



For BAPE | LPFN Comments on Tailings re. Horne 5 project

1 message

Rachel Pelletier <rachel.pelletier@thefirelightgroup.com>

Fri, Oct 18, 2024 at 4:03 PM

Dear BAPE,

Please consider this email as an appendix to LPFN's submission. Thank you for confirming its reception.

Long Point First Nation (LPFN) members express deep concern regarding the current and potential cumulative impacts of tailings from the Complexe Minier Horne 5 (CMH5). LPFN is particularly alarmed by the risks of contamination to groundwater, surface water, surrounding soils, and wildlife, exacerbated by dust emissions from the tailings sites. Of utmost concern are the legacy tailings sites, with plans to only remediate one and not both. LPFN's technical staff and advisors fear that leaving one site unaddressed could jeopardize neighboring remediation efforts, potentially complicating legal liability for contamination sources between the sites. For instance, how could the neighboring unremediated site impact groundwater quality, surface water quality, or the mine effluent from Falco's tailings site? If contaminated water is detected downstream of both sites, how can the source be identified, and responsibility assigned? LPFN also critiques the current closure plan for its lack of consideration of social, cultural, and environmental closure objectives that should be defined in consultation with LPFN members. To address these concerns and deficiencies, LPFN urgently requests that Falco and Quebec undertake full remediation of both sites and engage in consultation with LPFN to define closure objectives and options comprehensively as part of a free, prior, and informed consent process.

Meegwetc for your consideration.



For BAPE | LPFN Comment on Artifacts Potential

1 message

Rachel Pelletier <rachel.pelletier@thefirelightgroup.com>

Fri, Oct 18, 2024 at 11:07 AM

Dear BAPE,

Please consider this email as an appendix to LPFN's submission. Thank you for confirming its reception.

Some questions were asked by LPFN members about artifacts within the area targeted by the CMH5, an area that was highly used for its lakes and portaging. Within the Impact Assessment study (2017) in the Patrimoine archéologique section, there is a table (p.7-9 - Tableau 7-2 Matrice des interrelations entre les sources potentielles d'impact du projet et les composantes du milieu récepteur) stating that the « patrimoine archéologique » is susceptible to be impacted during the project construction. Page 556 of the document, as well as pages 10,116 and 10,119, section 10-8 Patrimoine et archéologie states that « L'étude de potentiel archéologique réalisée dans le cadre du présent projet a révélé l'existence de zones à potentiel archéologique. Cette étude théorique, appuyée d'une visite au terrain, a démontré la présence d'un tel potentiel dans quelques secteurs des zones d'étude du projet. »

LPFN found the proponent's response of "we will take care of the artifact if we find some" to be inadequate. In its Impact Assessment study, the proponent acknowledged the presence of areas with archaeological potential but provided vague assertions, suggesting that any potential artifacts would be non-Aboriginal items like fireplace. During the first part of the hearings in Rouyn-Noranda, the proponent also provided a different answer to a similar question, stating that there was no sector identified by Archéo 08 (p.92, [here](#)). During the hearings on October 3rd in Winneway, Falco indicated that their office in Rouyn-Noranda is unlikely to damage artifacts; however, the real concern, based on their own studies, lies in the areas surrounding their pipelines (for water and tailings) and along the banks of local lakes, such as Lake Rouyn, Lake Osisko, and Lake Dufault. Their assessments appear to overlook the potential impacts of a pipeline spill on archaeological artifacts. The Nation considers that additional field inventory work is requested along the proponent's fresh water and tailings pipeline to assess the project's real archaeological impact. The Nation urges the proponent and Quebec to fully consider the project's potential impacts on archeological sites and on sites of socio-cultural importance to the Anicinabe people, including LPFN people. The Nation also urges the proponent to honor its obligations under existing laws, including but not limited to, the Cultural Heritage Act and its binding regulations administered by the Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, especially when there is a genuine or perceived threat of significant degradation to properties with heritage value and requires to be included in any additional field inventory work, particularly along fresh water and tailings pipelines. »

Meegwetc for your consideration.



