe each one separately. What engagement activities were undertaken in each role.</li> <li>- Suggest including engagement activities prior to NoC in a separate section or indicate that it can be found in the relevant supporting documentation.</li> </ul>
46. ROFS	Section 10.2.5 Pg. 73	<ul style="list-style-type: none"> <li>- Suggest updating this section prior to submission to reflect what occurred relative to the release of the draft ToR.</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest updating this section prior to submission.</li> </ul>
47. ROFS	Section 11.2 Pg. 75	<ul style="list-style-type: none"> <li>- Par. 1 should be updated for accuracy.</li> <li>- Par. 4 update to reflect that MOU was signed on January 7, 2020.</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest replacing Par. 1 with the following:</li> <li>- "Aboriginal and Treaty rights are guaranteed under section 35 of the Constitution Act, which includes recognition of existing Aboriginal and Treaty rights for all First Nation, Inuit and Metis people of Canada. As part of these rights, the Crown has the duty to consult Aboriginal communities for this project."</li> </ul>
48. ROFS	Section 11.5 Pg. 78	<ul style="list-style-type: none"> <li>- Table 11-1: All Stakeholders – Should Indigenous Communities also be included in the title since they do not view themselves as stakeholders.</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest changing Title to Indigenous Communities and Stakeholders</li> </ul>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
49. ROFS	Appendix A Pg. 3,5	<ul style="list-style-type: none"> <li>- Pg. 3: Is Indigenous knowledge an environmental discipline or does it inform disciplines? Perhaps the discipline is Traditional Land Use. See also Table 7-1 and make consistent</li> <li>- Indigenous knowledge can inform many disciplines.</li> <li>- Pg 5: Suggest naming the discipline Human Health and Community Safety.</li> <li>- Consider mental health as another indicator of Health under the Health discipline</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest changing name of discipline to Traditional Land Use and ensure that Indigenous Knowledge is a data source</li> <li>- Suggest naming the discipline Human Health and Community Safety.</li> </ul>
50.	Appendix B Section 1.1 Pg. 1	<ul style="list-style-type: none"> <li>- Par. 4 - ownership has not yet been determined</li> </ul>	<ul style="list-style-type: none"> <li>- Line 5 – delete “owner”</li> </ul>
51.	Appendix B Section 1.4 Pg. 5	<ul style="list-style-type: none"> <li>- Box: The Constitution Act refers to Aboriginal communities which refers to all of the groups referred to in the box. May be cleaner to say it that way as traditional land-based rights holders, for example, has not been used anywhere in the document.</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest deleting all the groups in the box and refer to them as Aboriginal communities, as not all Indigenous groups have constitutional rights.</li> </ul>
52.	Appendix B Section 2.3 Pg. 8	<ul style="list-style-type: none"> <li>- Par. 1 – update this paragraph for accuracy</li> <li>- Par. 2 – Update to reflect signing of the MOU</li> </ul>	<ul style="list-style-type: none"> <li>- Suggest following wording to replace Par. 1:</li> <li>- “Aboriginal and Treaty rights are guaranteed under section 35 of the Constitution Act, which includes recognition of existing Aboriginal and Treaty rights for all First Nation, Inuit and Metis people of Canada. As part of these rights, the Crown has the duty to consult Aboriginal communities for this project.”</li> </ul>

Comment #	Reference to ToR	Comments & Rationale	Proposed Action/Solution
			- Par. 2: Suggest changing the wording for accuracy
53.	Appendix B 3.2.1 Pg. 11	- Par. 1 – while some of the agencies with whom the proponent has engaged as mentioned in par. 1, it is not the entire government review team. Assume that the GRT is larger than this. -	- Provide some clarification on the agencies with whom engagement has taken place vs the whole GRT - Suggest grouping provincial and federal agencies together.
54.	Appendix B Section 4.1.5 Pg. 15	- Table 4.1 - All Stakeholders – Should Indigenous Communities also be included in the title since they do not view themselves as stakeholders.	- Suggest changing Title to Indigenous Communities and Stakeholders - See comment 47

*Ariane Heisey*

\_\_\_\_\_  
Commenter Signature

2020-02-06

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Date

## **D1.4.3 Ministry of Natural Resources and Forestry**



**Proposal:** Marten Falls Community Access Road Project – Draft Terms of Reference  
**Proponent:** Marten Falls First Nation

**Agency:** Ministry of Natural Resources and Forestry  
**Commenter Name and Job Title:** Submitted by Dave Barker, Nipigon District, Geraldton Field Office  
**February 2020**

Review Comment #	Section	Page #	Comments & Rationale	Proposed Action/Solution
MNRF #1	3.1	5	<p><i>“the project may require the completion of Class EAs prior to proceeding with construction”.</i></p> <p>With the exception of authorizations/permits required to gather baseline information to inform the EA (eg Scientific Collectors permits, or borehole drilling), the MNRF cannot authorize any permit/authorization that may</p>	<p>This section should clarify the types of activities that may be subject to requirements of Class EAs, such as borehole drilling or certain activities associated with baseline studies.</p>

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			be viewed as pre-supposing the outcome of the Individual EA.	
MNRF #2	3.4 – Preparation of the EA 6.1 Description of and Rationale for Alternatives	6  15-16	<p>The rationale that is used for not considering alternatives (different types of transportation provision projects) is because an all-season access road was identified in Ontario’s Long-Term Infrastructure plan 2017 [previous gov’t].</p> <p>Similarly, the proponent mentions, “The idea that alternatives to the project have been previously considered through other planning studies is further supported by a number of provincial government plans that include policies and initiatives for an improved transportation system and community access in Northern Ontario.” And further statements such as, “It is understood that the government would have considered the alternatives to the proposed Project when</p>	Clarify that the Code of Practice for Preparing ToR supports the rationale for not considering alternatives to the undertaking

Review Comment #	Section	Page #	Comments & Rationale	Proposed Action/Solution
			<p>committing to provide funding for an all-season access road”</p> <p>Question whether the rationale for not considering alternatives is adequate because it is based on previous government direction and/or whether the implicit understanding of providing funding is a valid statement in not addressing alternatives.</p>	
MNRF #3	5.2.1 & 5.2.1.4	11 & 12	<p>Section references timber stockpiles may be needed.</p> <p>Temporary construction camps are referenced.</p>	MNRF may require occupational authority for these areas depending on scope and length of occupation.
MNRF #4	5.2.1.3	12	Describes “Borrow Areas” to be developed.	The term “borrow areas” is not recognized in the ARA. Any aggregate material (e.g. gravel, rock, sand) to be extracted from Crown land needs to be done under the authority of an approved “Aggregate Permit” issued under the ARA. These permits include both rock quarries and gravel pits. The EA should reference this point when it is submitted.
MNRF #5	5.2.1.3	12	Options for sourcing aggregates, including the development of new aggregate sites needs to be part of the EA; otherwise, additional EA requirements may apply prior to MNRF issuing permits for new sites.	The ToR should identify whether the EA will include an assessment of associated potential impacts and proposed mitigation measures associated with sourcing and use of aggregates, and that additional approvals under the <i>EA Act</i> may be required if this is not addressed as part of the Individual EA. The ToR should also state that <i>Aggregate Resources Act</i>

Review Comment #	Section	Page #	Comments & Rationale	Proposed Action/Solution
			<p>The potential impacts and proposed mitigations of various alternatives for sourcing aggregates should be addressed in the EA. This is a critical point for this EA for reasons stated elsewhere in the comments.</p> <p>The EA should recognize that any development of any new aggregate extraction areas can only begin after sites have been approved under the <i>Aggregate Resources Act</i> (and may require further assessment under the <i>Far North Act</i>). It should be noted that the processing of these permit applications can take 6 months or longer.</p>	<p>approvals may be needed if new aggregate sites will be developed.</p>
MNRF #6	5.2.1 Project components	11 & 12	The EA will further identify and evaluate routing alignment alternatives within the preferred corridor, as well as other alternative infrastructure designs (e.g., culverts or bridges at waterbody crossings) and siting with respect to	MNRF supports the completion of alternatives analysis for ancillary infrastructure components and/or activities involved in the Project. This approach will ensure good project planning and that all activities that are part of the Project are evaluated and consulted on through the EA and will not require completion of further EA alternatives processes / requirements at the time of MNRF permitting.

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			temporary or permanent supportive ancillary infrastructure for the Project, such as access roads, construction camps, staging areas, and aggregate extraction and processing sites.	[Note: Project components that are not evaluated as part of the EA but require dispositions of Crown land / resources may be subject to additional EA requirements. Providing this information in the EA process will also help to enable flexibility in project implementation (e.g., method, location, style, implementation) if/as required.]
MNRF #7	5.2	11	Reference to the publication of “Environmental Guidelines for Access Roads and Water Crossings”. This document contains some good information however is quite dated. Please also consider referring to the “Ministry of Natural Resources and Forestry/Fisheries and Oceans Canada Protocol for the Review and Approval of Forestry Water Crossings.”	
MNRF #8	7	19	Nearly one-half of the 190 to 230 km proposed road is through the James Bay Lowlands. Road construction through landscapes dominated by wetlands has a potential to significantly alter watershed hydrology, with changes in greenhouse gases (GHG) a likely outcome. This can have negative implications on GHG production, possibly altering carbon balances well beyond the	At minimum, the review of literature on road construction effects on carbon should be undertaken for this EA. Data exists for the study region that the client should review and evaluate. These include government and conservation society reports, peer-reviewed manuscripts, and databases of carbon/GHG, weather, geology, vegetation, etc. The client is encouraged to apply the carbon/GHG calculations provided in 2013 Supplement to the 2006 IPCC Guidelines for National Greenhouse Gas Inventories: Wetlands.

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			<p>35-m width of the corridor. Retaining background carbon and GHG balances in response to land development remain national and international priorities. We strongly recommend that a carbon and GHG evaluation be completed as part of the EA so that these effects can be considered..</p>	<p>It is further recommended the project test the IPCC calculations against data collected along the length of road network.</p>
MNR #9	Description of the Undertaking 5.2	11	<p>The Western road corridor alternatives 1 &amp; 4 were chosen to move forward to the EA from the Supplemental Information comparing several alternatives. One of the reasons for relocating away from the existing winter road corridor was access to higher ground (and aggregates).</p> <p>The higher ground (rock knobs and aggregate) are limiting features in the Far North, and as such possibly provide unique benefits to fish and wildlife.</p>	<p>It is recognized that the EA should address concerns related to construction of an all weather road in this northern wetland environment. That said locating the road in higher ground presents concerns related to the limited nature of these features in the northern environment. This is another angle that will need to be evaluated in the EA ie the limit of the higher ground and implications towards ecosystems (wildlife, fisheries, etc).</p>
MNR #10	5.2.2	14	<p>The Project Team refers to the use of the MNR Waste Site at the Anaconda and Ogoki Road junction for disposal of</p>	<p>MNR has an agreement with an individual to operate the waste site for the benefit of a group of users. Use of this site is restricted to the members of that group – members self fund the operation of the site.</p>

Review Comment #	Section	Page #	Comments & Rationale	Proposed Action/Solution
			domestic waste generated by construction activities.	MNRF advises that it is a requirement that use of this waste facility will only be available after reaching a mutually beneficial agreement with the waste site operator.
MNRF #11	6.2	15	Among the social, economic and environmental comparisons of the alternatives for the project, a cost comparison should be conducted.	The ToR should state that this will be a component of the EA.
MNRF #12	6.2 & 7.1.4	16 & 22	The ToR identifies that  <i>“Although the Project is for a Community Access Road, with the primary purpose to service the community of Marten Falls First Nation, the need for a supply road to mining claims in the region has been previously identified by industry and government (i.e. provincial infrastructure plan). 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</i>	Revise ToR to include potential cumulative effects of the project in combination with past, present and reasonably foreseeable future activities, where possible, to be included in the EA.

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			<p><i>industrial supply needs (i.e. multi-functional use); therefore, the proposed CAR may be used by private, commercial and industrial needs”.</i></p> <p>Because of the potential for large changes regarding access to the western portion of Ontario’s Far North Region, it is recommended that a cumulative effects assessment is conducted as part of the EA. Examples: Webequie Supply Road, transmission corridors, Rapid Lynx, Phase 2 of road to Ring of Fire</p>	
MNRF #13	7.1.1	19	ToR indicates that the study area is 2.5 km on each side of the centreline of each alternative route. Given the range of some of the wildlife species, the distance that some fish species will travel to spawn and the potential impacts on remote tourism operations. The study area described may not be adequate to assess the full range of impacts	Please provide rationale for the study area.

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MNRF #14	7.1.4 Description of the existing environment  10.2.4 Government Agencies  Appendix A Draft Criteria and Indicators	22 & 72  Appendix A	A data share agreement between the MFFN project team and the Crown is in place. This should be recognized in the ToR and included as a potential data source.	Please describe how Crown provided data and data collected for the project will be used and shared amongst organizations.  The ToR should recognize the Crown Data Share Agreement and include reference to it in the listing of potential data sources for the criteria and indicators alternatives evaluation.
MNRF #15	7.1.4	22	The EA should also describe the vegetation at the EcoDistrict scale. The project is proposed within 2w2 (Kasabonika Lake Ecodistrict), 2w3 (Wunnummin Lake Ecodistrict) and 2e4 (Lower Kenogami River Ecodistrict).	Include description in the EA.
MNRF #16	7.1.4	22	Consider including a map identifying the project and study area in relation to the Ecozones and Ecoregions it traverses.	A map showing routing alternatives and including Ontario Shield, Hudson Bay Lowlands Ecozones and Big Trout Lake James Bay Ecoregions could be included somewhere in this section (MNRF may be

Review Comment #	Section	Page #	Comments & Rationale	Proposed Action/Solution
			This would be helpful at EA phase. A map of where this project falls in relation to Ecozones and Ecoregions could provide all interested parties with a better spatial understanding of the landcover and ecological characteristics associated with the project alternatives.	approached for this data if not already obtained by the project team).
MNRF #17	7.1.4.3	25	There doesn't appear to be soil sampling planned to identify baseline metals information. Having baseline information will provide data in the event of accidental release of contaminants during construction from the use of equipment and machinery (as noted in section 7.2.3).	When conducting the geotechnical analysis on mineral and peat material, collect samples for analysis to be done. Soil samples could also be collected as part of the ELC/vegetation surveys (7.1.4.6).
MNRF #18	7.1.4.4 & 7.2.3	26 49	Consider including a map of tertiary and quaternary watersheds within this section. This will provide a clearer understanding of the hydrology and drainage associated with the alternatives. This would also be helpful at EA phase.	A map showing the routing alternatives along with Upper Albany – Makokibatan, Lower Ogoki and associated Quaternary watersheds could be included somewhere in this section (MNRF may be approached for this data if not already obtained by the project team).

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MNRF #19	7.1.4.4 – Surface Water	26	<p>The proponent indicates, “The wetlands within the area of the Project are not designated as provincially significant. Considering the remote landscape of the Project and abundance of wetland features, it is likely that the wetlands within the area of the Project have not been evaluated”.</p> <p>This statement is somewhat misleading because the evaluation system does not apply to the extensive wetlands in the Lowlands.</p>	<p>This statement needs to be clarified by recognizing the Ontario wetland evaluation system cannot be used to evaluate the extensive wetlands in the Lowlands portion of the project area (as stated on pg 27 in the Ontario Wetland Evaluation System – Northern Manual 2014 - <a href="https://www.ontario.ca/page/wetlands-evaluation">https://www.ontario.ca/page/wetlands-evaluation</a>).</p> <p>Instead, the wetlands in the Far North are often described in terms of cultural and provincial-global importance for a range of ecosystem services and ecological functions including carbon storage as described in references such as Riley, J. 2011. Wetlands of the Hudson Bay Lowland: An Ontario Overview. <a href="#">link</a> and Far North Science Advisory Panel (2010). Science for a Changing Far North. <a href="#">link</a>)</p>
MNRF #20	7.1.4.4 Surface Water Table 7-2	26	<p><i>“estimated number of culvert and bridge watercourse crossings”</i></p>	<p>How MNRF assess the impacts of a culvert is very different from how we would assess a bridge...even a short-span bridge. It would be more appropriate to separate these. The Terms of Reference should also note that the number of unmapped watercourses on the landscape could greatly outnumber the number of mapped ones. So, these estimates are potentially an underestimation.</p>

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MNRF #21	7.1.4.4	26	Road construction through landscapes dominated by wetlands has a potential to significantly alter watershed hydrology. Changes to wetland form and function would be expected if inadequate drainage is provided. Equalization culverts, conduits for water flow, and type of road construction should be considered where road construction is occurring in wetlands. Ponding, tree mortality, vegetative community changes would suggest the form and function of the wetland has been impacted.	The ToR should be revised to include wording related to the installation of conduits or equalization culverts in wetlands and recognize that a greater number of crossings will potentially be required.
MNRF #22	7.1.4.4 Surface Water	26	Information item -	Note - that any water crossing with a span of 3 m (even a culvert) is classified as a bridge and thus require engineering approval as part of the permitting process.
MNRF #23	7.1.4.4 Surface Water	28	<i>“An aerial reconnaissance will be undertaken along the full extent of the study area to verify the location of mapped and unmapped water body crossings, and to further augment the existing</i>	Reliance on aerial reconnaissance and desktop analyses to assess watercourses is a good start. Further supplemental methods may be required to acquire a full inventory, and analysis.

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	7.1.4.8 Fish and Fish Habitat	31	<p><i>environment information available through desktop analysis.”</i></p> <p>And,</p> <p><i>“the aerial and ground-based field surveys will be done in coordination with the collection of surface water information”</i></p>	
MNRF #24	7.1.4.4 Surface Water  7.1.4.8 Fish and Fish Habitat	28  31	<p><i>“... site-specific field data at a subset of water body crossings to verify or augment the results and assumptions from the desktop analysis. The site selection process will be based primarily on a scaled approach, with a plan to select a representative number of water body crossings under three different categories of watershed size and to get representation across the alternative routes”</i></p> <p>And,</p> <p><i>“... subset of water body crossings....alternative routes.”</i></p>	<p>This representative subset approach may not be appropriate for the evaluation of fish and fish habitat values.</p> <ul style="list-style-type: none"> <li>• MNRF requires site-specific information about each site where work in water is proposed.</li> <li>• Sampling of watercourses where the proponent is sure they are going to put a bridge and no in-water works are proposed is not necessary.</li> <li>• Sampling of watercourses where we are already confident in our knowledge of fish assemblages is a lower priority than watercourses which we know nothing about</li> </ul> <p>MNRF suggests that MFFN contact ministry staff to further discuss and consider the approach to field data collection.</p>

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MNRF #25	7.1.4.6	29	Ontario's current Ecological Land Classification System at the EcoSite level has limited application in the area of the Hudson Bay Lowlands.	For consideration in the development of the EA.
MNRF #26	7.1.4.7	29	White pine is not present in the project area. Suggest correcting this in the ToR document	Remove reference to white pine – note white birch and tamarack will be found in mixed wood forest types in the project area
MNRF #27	7.1.4.8 Fish and Fish Habitat	30	"... <i>commercial, recreational, or Aboriginal fishery and are therefore regulated by the Fisheries Act.</i> "	Commercial, recreational, or Aboriginal fisheries are no longer specified in the Fisheries Act. The Fisheries Act now protects all fish in all habitats. We recommend that MFFN contact DFO for clarification.
MNRF #28	7.1.4.8	30 & 31	The text of this section does not reference Lake Sturgeon as a species that is present in the study area.	Include mention of its presence
MNRF #29	7.1.4.8	31	It would be helpful to cite the size of the study area (e.g., in hectares) to provide readers with a sense of the scope and scale of the project. This would be helpful at EA phase.	Cite the size of the area (e.g., in section 7.1.1)
MNRF #30	7.1.4.8 Fish and Fish Habitat	31	" <i>Ontario Stream Assessment Protocol</i> "	Note: OSAP doesn't include "aerial reconnaissance" or "desktop" approaches
MNRF #31	7.1.4.9	31	It is recommended a more thorough review is conducted of	For consideration in the EA.

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			species that have the potential to be impacted by the proposed undertaking that are listed as Special Concern on the Species at Risk list of Ontario as well as species that are currently only listed under the Species at Risk Act.	
MNRF #32	7.1.4.9 Species at Risk	31	<p><i>“Telemetry data shows that in the Missisa and James Bay ranges (which comprise part of the study area)....”</i></p> <p>It is unclear what portion of the project is located in the James Bay Range? A portion of this proposed CAR is however located within the Nipigon caribou range.</p>	Update the ToR to include the Nipigon Range, and the status of woodland caribou in both of these ranges should be evaluated in the EA.
MNRF #33	7.1.4.10 & 11.2 &	32 & 75 & 8	The sentence in the section entitled ‘Aboriginal and Treaty Rights’ beginning with “Aboriginal and Treaty Rights are guaranteed...” needs to be re-worded to accurately reflect the Constitution Act, 1982 and the Crown’s duty to consult. Although activities such as	<p>Suggested wording:</p> <p>“Aboriginal and treaty rights are protected under section 35 of the <i>Constitution Act</i>, 1982, through which existing Aboriginal and treaty rights of Aboriginal peoples* in Canada are recognized and affirmed. Aboriginal and treaty rights include, but are not limited to, hunting, fishing and gathering, as set out in treaties with the Crown or stemming from</p>

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	Appendix B 2.3		<p>hunting, fishing and gathering are commonly understood to be part of the exercise of rights, the reference to an existing Aboriginal or treaty right to 'manage the lands for all First Nation, Inuit and Métis people of Canada' is unclear. In addition, not only the Government of Canada but the Crown (being a provincial, territorial or federal government) may owe a duty to consult with Aboriginal communities. This wording revision should be addressed at the ToR stage</p>	<p>practices, customs or traditions which are integral to the distinctive culture of the Aboriginal community claiming the right. The Crown has a duty to consult and, where appropriate, accommodate Aboriginal communities when it has actual or constructive knowledge of an established or asserted Aboriginal or treaty right and contemplates conduct that may adversely affect that right. Procedural aspects of consultation may be delegated to a third party or proponent. However, the duty to consult rests with the Crown."</p> <p><i>*The term Aboriginal is used rather than Indigenous to reflect the definitions provided in the Constitution Act, 1982 and specifically s.35 (2), including Indian, Inuit and Métis people in Canada.</i></p> <p>Consider also referencing the MOU for consultation as per section 10.2.2, page 65, for clarity on the consultation approach.</p>
MNR #34	7.1.4.10	34	<p>The statement: "Fort Albany First Nation and Kashechewan First Nation have a combined custom electoral governance system with one chief, one Deputy Chief and seven Councillors elected every 3 years." is not correct. Each community has independent Leadership (Chief and Council).</p>	<p>Correct this statement in both the Fort Albany and Kashechewan sections (page 34 and page 35).</p>

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MNRF #35	Table 7-3	34	Note of clarification that the only Reserve currently occupied by Attawapiskat First Nation people is 91	Suggest making a small revision either at ToR or EA stage
MNRF #36	Table 7-3 Table 10-1	34 64	Incorrect information in community profile for AZA. AZA is an independent first nation and not affiliated with UOI.	Community profile should be corrected to reflect that AZA is not a member of UOI.
MNRF #37	Table 7-3	35	Incorrect information in community profile for LL58FN. LL58 is also a member of UOI in addition to Matawa and NAN. LL58 is not a signatory to Treaty 9. LL58 assert that they are not signatory to any treaty (T9 or RS), they received reserve lands under the Robinson-Superior treaty therefore Ontario has taken the approach that they adhered to the Robinson Superior treaty.	Suggest removing reference to being a signatory. Reference affiliations with UOI, Matawa and NAN.
MNRF #38	Table 7-3	36	With reference to the Métis Nation of Ontario, the community should be referred to as "Métis Nation of Ontario Region 2".  The document identifies only the closest community council (Greenstone/Geraldton) and not the self-identified regional	The following alteration to the text is suggested:  Change 'MNO Greenstone Métis Council' to "Métis Nation of Ontario Region 2" <i>... MNO Region 2 represents regional Métis communities within the southern extent of the geography of the project.</i>  Delete the last sentence in the community profile that refers to Greenstone/Geraldton community council.

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			community that MNO associates with this area.  This should be addressed at ToR phase.	Further information on Region 2 consultation protocol can be found through the MNO website at the following link: <a href="http://www.metisnation.org/media/507393/mno%20consultation%20protocol%20-%20lakehead-nipigon%20(region%202).pdf">http://www.metisnation.org/media/507393/mno%20consultation%20protocol%20-%20lakehead-nipigon%20(region%202).pdf</a>
MNRF #39	Table 7-3	37	For Weenusk First Nation, approximately half of the 600 members live at the Winisk Indian Settlement at Peawanuck, with other members living elsewhere	Suggest revising the ToR to reflect that Peawanuck at the 'Winisk Indian Settlement' is the main community
MNRF #40	7.1.4.10	37	In the section dealing with community-based land use planning (CBLUP); for the final sentence describing how CBLUPs 'incorporate traditional territory', a suggested revision to the wording for the ToR:	"The CBLUP process respects the exercise of Aboriginal and treaty rights and traditional territory of neighboring communities and supports open dialogue to identify neighboring community interests and mutually desirable planning outcomes"
MNRF #41	7.1.4.10	37		In the last paragraph, please add the word "planning" in the second sentence to read: "... Indigenous community's defined <u>planning</u> area of interest...".
MNRF #42	7.1.4.11	38	The first paragraph should be revised to provide for the possibility that other First Nations besides Matawa communities may share traditional lands in the area of	Suggest revising to: "Matawa First Nation and other communities"

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			the project. Should revise for EA phase	
MNRF #43	7.1.4.11	38	The first sentence in the second paragraph should be revised in the ToR for clarity	Suggested wording:  “Common land uses include resource harvesting and the exercise of Aboriginal and treaty rights as protected under s. 35 of the Constitution Act, 1982.”
MNRF #44	7.1.4.11	38	Consider revising the four paragraphs dealing with cultural activities, cultural sites and Indigenous landscape features to more clearly convey the activities and concepts being discussed, either at ToR or subsequent phases. Suggest that effort be taken to improve the wording so that the significance of land-based activities and practices, the exercise of culture, cultural sites and landscape features can be better understood by the reader.	Some grammatical changes could help convey a better sense of the information being described and its significance.  The term ‘socio-community characteristics’ is unclear. Can further description be provided?  The importance of the distinction between site-specific practices vs. practices undertaken anywhere is not understood.  The distinction between ‘known’ and ‘unknown’ cultural sites could be elaborated upon.  The terms Place Names, Boundary Markers and Orientation Points are capitalized.  Mountains are referenced. However, no such features would appear to exist in the project area
MNRF #45	7.1.4.12	40	Is it accurate characterization to say that economic development in the project area is predominantly led or in	Consider revision to the ToR or EA

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			partnership with MFFN. Are there 3 <sup>rd</sup> parties with interests around the project area? E.g., mineral claim holders?	
MNRF #46	7.1.4.12	41	The section on land and resource use describes existing provincial land use direction in the forms of Far North Act CBLUPs, Crown Land Use Policy and Provincial Parks and Conservation Reserves. Suggest consolidating all this information under its own subheading 'Existing Land Use Direction' either in the ToR or at EA stage.	Suggest consolidating all this information under its own subheading 'Existing Land Use Direction'
MNRF #47	7.1.4.12	42	For the section on recreation and tourism, the focus should be on resource harvesting connected to recreation and tourism (e.g., hunting and fishing) Indigenous use and commercial trapping would not necessarily be considered recreational uses in this sense. However, there may be Indigenous recreational uses that are important to mention.	Suggest revising with more specific information.