Rachel Pelletier <rachel.pelletier@thefirelightgroup.com>

For BAPE | LPFN Comments on Winneway & Lake Simard Name history

1 message

Rachel Pelletier <rachel.pelletier@thefirelightgroup.com>

Fri, Oct 18, 2024 at 11:08 AM

Dear BAPE,

Please consider this email and documents as an appendix to LPFN's submission. Thank you for confirming its reception.

In the early twentieth century, the Algonquin name "Mijicowaja," meaning "slightly extended lake," referred to what is now Lake Simard. This name was later changed to "Expanse" following the construction of a dam on the Rapides des Quinze around 1912, which significantly enlarged the lake. Explorer John Bignell referred to it as Winowa in 1895, a name akin to the Algonquin "Winneway," meaning "faster water", which describes a specific bay and island in the southeast of the LPFN territory. The Anishnabemowin toponyms that refer to place names that were used pre-contact illustrates a long history of the deep connection between the Algonquin Nation and the land surrounding the project. The official designation of "Lake Simard" was formalized on December 5, 1968, by the Commission de toponymie du Québec.

As discussed during the hearings, the territory of the LPFN was profoundly affected by a series of dam constructions, leading to severe flooding in the 1900s, notably with the dam built at Rapides des Quinze in 1912 and another near Angliers in 1923, which entirely submerged Lake Simard and Lake des Quinze by 1925-26. These events displaced Nation members multiple times, inundating sacred sites, including cemeteries. The LPFN faced difficult decisions regarding their ancestral lands many times after a flooding event, particularly around Sand Point, ultimately leading them eventually to what we now recognize as Winneway.

Online references to consider:

- MiningWatch Canada, 17 octobre 2023, Long Point First Nation Hosts a Day to Affirm its Sovereignty over its Traditional Territory - KAKINWAWIGAK NIDAKINAN, <https://miningwatch.ca/news/2023/10/17/long-point-first-nation-hosts-day-affirm-its-sovereignty-over-its-traditional>
- Roslin, Alex, 1995, Taking back the power Winneway-style. The Nation - Archives, <http://www.nationnewsarchives.ca/article/taking-back-the-power-winneway-style/>

Meegwetc for your consideration.

Long Point FN History

In the early twentieth century, the Algonquin name "Mijicowaja" (meaning a slightly extended lake) designated "Lake Simard". This name will be replaced by the English name "Expanse", probably as a result of the construction, circa 1912, of a dam on Fifteen Rapids (French: Rapides des Quinzes); which would significantly increase the surface area of the lake.

In its 1895 report, the explorer John Bignell used the name Winowa to designate the lake. The word that comes close to Algonquin Winneway, meaning "white water" refers to a particular bay and an island in the southeast of Lake Simard.^[2]

The name **Lake Simard** was formalized on December 5, 1968 at the "Bank of place names" of the [Commission de toponymie du Québec](#) (Quebec Names Board).^[3]



Rachel Pelletier <rachel.pelletier@thefirelightgroup.com>

For BAPE | LPFN Comment on the Potential Horne Smelter Interactions with the Horne 5 Project

1 message

Rachel Pelletier <rachel.pelletier@thefirelightgroup.com>

Fri, Oct 18, 2024 at 11:09 AM

Dear BAPE,

Please consider this email and documents as an appendix to LPFN's submission. Thank you for confirming its reception.

LPFN is gravely concerned about the cumulative environmental and social impacts of the proposed Horne 5 mining project (hereinafter the "Project"), which is located in close proximity to the existing Horne copper smelting operations (hereinafter the "Smelter"). The Smelter, situated almost directly above the proposed Project site, has long been a source of concern for LPFN due to its alarming levels of airborne and water contaminants, far exceeding provincial thresholds.

The Horne Smelter is located in Rouyn-Noranda and is operated by Glencore. Over the past years, Glencore has been under scrutiny for emitting high levels of contaminants such as arsenic, lead, cadmium, and nickel through its smelting operations. This has raised significant health concerns, including increased risks of cancer and respiratory diseases in the local population.

Multiple studies suggest that the fish in the waters and the animals on the territory of Long Point First Nation may be contaminated due to the activities of Smelter. The Smelter's activities have affected lakes, plants and animals throughout the region, to the point where some species might now be dangerous for both human and animal consumption or might have disappeared.