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			<p>Information is provided on popular activities in northern Ontario but is not specific to the project area.</p> <p>Bass and muskie are not known to MNRF to be present in the project area.</p> <p>Albany River Provincial Park is mentioned multiple times.</p> <p>Revisions during the ToR or EA phase would be appropriate.</p> <p>A more focused understanding of tourism and recreational uses specific to the project area will help all parties' understanding of potential impacts on tourism and recreational values</p>	
MNRF #48	7.1.4.12 Socio-economic and Built Environment	42	<p><i>“Approximately ten tourism operators have been identified as potentially having overlapping operating areas within 2.5km of the centreline of each alternative route”.</i></p>	The EA will need to evaluate the impacts of the proposed CAR related to these businesses.
MNRF #49	7.2.3 – Physiolog	42	The proponent acknowledges the importance of identifying	Although potential aggregate sources (fig 7.2 pg 26) is provided, detailed information about the type and

Review Comment #	Section	Page #	Comments & Rationale	Proposed Action/Solution
	y, Geology, Terrain and Soils  Draft Criteria and Indicators for Alternative S Evaluation	Appendix A	<p>and securing the aggregate materials that will be required for road construction and maintenance. MNRF shares the view that the availability of suitable and sufficient amounts of aggregate for the project will be a major consideration in route selection and overall feasibility.</p> <p>The rationale is to be transparent on the quantity and sources of aggregate at the ToR stage because of the wetland dominated landscape with limited sources. The associated potential effects in obtaining sufficient volume to construct and maintain the proposed road because it is possible that sources will need to be accessed beyond the defined local study area resulting in additional roads.</p>	<p>volume of aggregate needed to implement the project and that exists in the project area will need to be presented, along with an assessment of environmental impacts of new aggregate extraction operations that are proposed and how these will be mitigated.</p> <p>The assessment approach to evaluating potential effects for aggregates is weak (see Appendix A) because it appears to be included in the general local geology criteria with no mention of indicators that are sensitive to ecological changes at the project, local and regional levels. For example, attention should be given to developing criterion and indicators that reflect the potential ecological and hydrologic effects associated with construction and maintenance of the proposed road.</p>
MNRF #50	7.2. Potential environmental effects	47	MNRF does not possess expertise in (or experience with) current technologies for road construction through peatlands, nor of the nature, severity or extent of potential impacts of all-weather roads to	Peatlands/wetlands in the Far North are important on local through to global scales. The proposal should indicate the length of road corridor that will cross through peatlands for each of the alternatives considered.

Review Comment #	Section	Page #	Comments & Rationale	Proposed Action/Solution
	Draft Criteria and Indicators Appendix A		peatlands and peatland function in this part of Ontario. This uncertainty about feasibility, potential effects and how they may be managed may pose a challenge to MNRF in making authorization decisions related to the proposed road.	<p>It should also describe the potential impacts of an all-weather road on peatland/wetland functions and how these may be minimized. This should include, for example, identification of concentrated areas of peat that function as carbon sinks; measures that can be taken to sustain normal hydrological flow and related ecosystem services such as flood protection; impacts to biological functions of wetlands in providing wildlife habitat; working with watershed and sub-watershed boundaries to inform routing; and consideration of the potential impacts of the road and existing activities in the region to peatlands/wetlands.</p> <p>Appendix A, for example, should include peatland as a discipline along with associated indicators. A suggestion is to contact MNRF staff involved in peatland – hydrology studies such as Jim McLaughlin (research scientist) and Rich Pyrcce (Regional Hydrologist)</p>
MNRF #51	7.2 – Potential environmental effects; 7.1.4.1 – Atmospheric environment;	48 24 28	A climate change risk assessment is proposed along with estimating greenhouse gas emissions and sampling peatlands. Referencing available literature and contacting researchers such as Jim McLaughlin and Maara Packalen (MNRF) who have published research on these	<p>Suggest contacting researchers such as Jim McLaughlin (MNRF) and Maara Packalen (MNRF) who have published research on climate change - vulnerability assessment, peatland carbon modelling and hydrology. For example:</p> <ul style="list-style-type: none"> <li>• McLaughlin, J., M. Packalen and B. Shrestha. 2018. Assessment of the vulnerability of peatland carbon in the Albany Ecodistrict of the Hudson Bay Lowlands, Ontario, Canada to climate change</li> </ul>

Review Comment #	Section	Page #	Comments & Rationale	Proposed Action/Solution
	7.1.4.4 – surface water		topics and related subjects is encouraged.	<p>Ontario Ministry of Natural Resources and Forestry, Science and Research Branch, Peterborough, ON. Climate Change Research Report CCRR-46</p> <ul style="list-style-type: none"> <li>• Packalen, M.S., S.A. Finkelstein and J. McLaughlin. 2016. Climate and peat type in relation to the spatial variation of the peatland carbon mass in the Hudson Bay Lowlands, Canada. Journal of Geophysical Research: Biogeosciences</li> <li>• McLaughlin, Jim and Kara Webster, 2013. Effects of a changing climate on peatlands in permafrost zones: A literature review and application to Ontario's Far North. Ontario Ministry of Natural Resources and Forestry, Science and Research Branch, Peterborough, ON. Climate change research report CCRR 34</li> </ul> <p>References available from</p> <ul style="list-style-type: none"> <li>• Catalogue of natural resource scientific and technical publications. Search a list of the scientific and technical publications issued since 2004 see <a href="#">Catalogue-natural-resource-scientific-and-technical-publications</a></li> <li>• MNRF climate change publications see <a href="#">MNRF Climate Change Publications</a></li> </ul> <p>Ontario Ministry of Natural Resources and Forestry. 2019. Far North Information Knowledge Management</p>

Review Comment #	Section	Page #	Comments & Rationale	Proposed Action/Solution
				Plan Progress Report 2008-2018. Ontario Ministry of Natural Resources and Forestry, Far North Branch, Peterborough, ON. 80p. contact: <a href="mailto:farnorthfeedback@ontario.ca">farnorthfeedback@ontario.ca</a>
MNRF #52	7.2.3, 7.2.4, 7.2.8, 8.3	49, 51, 55	Changes to drainage patterns, catchment areas, and water quality and quantity as a result of the construction of the project should be considered as direct impacts.	The ToR should describe definitions for direct, indirect, and cumulative impacts. Indirect impacts on the environment are often described as those which are not a direct result of the project, often produced away from or as a result of a complex impact pathway
MNRF #53	7.2.10	52		Please clarify how there may be concerns raised about the “ <i>compatibility of the Project with CBLUP...</i> ”
MNRF #54	7.2.10	52	Consideration should be given to whether this section is intended to deal with Indigenous Knowledge and land use or the exercise of Aboriginal and treaty rights. While there is some overlap between the two, the exercise of Aboriginal and treaty rights are constitutionally-protected and explicitly the subject of the Crown’s duty to consult, while Indigenous Knowledge and Land Use would seem to be more concerned with the body of knowledge that can inform, enhance and steer the EA process.	Determine whether this section is intended to deal with impacts to constitutionally-protected rights or more directly speak to the incorporation of Indigenous Knowledge.  If both of the above are being dealt with, revise the text to draw a sharper distinction between the exercise of Aboriginal and treaty rights and Indigenous Knowledge  Where Indigenous and Treaty Rights are referenced, this should be changed to Aboriginal and treaty rights for consistency with reference to constitutionally-protected rights and the duty to consult

Review Comment #	Section	Page #	Comments & Rationale	Proposed Action/Solution
			This should be addressed at the ToR stage	
MNRF #55	10.1	61	The proponent or Project Team may choose to reference or refer to Ontario's <i>Draft guidelines for ministries on consultation with Aboriginal peoples related to Aboriginal rights and treaty rights</i> to understand Ontario Crown perspectives and obligations respecting the duty to consult	May choose to review/include reference to:  <a href="https://www.ontario.ca/page/draft-guidelines-ministries-consultation-aboriginal-peoples-related-aboriginal-rights-and-treaty">https://www.ontario.ca/page/draft-guidelines-ministries-consultation-aboriginal-peoples-related-aboriginal-rights-and-treaty</a>
MNRF #56	10.2.3 Public and other interested stakeholders  & 7.1.4.1 (Atmospheric environment) & 7.1.4.2	71 23 24	There is a listing of public and interested stakeholders identified in this section. It would be beneficial to include a map depicting existing / known activities on the landscape (ie existing environment).  These stakeholders may also be considered for Points of Receptors for consideration of atmospheric (dust) and	Include a map in the ToR identifying existing recreational / commercial activities on the landscape that may be interested in this project eg canoe routes, remote tourism infrastructure, forestry areas, trapper cabins, mining tenure holder (claims areas), etc.  The EA should also identify any impacts to these interest groups / stakeholders related to the environment (atmospheric, acoustic, wildlife, fisheries, cumulative impacts), and social / economic impacts to commercial interests.

Review Comment #	Section	Page #	Comments & Rationale	Proposed Action/Solution
	(Acoustic environment) & Appendix A draft criteria and indicators		acoustic monitoring (for road construction and operation).  We recommend that MFFN contact MECP for further information/consideration	
MNR #57	11.6 Issue Resolution Strategy	79	It would be helpful if the consultation record included a column to indicate whether the concern has been addressed (and how addressed) and any follow-up action concluded.	Consider revising the paragraph (future table) to accommodate this column(s):  "Identification of issues raised or discussed, any follow-up action or undertaking and status of the issue (e.g., outstanding, addressed/concluded)"
MNR #58	11.7 EA Record of Consultation	80	Text does not identify what specifically is being consulted on. Including permitting/approvals items could streamline the process and reduce the need for duplication at the completion of the EA.	The ToR is currently silent on consultation needed by MNR for future permitting.  Note: MNR strongly recommends that the Record of Consultation include sufficient information / documentation to inform MNR permitting requirements in order to minimize delays at permitting.
MNR #59	13. Other Permits and Approvals	83	As of April 1, 2019, Research Authorizations and approval and amendment under the	Add these authorizations to MECP list of permit/approval/authorization. In addition the Endangered Species Act should also be identified and included under MECP.

<b>Review Comment #</b>	<b>Section</b>	<b>Page #</b>	<b>Comments &amp; Rationale</b>	<b>Proposed Action/Solution</b>
	Table 13-1		PPCRA are no longer under the authority of MNRF.	
MNRF #60	13. Other Permits and Approvals Table 13-1	83	For any tree clearing north of the area of the undertaking authorization for tree removal/harvest will likely need a Purchase and Sale Agreement under the Public Lands Act.	Please add this to the MNRF list of approval authority (Table 13-1)
MNRF #61	Table 13-1	83	Depending on the authorization method chosen, MNRF may require a Memorandum of Understanding and Road Use Management Strategy. This would be an agreement attached to a Public Lands Act authorization.	Add this information to the table.
MNRF #62	13. Other Permits and Approvals Table 13-1	83	Any Far North Act authorization cannot be issued until all EA components are met and approved.	Suggest the inclusion of the order of events/authorizations, such as EA, then authorization under Far North Act, then permitting and approvals.
MNRF #63	Table 13-1	83	As portions of the Anaconda Road and the Painter Lake Road are subject to access restrictions under the Public Lands Act, letters of authority may be required to have workers, contractors, etc use the roads to be able to carry out required activities.	Indicate that Letters of Authorization may be required to allow use of the restricted roads for required activities.

Review Comment #	Section	Page #	Comments & Rationale	Proposed Action/Solution
MNRF #64	Table 13-1	84	The table refers to potential need for Clearance Letter from Canadian Pacific Railway (CPR). In fact CPR has no assets near this project. Canadian National Railway (CNR) does have rail assets that are proximate to Aroland and Nakina. CNR crossings which are most likely to be impacted by this project are on Provincial Highways 584 and 643.	Correct the table to accurately reflect the information.
MNRF #65	7.1.4.12 & 13 (Table 13-1)	40 & 84	There is reference to " <i>Electricity is provided to Marten Falls through Ontario Hydro Remote Services</i> ", and identification in the table that " <i>permit to cross Hydro One transmission lines</i> " may be needed. There is no map or description of where this infrastructure is on the landscape.	It would be helpful if the ToR had a map identifying this infrastructure on the landscape.
MNRF #66	13.Other Permits and Approvals Table 13-1	84	As migratory birds are mentioned on page 30, Migratory Birds Convention Act should be included and listed under the jurisdiction of Environment and Climate Change Canada (ECCC).	Please confirm with ECCC for the additional listing in the table of the Migratory Birds Convention Act, and if migratory birds should be listed as an evaluation criterion.
MNRF #67	14 - References	85+	Additional resources from: <ul style="list-style-type: none"> <li>Catalogue of natural resource scientific and</li> </ul>	Some selected publications that may be of interest: <ul style="list-style-type: none"> <li>Wester, M.C. et al. 2018. The Ecosystems of Ontario, Part 2: Ecodistricts. Ontario Ministry of Natural Resources and Forestry, Science and</li> </ul>

Review Comment #	Section	Page #	Comments & Rationale	Proposed Action/Solution
			<p>technical publications. Search a list of the scientific and technical publications issued since 2004 see <a href="#">Catalogue-natural-resource-scientific-and-technical-publications</a></p> <ul style="list-style-type: none"> <li>• To request a publication issued by the Ministry of Natural Resources and Forestry, or if you have a question related to MNRF scientific and technical publications, please <a href="#">contact us by email</a> with the title of the publication. For journal articles, please contact the journal publisher directly.</li> <li>• For MNRF climate change publications see <a href="#">MNRF Climate Change Publications</a></li> <li>• Information about Ontario's species of conservation concern, plant communities, wildlife concentration areas</li> </ul>	<p>Research Branch, Peterborough, ON. Science and Research Technical Report TR-26. 474 p. + appendices <a href="#">Catalogue-natural-resource-scientific-and-technical-publications</a></p> <ul style="list-style-type: none"> <li>- Ontario Ministry of Natural Resources and Forestry. 2019. Far North Information Knowledge Management Plan Progress Report 2008-2018. Ontario Ministry of Natural Resources and Forestry, Far North Branch, Peterborough, ON. 80p. contact: <a href="mailto:farnorthfeedback@ontario.ca">farnorthfeedback@ontario.ca</a></li> <li>- Riley, J. 2011. Wetlands of the Hudson Bay Lowland: An Ontario Overview. Nature Conservancy of Canada, Toronto ON 156 pp. ISBN 978-1-897386-27-9 <a href="#">link</a></li> <li>- Marshall, T.R. and Jones, N.E. 2011. Aquatic ecosystems of the Far North of Ontario state of knowledge. Ontario Ministry of Natural Resources.43 p.+ appends. ISBN 978-1-4435-6512-7 <a href="#">Catalogue-natural-resource-scientific-and-technical-publications</a></li> <li>- Metcalfe, R.A. et al., 2013. Aquatic Ecosystem Assessments for Rivers. Science and Research Branch, Ministry of Natural Resources, Peterborough, Ontario. 210 pp.<a href="#">link</a></li> </ul>

Review Comment #	Section	Page #	Comments & Rationale	Proposed Action/Solution
			<p>and natural areas see <a href="https://www.ontario.ca/page/get-natural-heritage-information">https://www.ontario.ca/page/get-natural-heritage-information</a></p> <ul style="list-style-type: none"> <li>• Ontario Geohub <a href="https://geohub.lio.gov.on.ca/">https://geohub.lio.gov.on.ca/</a> provides spatial data and mapping applications such as OFAT (Ontario Flow Assessment Tool) that is used to better understand water flow in Ontario.. <a href="https://www.ontario.ca/page/watershed-flow-assessment-tool">https://www.ontario.ca/page/watershed-flow-assessment-tool</a></li> </ul>	
MNRF #68	Appendix A		Missing source information: <i>MNRF Natural Heritage Reference Manual (NHRM), 2014.</i>	<p>Please add MNRF Natural Heritage Reference Manual (2014) to the list of published sources of information for existing conditions.</p> <p>The Natural Heritage Reference Manual can be referenced in conjunction with the Significant Wildlife Habitat Technical Guide (SWHTG) 2000, which are not mandatory for the EA, but provide clear guidance. The NHRM outlines evaluation processes of habitat and other natural heritage features. The SWHTG offers guidance to evaluate and identify the significance of wildlife habitat.</p>

Review Comment #	Section	Page #	Comments & Rationale	Proposed Action/Solution
MNRF #69	Appendix A	1	The EA should expand upon the criteria and indicators that are provided and develop indicators that can readily be quantified (e.g. number of water crossings required, number of wetlands, number of kms of wetlands to be crossed, or sensitive areas impacted).	Appendix A of the ToR should be revised to include indicators for the proposed criteria that are quantitative in nature.
MNRF #70	Appendix A		Fish and Fish Habitat	In addition to the use of large-bodied fish species as environmental indicators, we recommend that you include representative small-bodied forage species. The Fisheries Act considers fish and fish habitat for all fish species.
MNRF #71	Draft Criteria and Indicators for Alternatives Evaluation	Appendix A	Available resources to help inform the draft criteria and indicators include research publications and expert knowledge on topics such as stressor-effects pathways, cumulative effects, and associated environmental components and indicators.	<p>Contacting researchers such as Rob Mackereth (MNRF) who has published research on these topics and related subjects is encouraged.</p> <ul style="list-style-type: none"> <li>- Rempel, R.S., et. al. 2016. Support for development of a long term environmental monitoring strategy for the Ring of Fire area. Ontario Ministry of Natural Resources and Forestry, Science and Research Branch, Peterborough, ON. Science and Research Information Report IR-08. 34 p. + append. <a href="#"><u>Catalogue-natural-resource-scientific-and-technical-publications</u></a></li> </ul> <p>While no specifics are provided in this submission, MNRF welcomes a discussion with MECP and ENDM to explore what (if any) role this project could play in advancing baseline information and long-term</p>

Review Comment #	Section	Page #	Comments & Rationale	Proposed Action/Solution
				environmental monitoring for the Ring of Fire in partnership with First Nations communities.
MNRF #72	Supporting Document – Draft Alternative Development CAR 2.1.9.2	23	There is a reference to Attachment 1, however this attachment was not included in the submission	Please include this attachment for future submission / review of the ToR



## **D1.4.4 Ministry of Heritage, Sport, Tourism and Culture Industries**



## **SRCPD Comments on Marten Falls First Nation – Draft Terms of Reference Marten Falls Community Access Road (CAR) – Environmental Assessment**

### **1. General Comments:**

Roads benefit many Indigenous communities by increasing community access to other centres and enhancing communication among outposts within large First Nations communities. However, we also note that with many aspects of development, roads provide many benefits, they can come with costs to traditional Indigenous relations and ways of life.

SCRSP is pleased to see that in the Terms of Reference Marten Falls First Nation supports the construction of the Community Access Road (CAR). We are also pleased that, according to the report, Marten Falls First Nation and surrounding communities have been extensively consulted and that the project is 'community-led,' meaning that 'MFFN community membership will develop solutions and advance decisions on the CAR.' We are also pleased to see that Indigenous Knowledge in Environmental Assessment has been and will further be incorporated in this project.

SCRSP will not comment on the merits or disadvantages of the four Draft Project Proposals for the CAR. Our comments are largely restricted to impacts – negative and positive – on recreation, tourism and sport.

**A. Impacts on Recreation and Tourism:**

**References (page 42)**

**Comments/Concerns**

<p>Resource harvesting widely practiced by Indigenous and non-Indigenous in the region including fishing, hunting and trapping. Access is through boat launches and float plane.</p>	<p>Table 7.4 on page 48 notes “changes” to recreational and commercial lands used for trapping, hunting, fishing and other activities.’ Can you provide more specific impacts of the CAR on the referenced activities? For example, notwithstanding existing Treaty Rights for Indigenous peoples and the restrictions on hunting and fishing and permitted uses under the <i>Fish and Wildlife Conservation Act</i>, 1997, what are impacts of allowing easier access to resources on, e.g., fish stocks, relations between Indigenous and non-Indigenous people, etc.</p>
<p>Recreational fishing and hunting are popular activities in Northern Ontario, drawing tourists and harvesters.</p>	<p>Likewise, if most users of these resources are boated or flown in, what are impact, positive and negative of allowing freer access through a CAR? Positive impacts are more users, more tourism revenue, etc. If hotels/lodges are built to accommodate more tourists, accompanying tourism employment will follow, but what are the overall impacts on the way of life of Marten Falls? Perhaps Destination Northern Ontario could weigh in here.</p>
<p>Additional tourism including hiking, canoeing and snowmobiling that rely on waterways and trails.</p>	<p>The Ontario Trails Council does not list trails in this area. If hiking opportunities are enhanced it is worth mapping and posting on-line specific trails, especially if the trails feature distinctive signposts, e.g., Indigenous trail markers. A future designation, such as the Ontario Trails of Distinction, would further enhance the region as a hiking destination, but would also place more demand for hospitality and have added environmental impacts.</p>
<p>Formal Ontario Federation of Snowmobile Club trails</p>	<p>In terms of total economic activity generated by the snowmobile industry, the OFSC found that</p>

<p>do not fall within the area but snowmobiling likely takes place within the area.</p>	<p>\$842.8 million in expenditures to generate an estimated \$1.6 billion in economic activity in the province in 2018-2019. Can we obtain more metrics on snowmobiling in the area and existing as a 'baseline' and compare with expected snowmobiling activity in the wake of the CAR?</p>
<p>Project bisects a variety of trails and waterways used for recreation in the region. Albany River Provincial Park is also identified as source of recreation in region.</p>	<p>A number of the proposed routes bypass: Albany River, Ogoki River and Little Current River Provincial Parks. Access to these parks and recreation potential would be enhanced by a CAR. Can you provide comments on the potential for members of Marten Falls FN to access camping, canoe and other park activities now limited by lack of a CAR?</p>
<p>Project falls within MHSTCI Regional Tourism Organization 13c where \$108 million was spent in 2013 on pleasure tourism (2017 report). Tourism is generally resource-based with outfitting as primary tourism activity with more than 660,000 tourists participating in outdoor activity as the main purpose of their trip (2017). Most tourists come from Ontario. Outfitting involves hunting...fishing with/without a guide. These tourist activities rely on their remote and wilderness settings to promote tourism.</p>	<p>RTOs should have baseline data as a way to measure outcomes/outputs (impacts) of tourism activity in the aftermath of a CAR. It may be worth considering the business impacts on existing outfitters. Presumably, outfitting would continue to be a popular activity not impacted negatively by enhanced access via a through road. Are there foreign markets, e.g., US, European, to which enhanced tourism in the area via a CAR would appeal? The very remoteness and wilderness settings attract tourists who are flown or boated in. From a tourism and recreation standpoint, what are the potential impacts of a CAR on these features which would allow easier access to these resources on outfitters and the community?</p>
<p>The Albany River is an important tourism feature in the region featuring canoeing, hunting and fishing through guided outfitted. Approximately ten (10) tourism operators have been identified as potentially having overlapping operating</p>	<p><u>Note:</u> the Albany River Provincial Park currently has no visitor facilities. Many water trails in Ontario, especially those in provincial parks, have effective infrastructure related to their paddling environment. Increased water trail activity in the wake of a CAR should be accompanied with the promotion of paddling infrastructure e.g., signage, due to potential liability, among other issues.</p>

within 2.5 km of the centreline of each route.	Regional Tourism Organizations in concert with Destination Northern Ontario can develop strategies to enhance water trails tourism in this region, including eco-tourism and Indigenous tourism. Finally, there are currently 12 Ontario rivers among 39 Canadian Heritage Rivers. Adding at least one river system in this region, in anticipation of increased tourist activity, would go a long way in promoting this region as a water trail destination, along with related activities, such as camping and fishing.
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**B. Draft Criteria and Indicators for Alternatives Evaluation:**

Reference (Appendix, page 5)	Comments
<ul style="list-style-type: none"> <li>● Primary Data</li> <li>● FN government information</li> <li>● Spatial Data including recreation and access points and polygons</li> <li>● Provincial reports and plans on tourism such as Ontario Ministry of Heritage, Sport, Tourism and Culture Industries</li> <li>● Community-based land planning</li> <li>● Other impact assessments, such as air quality, noise, surface water, wildlife, fish and fish habitat and vegetation and wildlife</li> </ul>	<p>For additional sources of baseline and on-going data, consider data sources and reports such as:</p> <ul style="list-style-type: none"> <li>● Ontario Tourism Plan (release in 2020)</li> <li>● Reports from Destination Northern Ontario and Indigenous Tourism (HSTCI)</li> <li>● Ontario Federation of Snowmobile Clubs (OFSC)</li> <li>● Quarterly tourism newsletters (HSTCI)</li> <li>● Published Plan and Annual Reports (HSTCI)</li> <li>● Ontario Federation of Anglers and Hunters (annual reports)</li> </ul>

Other Considerations:

**1. Power Supply in the Community:**

Marten Falls First Nation is not included as among 22 First Nation communities in the has Wataynikaneyap Power LP, a partnership between and a transmission partner, Fortis Ontario, to connect 16 remote First Nation communities that currently rely on diesel power to the province's electricity grid.