In 2022, Ogima Steeve Mathias, the then acting Chief of LPFN, along with two other Anicinabek Chiefs, raised these issues directly with both the provincial and federal governments, highlighting the public health and environmental risks associated with the Smelter and urging the government to consult with LPFN regarding the renewal of the environmental authorization process for the Smelter.

Located 75 km from the community, the Smelter's activities significantly affect the quality of the environment, including local flora and fauna. This area is integral to LPFN's constitutionally protected Aboriginal rights, such as hunting, fishing, and gathering. The community has been deeply affected by the presence of contaminants in wildlife and the broader ecosystem, posing serious risks to the health of LPFN Anicinabek, their traditional practices and overall well-being as well as the environment.

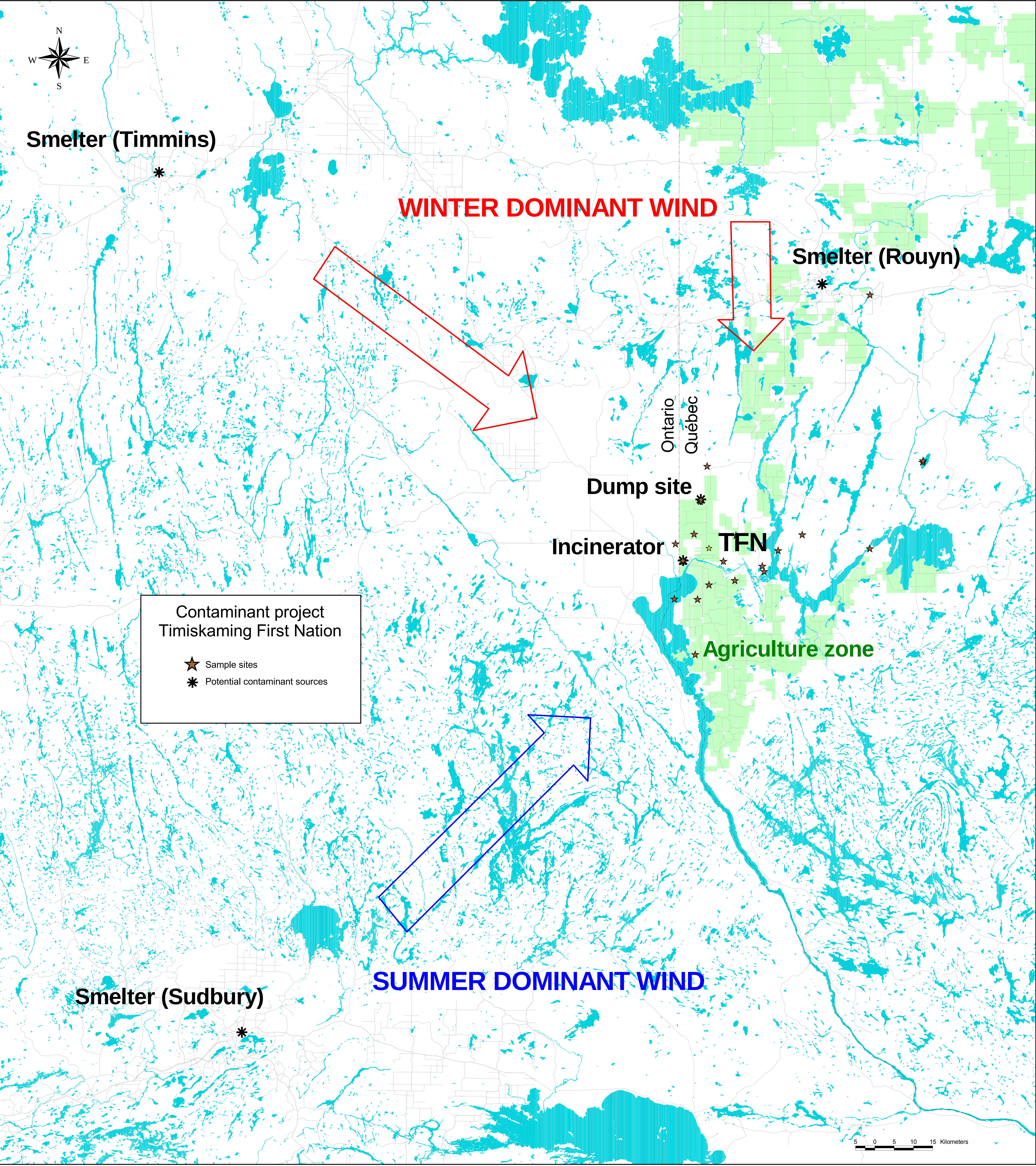
The Smelter and the proposed mining Project are both located at the heart of Anicinabek Aki, LPFN's unceded traditional territory. When assessing the impacts of the Project, it is critical that the BAPE consider the cumulative effects of these industrial operations. The BAPE must consider the past, existing and future developments in this area and factor in how the combined effect of these activities have impacted the environment, socio-economic conditions and human health within the area. Adding a new layer of intensive industrial activity, particularly in an area already experiencing severe contamination from the Smelter, raises profound concerns about the long-term impacts on the environment and the health of Anicinabek people.