It's worth commenting on the current state of the supply of power in the community and how it might be enhanced or impacted by a CAR.

## **2. MHSTCI-funded Programs in the North:**

The accompanying memo states that 22 First Nations communities will receive copies of the draft Terms of Reference. Seventeen of the 22 First Nations are signatories to Treaty 9. One of them, Kingfisher Lake FN receives funding under the After School Program (ASP) funded by MHSTCI.

The following First Nations communities in the distribution list receive funding under the Community Aboriginal Recreation Activator (CARA) Program:

- Constance Lake First Nation
- Eabametoong First Nation
- Kingfisher Lake First Nation
- Long Lake #58 First Nation
- Webequie First Nation

## **3. Sporting Activity:**

A Marten Falls First Nation profile reports and there is one school serving local children from kindergarten to grade 8 while secondary students attend school in Thunder Bay and other areas. The school has a soccer field and baseball diamond.

Can you comment on possible opportunities for students to participate in both inter-community tournaments in outlying communities and in within the community once a CAR is built?

Ministry of Heritage, Sport,  
Tourism, and Culture Industries

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January 24, 2020

VIA EMAIL ONLY

James McCutcheon  
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**MHSTCI File : 0009742**  
**Your File : 60593122**  
**Proponent : Marten Falls First Nation**  
**Subject : Draft Terms of Reference**  
**Project : Marten Falls Community Access Road**  
**Location : From Marten Falls First Nation southward to Anaconda Road/ Painter Lake Road, Potentially Travelling through District of Kenora, District of Thunder Bay and/or District of Cochrane**

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Dear Mr. McCutcheon:

Thank you for providing the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) with the *Draft Terms of Reference, Marten Falls Community Access Road – Environmental Assessment* (AECOM, November 2019) (draft ToR) for the above-referenced project. MHSTCI has reviewed the document with respect to the protection and conservation of cultural heritage resources as well as a provincial interest and role in tourism.

#### General Comments

- The terms of reference provide a framework for the preparation of the environmental assessment. It sets out the proponent's work plan for addressing the legislated requirements of the *Environmental Assessment Act*. It outlines what work and studies will be done during the environmental assessment stage. (Code of Practice: Preparing and reviewing terms of reference for environmental assessments in Ontario. Ministry of the Environment, Conservation and Parks, January 2014).
- The terms of reference should contain a brief or preliminary description of the existing environment in order to gain a contextual understanding of the problem or opportunity as well as an understanding of the potential environmental effects that should be examined. Section 7.1.4.13 (Cultural Heritage Resources) includes a brief description of the cultural environment as it relates to cultural heritage resources.
- The environmental assessment will need to examine the potential effect of the alternatives and the undertaking on all components of the environment, including cultural heritage resources. Table 7-4 and Section 7.2.12 include a preliminary list of potential environmental effects.

More specific comments from a cultural heritage and tourism perspective are attached.

Thank you for the opportunity to review and provide comments on this process. We would be pleased to discuss our comments further and/or provide additional information.

Regards,

Katherine Kirzati  
Heritage Planner  
Heritage Planning Unit  
[katherine.kirzati@ontario.ca](mailto:katherine.kirzati@ontario.ca)

c: Lawrence Baxter, Marten Falls First Nation  
Sasha McLeod, Special Project Officer, Ministry of the Environment, Conservation and Parks (MECP)  
Agni Papageorgiou, Special Project Officer, Ministry of the Environment, Conservation and Parks (MECP)  
Karla Barboza, (A) Team Lead, Heritage Planning Unit, MHSTCI  
Jim Antler, Policy Advisor, Tourism Policy and Research Branch, MHSTCI

It is the sole responsibility of proponents to ensure that any information and documentation submitted as part of their EA report or file is accurate. MHSTCI makes no representation or warranty as to the completeness, accuracy or quality of the any checklists, reports or supporting documentation submitted as part of the EA process, and in no way shall MHSTCI be liable for any harm, damages, costs, expenses, losses, claims or actions that may result if any checklists, reports or supporting documents are discovered to be inaccurate, incomplete, misleading or fraudulent.

Please notify MHSTCI if archaeological resources are impacted by EA project work. All activities impacting archaeological resources must cease immediately, and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the *Ontario Heritage Act* and the *Standards and Guidelines for Consultant Archaeologists*.

If human remains are encountered, all activities must cease immediately and the local police as well as the Registrar, Burials of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the *Ontario Heritage Act*.

## MHSTCI Detailed Comments

Section/Item Page	Text in the Draft ToR	MHSTCI Comments
Table 7-1: Environmental Disciplines to be Considered during the Environmental Assessment Page 22	Note: 1. Cultural heritage resources include archaeological and built heritage sites, and cultural heritage landscapes	MHSTCI recommends that terminology be aligned with current framework. Therefore, the note should read as: <i>Cultural heritage resources include archaeological <b>resources</b>, built heritage <b>resources</b> and cultural heritage landscapes.</i>
7.1.4.12 – Description of the Existing Environment: Socio-Economic and Built Environment Page 41-42	<i>Economy</i> .	This section acknowledges the importance of remoteness to resource-based tourism operators in the area (as does Section 2.1.8.4 of the Draft Alternatives Development supporting document).  Page 41 indicates that resource-based tourism operations are operated by members of Marten Falls First Nation. Page 42 also indicates that approximately 10 tourism operators are identified as potentially overlapping their operating areas within 2.5 kilometres of the centreline of each alternative route under consideration. A map showing where these businesses are located will be helpful in the EA.  A strong commitment to protect the interests of these remote operators should occur, consistent with protections within other government processes, such as forest management planning.  MHSTCI has already suggested some modifications to the initial tourism operator contact list that was shared with us by AECOM. An updated spreadsheet was sent to Kenndal Soulliere on January 10, 2020.
7.1.4.12 – Description of the Existing Environment: Socio-Economic and Built Environment Page 42	The Project occurs within the Ministry of Heritage, Sport, Tourism and Culture Industries Tourism Region 13c where \$108 million was spent in 2013 on pleasure tourism (MTCS 2017). Tourism in the region is generally resource based with outfitting as the primary tourism activity with 661,000 tourist identifying participating in an outdoor activity as the main purpose of their trip.	Page 42 includes some outdated tourism data from 2013. Updated wording is suggested below. Note that the data referenced below does not include travellers from the United States (it is not available).  <i>The Project occurs within the Ministry of Heritage, Sport, Tourism and Culture Industries Tourism Region 13C where \$109 million was spent by tourists from Ontario, other places in Canada, and overseas in 2016 on pleasure tourism. Tourism in the region is generally resource-based, with outfitting as a key tourism activity, with 841,000 visits including participation in an outdoor/sports activity (e.g., 368,600 visits included fishing, 343,600 visits included boating) as the main purpose of their trip. Most of these tourists come from Ontario.</i>
7.1.4.12 – Description of the Existing Environment: Socio-Economic and Built Environment		Should the road be constructed it may open up potential tourism opportunities for the community, including cultural tourism.
7.1.4.13 Cultural Heritage Resources Page 44	1 <sup>st</sup> paragraph Cultural heritage resources include archaeological and built heritage sites, and cultural heritage landscapes. Existing cultural heritage resources will be identified and described within the EA.	MHSTCI recommends that terminology be aligned with the current framework. While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.  Therefore the 1 <sup>st</sup> paragraph should read as: <i>Cultural heritage resources include archaeological <b>resources</b>, built heritage <b>resources</b> and cultural heritage landscapes. <b>Known (previously recognized) and potential</b> cultural heritage resources will be identified and described within the EA.</i>
7.1.4.13 Cultural Heritage Resources		Include subheadings to discuss: (1) Archaeological Resources - after 1 <sup>st</sup> paragraph and (2) Built heritage resources and cultural heritage landscapes

Section/Item Page	Text in the Draft ToR	MHSTCI Comments
Pages 44-47		
7.1.4.13 Cultural Heritage Resources Pages 45	2 <sup>nd</sup> paragraph: During this time, they established interior posts which included the Marten Falls House, Henley House, and Gloucester House which are in proximity to the Study Area.	The first paragraph on page 45 notes that the Marten Falls House is an archaeological site (Ejlp-1) but does not indicate whether the Henley House and the Gloucester House are archaeological resources or built heritage resources. Please clarify, as it this determines whether an archaeological assessment or a heritage impact assessment is the appropriate method for identifying potential impacts and determining mitigation measures.
7.1.4.13 Cultural Heritage Resources Page 45	3 <sup>rd</sup> Paragraph	MHSTCI has issued two Project Information Form (PIF) numbers for this project: P088-0092-2019 for a Stage 1 archaeological assessment and P088-0093-2019 for a Stage 2 archaeological assessment. As you know, archaeological assessments are required to be undertaken by an archaeologist licenced under the Ontario Heritage Act, who is responsible for submitting the report directly to MHSTCI for review. The EA Report must include specific information from the AA report(s). The Executive Summary of each AA report provides a brief summary of the work completed and the recommendations for next steps (whether further archaeological assessment is required; if so the report will include a map that identifies those areas). The EA report must also include clear commitments to undertake the recommended AA and a timeline for their completion. A commitment as to when a Stage 1 and 2 archaeological assessment will be undertaken should be included and MHSTCI recommends the 3 <sup>rd</sup> paragraph read as: <i>A Stage 1 archaeological assessment to identify areas of archaeological potential within the study area will be undertaken <b>by a licensed archaeologist. The Stage 1 AA will be submitted for MHSTCI review during the environmental assessment process (pre-planning phase) but prior to the EA completion.</b> (...) This information will be used to <b>inform the evaluation of alternatives and any additional studies.</b></i>
7.1.4.13 Cultural Heritage Resources Page 45	4 <sup>th</sup> Paragraph Should results of the Stage 1 archaeological assessment confirm archaeological potential within the study area, a Stage 2 archaeological assessment will be undertaken prior to construction for areas that are identified as part of the final Project footprint	If the Stage 1 AA recommends further AA(s), then MHSTCI recommends that further stages of AA be completed as early as possible during the planning or design phase of the project, and prior to the completion of detailed design. Therefore, MHSTCI recommends inserting the following: <i>Should the results of the Stage 1 archaeological assessment <b>recommend further archaeological assessment(s) within the final Project footprint (preferred alternative), then any further stages of archaeological assessment will be completed as early as possible during the planning or design phase of the project, and prior to the completion of detailed design.</b></i>
7.1.4.13 Cultural Heritage Resources Page 45	5 <sup>th</sup> paragraph The Stage 2 archaeological assessment will be conducted to meet the requirements of the <i>Standards and Guidelines for Consultant Archaeologists</i> (MTCS 2011).	See above comments. MHSTCI recommends the following: Archaeological assessment(s) will be conducted <b>by a licensed archaeologist and will</b> meet the requirements of the <b>Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists</b> (MTCS 2011).
7.1.4.13 Cultural Heritage Resources Page 45	6 <sup>th</sup> paragraph In addition to archaeological resources, which focus on specific localities and material remains of past occupation (...) key information sources will be Indigenous knowledge and discussions.	Please note that Standards and Guidelines for Conservation of Provincial Heritage Properties apply to this project as some properties are owned or controlled by the Crown in right of Ontario or by a public body prescribed under Ontario Regulation 157/10. Given the size of the study area, MHSTCI recommends that a Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment be undertaken. Indigenous communities may have knowledge that can contribute to the identification of cultural heritage resources, and we suggest that any engagement with Indigenous communities includes a discussion about known or potential cultural heritage resources that are of value to them. Please note that definitions of built heritage resources and cultural heritage landscapes are from the Provincial Policy Statement. Therefore, MHSTCI recommends inserting the following:

Section/Item Page	Text in the Draft ToR	MHSTCI Comments
		<ul style="list-style-type: none"> <li>- Include a subheading (2) Built Heritage Resources and Cultural Heritage Landscapes.</li> <li>- Replace the 6<sup>th</sup> paragraph with:  <b><u>A Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment will be undertaken by a qualified person. The Report will:</u></b> <ul style="list-style-type: none"> <li>o Identify existing baseline cultural heritage conditions, including a historical summary of the development of the study area and all known or potential built heritage resources and cultural heritage landscapes in the study area based on research. Indigenous knowledge, MHSTCI screening checklist Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes and professional judgement.</li> <li>o Identify preliminary potential project-specific impacts on the known and potential built heritage resources and cultural heritage landscapes that have been identified.</li> <li>o Propose and recommend measures to avoid or mitigate potential negative impacts to known or potential built heritage resources and cultural heritage landscapes.</li> </ul> </li> </ul> <p>As part of this study, engagement with Indigenous communities is key. The Report will be completed during the environmental assessment and prior to the EA completion. The proposed mitigation measures will inform the selection of alternatives, next steps of project planning and design as well as additional studies).</p>
<p>Table 7-4: Preliminary Identification of Potential Environmental Effects</p> <p>Page 48</p>	<p>Potential Effects on Cultural Heritage Resources</p> <ul style="list-style-type: none"> <li>- Damage to, or loss of, archaeological or other sites.</li> </ul>	<p>MHSTCI recommends that the description of potential effects be expanded as follow:</p> <ul style="list-style-type: none"> <li>- <b><u>Disturbance or destruction of, archaeological resources.</u></b></li> <li>- <b><u>Displacement of built heritage resources and/or cultural heritage landscape by removal and/or demolition and/or disruption by isolation</u></b></li> <li>- <b><u>Impacts to registered and unregistered cemeteries which have been identified and documented.</u></b></li> <li>- <b><u>Effects on cultural heritage landscapes</u></b></li> <li>- <b><u>Disruption of cultural heritage resources by the introduction of physical, visual, audible or atmospheric elements that are not in keeping with the character and setting of cultural heritage resources</u></b></li> </ul>
<p>Table 7-4: Preliminary Identification of Potential Environmental Effects</p> <p>Page 48</p>	<p>Potential Effects on Recreation and Tourism</p> <ul style="list-style-type: none"> <li>- Changes to recreational and commercial lands used for trapping hunting, fishing and other activities.</li> </ul>	<p>The project could also result in a loss of economic activity due to access related impacts for those businesses that rely on remoteness for their product. That loss should also be highlighted as a potential effect. The interview process will identify whether tourism operators are concerned in this regard.</p> <p>There is also a potential for noise impacts, particularly at the construction stage, if accommodations (sensitive uses) are within the area of influence</p>
<p>Section 7.2.7 – Potential Environmental Effects: Wildlife</p> <p>Page 51</p>	<p>The CAR will provide year-round access to the Far North, which is likely to increase access for recreational use.</p>	<p>As noted earlier, potential impacts on remoteness are noted in Section 2.1.8.4 of the Draft Alternatives Development supporting document. This acknowledgement should be reflected in the final ToR as well.</p>
<p>Section 7.2.11 - Potential Environmental Effects: Socio-</p>		<p>This section acknowledges that the project may negatively impact the tourism sector. The resource-based tourism sector is compatible with traditional and cultural activities and supports jobs in the community.</p>

Section/Item Page	Text in the Draft ToR	MHSTCI Comments
Economic and Built Environment Pages 52-53		Any impacts to this sector from the project will need assessment and if there are unavoidable impacts, there should be mitigation proposed.
7.2.12 Cultural Heritage Resources Page 53	Potential Environmental Effects to Cultural Heritage Resources  Should any archaeological or built heritage and cultural landscapes be identified in the are of the Project, there is a potential for damage to, or the loss of the cultural heritage resources through ground disturbance activities (e.g. blasting, grading). Any activity with the potential to cause ground disturbance may also inadvertently discover and/or disturb previously unknown resources. Vibration generated by heavy equipment.	This project has the potential to impact cultural heritage resources. This section should be expanded to indicate how potential environmental effects / impacts to cultural heritage resources will be identified and assessed. Therefore , MHSTCI recommends that the existing paragraph be replace with the following suggested text: <i>Cultural heritage resources (archaeological resources, built heritage resources and cultural heritage landscapes) may be impacted by the Project. Potential environmental effects as relates to cultural heritage resources are described in Table 7-4. Technical cultural heritage studies (i.e. archaeological assessment(s), Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment) will be undertaken during the EA process and will identify preliminary effect/impacts and recommend avoidance and/or mitigation measures, if any negative effects/impacts on cultural heritage resources.</i>
9.1 Environmental Commitments Page 59	The EA will include a comprehensive list of environmental commitments made by MFFN (...): - Completion of additional works and field studies, if required	Since the document does not currently specify which studies will be undertaken, the second bullet should be modified to read “undertaking and completing the required studies and following up on any report recommendations”.
Table 13-1: Potential Permits and Approvals for the Proposed Project Page 83	Ministry of Heritage, Sport, Tourism and Culture Industries Archaeological and Cultural Clearances	See above comments regarding technical cultural heritage studies.
Appendix A – Draft Criteria and Indicators for Alternatives Evaluation Page 5		Recreation and Tourism is identified as both an “environmental discipline” and a “criteria.” Associated potential data sources do not include tourism operators or the planned interviews/surveys of those operators as per Section 7.1.4.12 (see earlier comment), unless they are covered under the listing for “primary data.”
Appendix A – Draft Criteria and Indicators for Alternatives Evaluation Page 6	Environmental Discipline: Cultural Environment/Cultural Heritage Resources	Based on the comments above, MHSTCI recommends the following text: <b>Criteria: <u>Built Heritage Resources and Cultural Heritage Landscapes Indicator:</u></b> - Areas of significance to local communities - Areas of <b><u>known or potential cultural heritage value or interest</u></b> - Areas of Religious or Spiritual Significance <b>Potential Data Sources:</b> - Indigenous Knowledge - Recent and historical maps of the study area - <b><u>Primary and secondary documentary sources (both current and archival written accounts, maps, drawings, plans and images)</u></b> - <b><u>Site visits</u></b> - <b><u>Community Based Land Use Planning initiatives</u></b>
General		Throughout the draft ToR and supporting documents, our Ministry name should be updated to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) where appropriate.



## **D1.4.5 Ministry of Economic Development, Job Creation and Trade**



## Slama, Carsten

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**From:** Helfinger, Michael (MEDJCT) <Michael.Helfinger@ontario.ca>  
**Sent:** January-20-20 6:20 PM  
**To:** Soulliere, Kenndal  
**Cc:** Mohammed, Shireen (MEDJCT); Grabovac, Zoran (MEDJCT)  
**Subject:** RE: Marten Falls Community Access Road - Project Update - Terms of Reference

Hi Kenndal:

Thank you again for sharing AECOM's draft Terms of Reference for the Environmental Assessment of the Marten Falls All- Season Community Access Road and inviting comment from the Ministry of Economic Development, Job Creation and Trade (MEDJCT).

Our comments focus on potential economic developments impacts as discussed in Sections 5.1, 6 and 7.2.11

- Our ability to provide valuable feedback or perspective is somewhat limited due to lack of insight and context with respect to the existing First Nations socio-economic situation and viability of the Ring of Fire resource development.
  - The Ministry of Energy, Northern Development and Mines and Ministry of Indigenous Affairs are best positioned to comment on the economic benefits of the Ring of Fire resources development.
- It would appear that having year round road access to the remote community would greatly expand the level of services available to the community, lower the servicing costs, that in turn should enhance economic development of the Marten Falls First Nation.
- Greater access can only enhance economic activity in the region not only with respect to resource development but tourism and other business opportunities as well.
- Our particular interest in reviewing Environmental Assessments and Terms of Reference is on the descriptions of potential for economic development benefits extending across the province or broad regions of the province. In Sections 5.1 and 6, it is noted that the terminus of the proposed road could serve as a staging point for and extension to the Ring of Fire mineral deposits. We are not qualified to speculate on the likelihood or extent of resource development of the Ring of Fire region and it would be premature to forecast in any degree of detail the indirect economic impact of such resource development to the rest of the province.
- However, we suggest that the possibility of broad supply chain economic benefits reaching beyond the local community, should the Marten Falls Community Access Road ultimately help facilitate access to the Ring of Fire, could be acknowledged by a simple statement at some point in the above sections.

Please feel free to contact me if you have any questions or wish to discuss.

Best regards,

**Michael Helfinger, MA, MBA**

| Senior Policy Advisor | Strategic and Corporate Policy Branch |  
**Ministry of Economic Development, Job Creation and Trade**  
| 56 Wellesley Street West 11th Floor | Toronto, ON M5S 2S3 |



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**From:** Soulliere, Kenndal [REDACTED]  
**Sent:** December 11, 2019 1:52 PM  
**To:** Helfinger, Michael (MEDJCT) <[Michael.Helfinger@ontario.ca](mailto:Michael.Helfinger@ontario.ca)>  
**Subject:** Marten Falls Community Access Road - Project Update - Terms of Reference

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Hi Michael,

My name is Kenndal and I'm emailing from the Marten Falls First Nation Community Access Road Project.

I tried calling last week to confirm that you received a link for the Draft Terms of Reference, if there was any problem with this or you need to update your distribution preference could you please advise?

The document can be found at <http://www.martenfallsaccessroad.ca/> and the review period is open until **January 20, 2020**.

Thank you,

**Kenndal Soulliere**  
Environmental Planner



## **D1.4.6 Ministry of Transportation**



**MARTEN FALLS COMMUNITY ACCESS ROAD TERMS OF REFERENCE  
COMMENTS FROM THE MINISTRY OF TRANSPORTATION  
JANUARY 2020**

Marten Falls First Nation (MFFN) is conducting an Environmental Assessment (EA) study under the Ontario *Environmental Assessment Act* for the Marten Falls Community Access Road Project which is a proposed all-season corridor that will link Marten Falls to the existing provincial highway network.

After a high-level review, the following comments are offered with a focus on transportation-related issues, which are in line with upholding the Ministry of Transportation's mandate to safely, efficiently and sustainably move people and goods.

- 1) Page 11- Geometric Design Manual- page 11- Reference standard- the standard in the draft TOR is MTO's Geometric Design Manual (1985) rather than the TAC standard. However, MTO designs highways to follow the TAC standard and the MTO supplement. This is also noted in the RFP which required that:

"Subsequent to completion of the EA process, undertake the necessary engineering study and complete a Route Plan and Preliminary Design Package that will satisfy, as appropriate, the engineering requirements specified in the Transportation Association of Canada ("TAC")

Geometric Design Guide for Canadian Roads, 2017 as supplemented by the Geometric Design Supplement, 2017, the Canadian Highway Bridge Design Code ("CHBDC") and the Roadside Design Manual, 2017 administered by the Ministry of Transportation of Ontario ("MTO"), and

determine the appropriateness of incorporating MTO's "Guidelines for the Design of Bridges on Low Volume Roads", in part or in full (for Phase 1)".

- 2) Page 47: "Indigenous and Treaty Rights" should be changed to "Aboriginal and Treaty Rights". Aboriginal right is defined in law. Indigenous right does not have a legal meaning.
- 3) Section 7.2.10: Indigenous Knowledge and Land Use: References to "Indigenous and treaty rights" should be changed to "Aboriginal and treaty rights".
- 4) Section 5.2.1.1 Road: The document references the Geometric Design Standards Manual for Ontario Highways (MTO 1985) this should be updated to reflect the most recent MTO standards, the TAC Geometric Design Guide for Canadian Roads (2017) including the MTO Design Supplement June 2017. Unless this has already been committed, the project team may want to keep the option of using a single lane modular bridge as this is what MTO typically uses for these location and volumes of traffic. Commenting on the foundation type is premature as well, as they could be soil conditions that could support spread footing.

**MARTEN FALLS COMMUNITY ACCESS ROAD TERMS OF REFERENCE  
COMMENTS FROM THE MINISTRY OF TRANSPORTATION  
JANUARY 2020**

- 5) Section 5.2.1.2 Bridges and Culverts: The document references using 600 mm pipe culverts as a minimum diameter. MTO typically incorporates 800 mm as a minimum pipe culvert diameter at a centreline crossing.
- 6) Section 2.1.1 Pg 11. – The road will be designed and built to approximately 1 to 1.5m above the original ground elevation. The cross-section will have a 10m top width and recoverable side slopes of 4:1. – MTO recommends to removing this sentence or make it more generic as this will not be the situation in all cases.
- 7) Construction Phase (page 13, section 5.2.2) – There is often some grey area with regards to some pre-construction activities needing permits/licences/authorizations/clearances prior to being executed. It is suggested that these activities be clearly laid out and where reasonable, be included in the applications for these permits/licences/authorizations/clearances so as to avoid potential delays.
- 8) Operations Phase: (page 13, section 5.2.2) – Consider adding winter maintenance activities such as salting and sanding and snow clearing. Land requirements for snow plow turnarounds, storage, salt and sand storage facilities should also be included. Lanes would also need to accommodate plows passing large vehicles required for construction.
- 9) Operations Phase (page 13, section 5.2.2) – Suggest adding “type of vehicles permitted on road” as this would likely be of interest to the public and could impact feedback on the acceptability of the undertaking.
- 10) Approach to Considering “Alternatives To” (page 15, section 6.2) – Reference to the Northern Ontario Multimodal Transportation Strategy should be updated to reflect wording as indicated in the Fall Economic Statement (e.g., regional transportation plans - <https://budget.ontario.ca/2019/fallstatement/index.html> , page 86 “Developing Regional Transportation Plans.”)
- 11) Physiography, Geology, Terrain and Soils (page 49, section 7.2.3) – Consider adding potential impact of salt on roadside vegetation.
- 12) Consider including more information on road design (e.g., route, structures, etc.) when alternatives are being evaluated and how impacts would be predicted without some design information.
- 13) The purpose and scope of the cumulative effects assessment should be a subject for discussion in the development of the Terms of Reference.

## **D2. Federal Agencies**



## **D2.1 Meeting Summaries and Materials**



## **D2.1.1 Crown Indigenous Relations and Northern Affairs Canada**



# Meeting Minutes

**Subject:** Marten Falls First Nation Community Access Road Project  
**Date:** May 6, 2020  
**Location:** Conference call  
**Our File:** 18-8898

## Attendees

Jemore Cardin-Tremblay (JCT)	Indigenous and Northern Affairs Canada (INAC)
David Snowdon (DS)	Indigenous and Northern Affairs Canada
Jeanne Strasbourg (JS)	Indigenous and Northern Affairs Canada
Andrea Nokleby (AN)	Dillon Consulting Limited (Dillon)
Caroline Wrobel (CW)	Dillon Consulting Limited

## Overview of Meeting

Intention of the meeting was to review and discuss the potential for any land claims in the vicinity of the proposed Marten Falls First Nation Community Access Road Project. AN provided a brief project overview in terms of location, the Impact Assessment/Environmental Assessment (IA/EA) processes and the status of the Project within these processes.

## Notes

AN: The key information we are looking for is the existing and potential for any land claims in the Project area to inform the IA/EA processes.

JCT: We only look at specific land claims. There are no known claims in the vicinity of the Project area currently; however, there could be in the future. We can provide you with a link to our database so that the Project team can use this resource as the Project proceeds to stay up to date on any potential new land claims.

DS: There are ongoing claims being negotiated currently that may involve lands (Treaty Land Entitlement, TLE) so this is also something to consider depending on how long the Project goes on for.

JS: There is also a public database (the Aboriginal and Treaty Rights Information System, ATRIS) that could be used to search comprehensive claims – we can provide this link as well for you.

AN: We have used this but it is not easy to use and can be very cumbersome, especially when many Indigenous communities are involved, like for this Project.

DS: But the ATRIS does not provide details on the specific claims so this call is good from a due diligence perspective. There are several Treaty 9 communities negotiating TLEs currently (trilateral with federal government, provincial government and communities), including Ginoogaming and Eabametoong. We are also happy to review a specific list of communities that are part of this Project and provide input on any TLE considerations that should be factored in.

## **Actions**

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1. Dillon to provide the group with some background information on the Project.
2. Dillon to provide the group with the list of potentially affected Indigenous communities.
3. INAC to provide any further comments and/or information on the potentially affected Indigenous communities that may be relevant to the Project and IA/EA processes.
4. INAC to provide information on the database referred to in the meeting that can be used by the Project team to check on specific land claim statuses as the Project proceeds through the IA/EA processes.

## **Errors and/or Omissions**

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These minutes were prepared by Caroline Wrobel who should be notified of any errors and/or omissions.

## **D3. Municipal Agencies**



## **D3.1 Meeting Summaries and Materials**



## **D3.1.1 Municipality of Greenstone**





## Marten Falls Community Access Road Meeting with Municipality of Greenstone May 23, 2019

### Overview of Consultation Activity: Summary Report

#### Timing & Location

**Date:** May 23, 2019 (10:00 am to 11:15 am)

**Location:** 1800 Main Street, Geraldton, ON (Municipality of Greenstone office)

#### **Attendees:**

Renald Beaulieu, Mayor Greenstone  
Chief Bruce Achneepineskum – MFFN  
Bob Baxter - MFFN Community Member Advisor  
Lawrence Baxter - MFFN Community Member Advisor  
Jack Moonias – MFFN Community Member Advisor

Larissa Mikkelsen – MFFN Advisor  
Qasim Saddique – MFFN 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 overview of the feedback captured at the Municipality of Greenstone meeting held on May 23, 2019.*

### Introduction / Purpose

Bob Baxter / Chief introduced the presentation and indicated MFFN interest in the project. Presentation provided by the Project team followed by a Q&A session. Chief Achneepineskum 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.

### Highlights of Participant Feedback

- Mayor Beaulieu welcomed MFFN and reiterated the importance of the Project. Noted he wants to support MFFN in this venture.
- Chief Achneepineskum thanked the Mayor for his time and welcomed the opportunity to speak with him.
- Mayor Beaulieu asked general project-related questions throughout the meeting. Answers provided were largely taken from the provided presentation material or general background on the project (pre-ToR / EA activities).
- Mayor noted MFFN could potentially host the next meeting in Long Lac as its near Ginoogaming and Long Lac #58 First Nations.





## Questions Raised

- No questions were raised that required follow up.

## Potential Action Items

- Follow up with Greenstone Clerk to arrange for a presentation to Council
  - Align with ongoing consultation events in the region
  - Send copy of the May 23, 2019 presentation
- Circulate follow-up information as Project progresses. Determine potential for future meetings





MARTEN FALLS FIRST NATION

ALL SEASON COMMUNITY ACCESS ROAD

# MARTEN FALLS FIRST NATION

ALL SEASON COMMUNITY ACCESS ROAD



Presentation to Municipality of Greenstone

*MAY 23, 2019*



## What's Happening?

- **Marten Falls First Nation (MFFN)**—the Proponent—is initiating a community-led Environmental Assessment process for an all season access road to the community.
- MFFN has a winter access road, but its condition is unreliable; ultimately impacting the community's well-being.
- The community access road may also support future industry in the region (e.g. mining).





## About Marten Falls First Nation

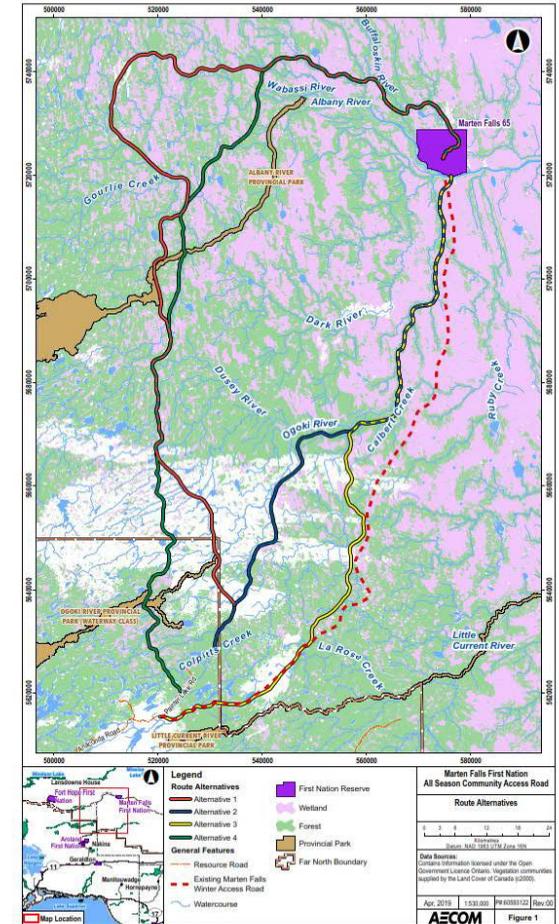
- Marten Falls First Nation (MFFN) is a remote First Nation community led by an elected Chief and Council.
- MFFN is located in the Far North of Ontario, at the junction of the Albany and Ogoki Rivers, approximately 170 km northeast of Nakina, Ontario and Aroland First Nation.
- MFFN has a registered population of 780, with approximately 325 members living on reserve.





## Why is a Community Access Road Needed?

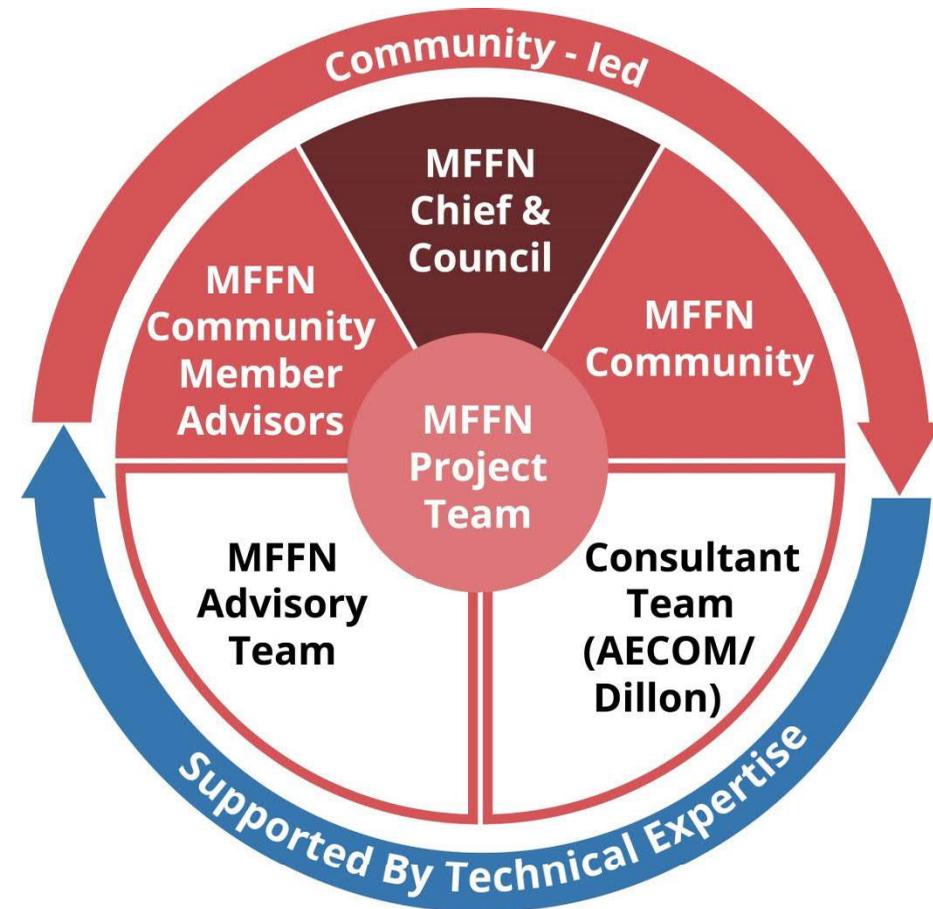
- Marten Falls First Nation needs a connection to Ontario's provincial highway network in the south to provide year round access; only air transport is reliable in the winter.
- Better access would allow:
  - Reduced transportation costs for goods and services; meaning more affordable food, fuel and other vital supplies and services;
  - Enhanced opportunity for social interaction with other communities;
  - Enhanced access to emergency, health and social services;
  - Increased opportunity for training and jobs for First Nation people and businesses during planning and construction; and
  - Increased opportunity for local sustainable economic development.





## What is Community-led?

- MFFN community members—led by their elected Chief and Council and supported by a team of technical experts—will develop solutions and advance decisions for the proposed all season access road.
- To gather input and receive direction, MFFN community meetings are held at key Project milestones. Separate discussions are also planned with Elders and Youth to gather their insights.
- Community input—from MFFN and neighbouring Indigenous communities—will ensure that the Environmental Assessment (EA) carefully addresses traditions, Indigenous Knowledge (IK) and land use.

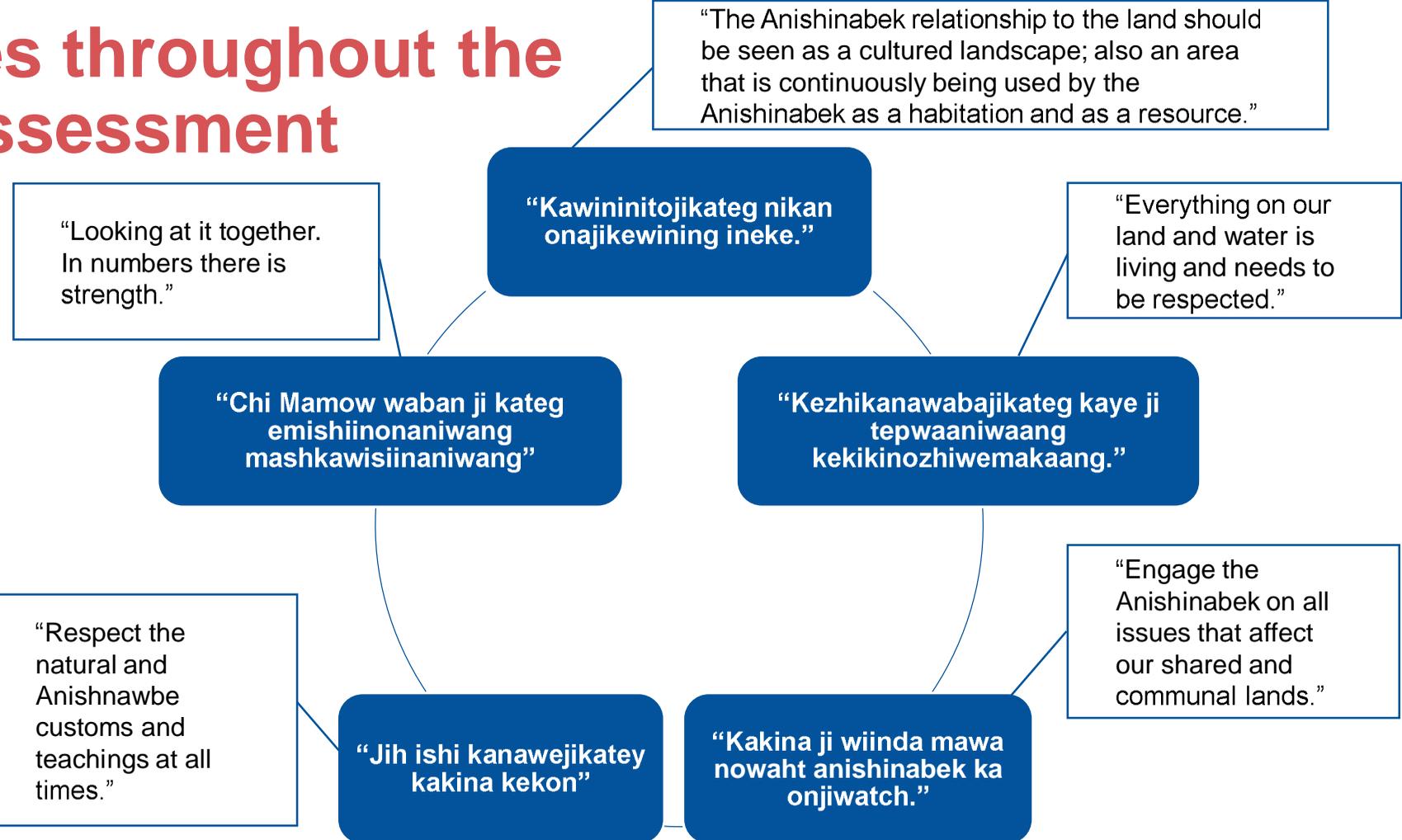




# Guiding Principles throughout the Environmental Assessment

- To honour the traditional lands in which this all season community access road will be developed and to respect the traditional teachings, the following Guiding Principles (developed for the MFFN CBLUP\* for Project Planning and Engagement) will be adopted throughout the Project.

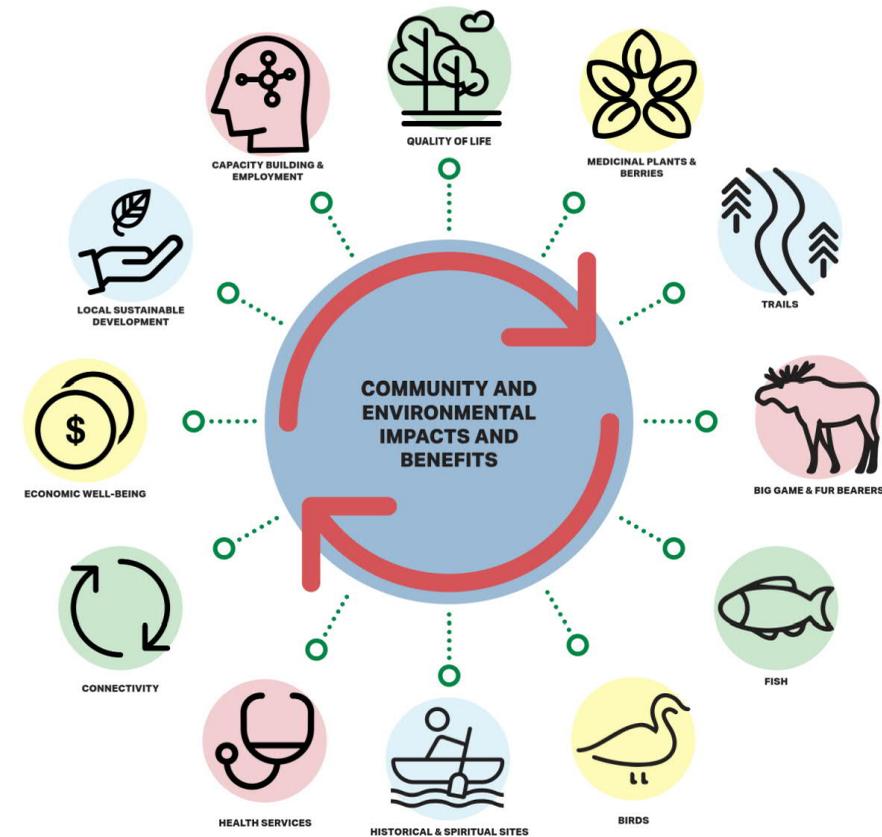
\*Community Based Land Use Plan





## Environmental Assessment Process

- Marten Falls First Nation has signed a voluntary agreement with the Province of Ontario to complete an Individual Environmental Assessment (EA) for this project.
- This road may also be subject to the Federal Environmental Assessment process.
- Through the EA, we will pick the preferred route for the access road, and define the potential impacts and possible impact management strategies.
- Our first step is to prepare a **Terms of Reference** and a **Project Description**





## The Importance of Indigenous Knowledge

- Indigenous Knowledge (IK) and Traditional Ecological Knowledge (TEK) will be considered in the EA.
- Indigenous Knowledge for each community is understood to be highly valuable and as such is treated confidentially.
- Guiding principles for Indigenous Knowledge collection, protection and use in the EA will be established with the Communities.





# Potential Routes for the Community Access Road

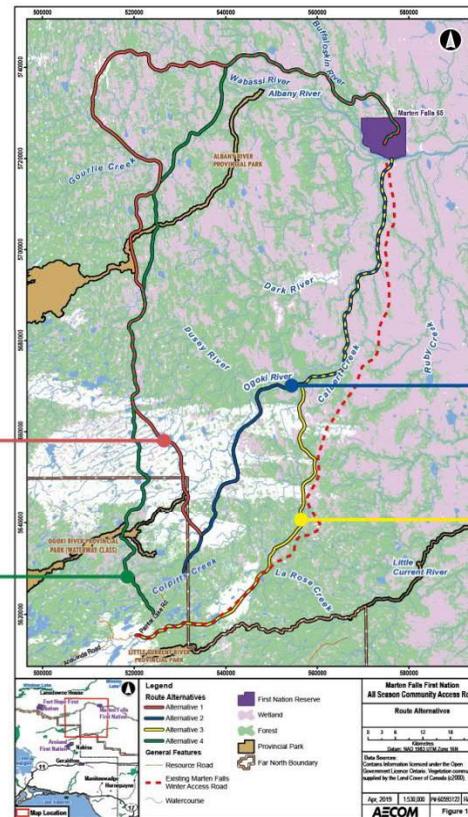
As a result of previous studies, four potential routes for the community access road have been identified. The four routes range in distance from 140 km to 250 km.

### ALTERNATIVE 1

- Uses greater length of existing Painter Lake access road;
- Provides an alternative Ogoki River crossing location;
- Extends further away from the Albany River;
- Generally follows higher ground;
- Better access to rock borrow sources; and
- Longer distance to Marten Falls First Nation.

### ALTERNATIVE 4

- Generally follows high ground;
- Better access to rock borrow sources;
- Runs closer to the Albany River; and
- Longer distance to Marten Falls First Nation.



### ALTERNATIVE 2

- Follows the Ogoki River;
- Shorter Distance to Marten Falls First Nation; and
- Higher ground than Alternative 3.

### ALTERNATIVE 3

- Follows the winter access road route;
- Generally within low/ wet ground; and
- Shorter distance to Marten Falls First Nation.





## Choosing the Routes for Study During the EA

- To advance the EA, we intend as part of the ToR to screen the number of routes to be considered in the EA.
- Propose **Screening Criteria** to select the most viable routes to move forward with include:
  - **In line with MFFN Community Interests?** – Does the route serve the needs of the community? Are there specific concerns for any of the route alternatives?
  - **Effects Avoidance** – Would significant impacts result to the environment or to traditional land use? Can these be avoided or reduced through mitigation measures?
  - Enables **Mining Development?** – How well does the route accommodate mining development in the region?
  - Construction **Feasibility** – How challenging will the route be to construct?

Do you have any comments on these criteria?





## Key Considerations for Planning and Design of Community Access Road

- Water quality and flows;
- Waterway navigability;
- Wildlife habitat and Species at Risk;
- Indigenous community values;
- Culturally significant sites;
- Land use;
- New public access (e.g., increased hunting pressure);
- Visual and/ or landscape changes;
- New opportunities for natural resource related industry; and
- Ability to support potential Ring of Fire industrial traffic.

Are there other considerations we should be aware of for reflection during the Environmental Assessment?





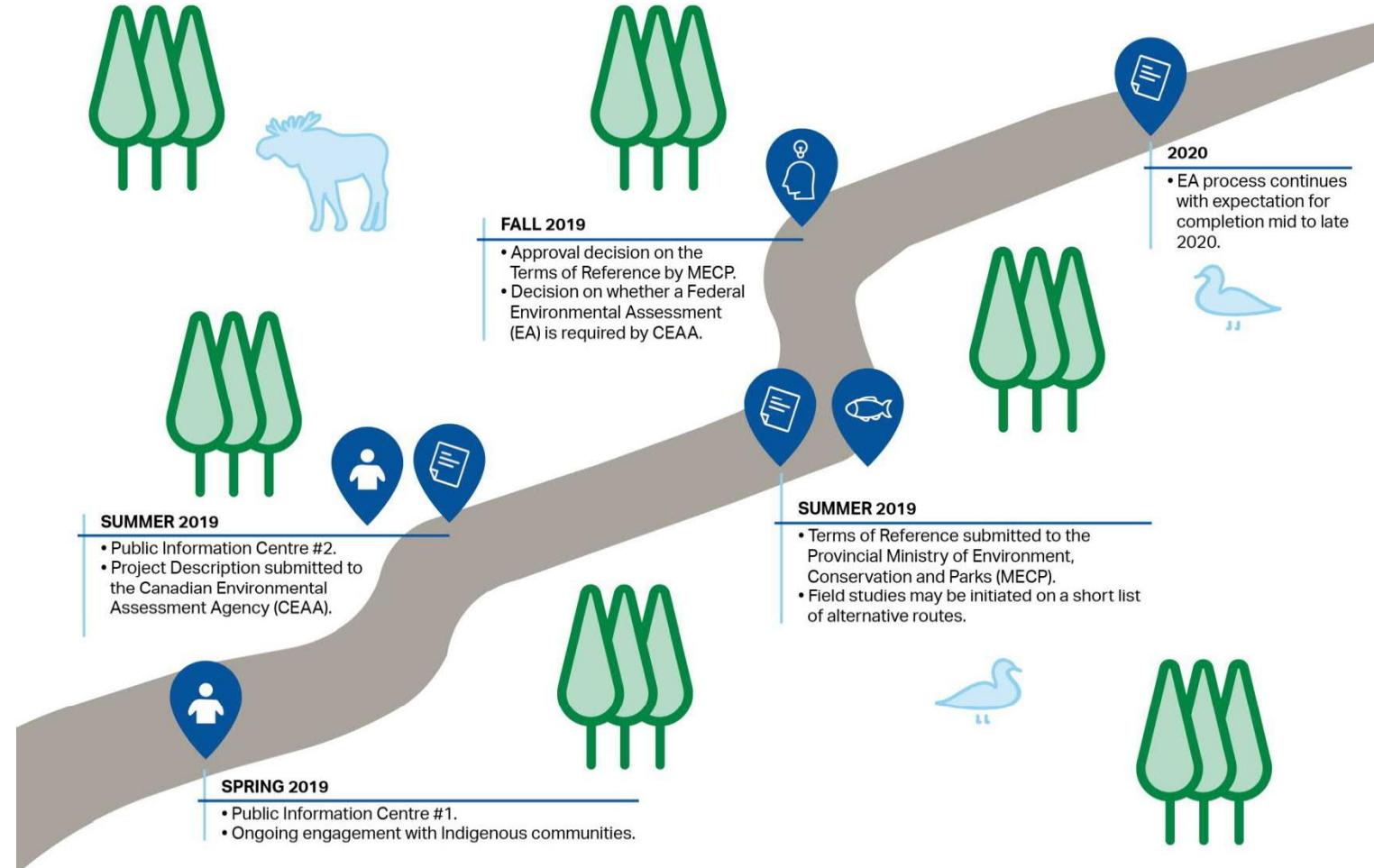
## Engaging Municipality of Greenstone

- Determining an Engagement Plan for your Community
  - How you want to be involved in the MFFN EA?
  - What are the best ways to engage your community?
  - What is important to your community?
  - Does the community have any concerns with the alternative routes?
  - Are there any dates we should avoid?





# Proposed Timeline for the Terms of Reference and Environmental Assessment





# Thank You for Joining Us! Meegwetch!

## Stay Involved

- Join our mailing list. Leave your email or mailing address at the welcome table.
- Email us at [info@martenfallsaccessroad.ca](mailto:info@martenfallsaccessroad.ca)
- Call us at 1-800-764-9114
- Visit our website:  
[www.martenfallsaccessroad.ca](http://www.martenfallsaccessroad.ca)