LPFN is particularly worried about how the combined effects of the Smelter, the proposed mining Project, and other industrial uses in the area will irreparably harm the environment and its people. This concern is amplified by the revelation of excessive contaminant levels at the Smelter, which remain unresolved. Moreover, we believe that the Project would violate the strict application of Section 197 of the Clean Air Regulation, which prohibits the construction of a source of contamination if it is likely to result in an increase in atmospheric concentration beyond the limit values already exceeded by the Smelter operations. We are also deeply concerned about the dangers and irreparable consequences for the public health and safety and for the environment in the event of an industrial accident at the Smelter facilities caused by the induced seismicity of the Horne 5 mining project. LPFN calls upon the BAPE to fully account for these cumulative effects and to ensure that proper adaptive measures are in place to manage and mitigate them, safeguarding both LPFN's rights and the well-being of our People and Anicinabek Aki, our traditional territory.

Online references to consider:

- Bordeleau, S., Asselin, H., Mazerolle, M.J. & L. Imbeau. 2016. "Is it still safe to eat traditional food?" Addressing traditional food safety concerns in aboriginal communities. Science of the Total Environment. Vol 5. 65: 531.

Meegwetc for your consideration.



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August 4, 2022

DELIVERED BY EMAIL
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WITHOUT PREJUDICE

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**Re: Meeting Request – Contamination of the environment on Long Point First Nation
Traditional Territory due to Horne Smelter substance spills and emission
exceedances**

Dear Mr. Belanger,

We have taken cognizance of the letter sent to Long Point First Nation dated July 15th, 2022, in response to the initial letter from Chief Steeve Mathias dated July 5th, 2022. We have been instructed by Long Point First Nation to respond to said letter to formally request that a public meeting be held at Winneway in the best delays.

In your letter, you present a series of projects currently underway by the Horne Smelter and indicate that you “would be delighted to present these projects in more detail at a meeting”. However, to date, we understand that no steps to this effect have been taken by Glencore Canada or management of the Horne Smelter.

Authorisation Renewal Process

Further, based on recent information, we understand that the Horne Smelter is currently in the process of renewing its governmental authorizations to operate its facilities. This includes updating its depollution attestation and revision of contaminant emission targets. We further understand that you are engaging with the Minister of the Environment and the Fight against Climate Change on these

matters, and that a decision will be taken with respect to the conditions of the Horne Smelter's operations and activities. Yet, no information regarding these renewal applications have been transmitted to Long Point First Nation.

Given the fact that there is currently a process of renewal of a governmental authorization underway, the obligation to consult and accommodate Long Point First Nation is triggered. Indeed, the Horne Smelter is located in the heart of the unceded Anishinabe traditional territory of Long Point First Nation. Our client as such requests to actively participate in this process, especially since the impacts of the activities of Horne Smelter directly touch their territory and affect the exercise of their Aboriginal rights. The Horne Smelter is located 75 km from the community of Winneway, and its activities have significant impacts on the quality of the environment, including the flora and fauna located on the traditional Anishinabe territory.

Studies recently made public suggest that the fish in the waters and the animals on the territory of Long Point First Nation may be contaminated due to the activities of the Horne Smelter. The Horne Smelter's activities have affected lakes, plants and animals throughout the region, to the point where some species might now be dangerous for both human and animal consumption or might have disappeared. This new information is deeply concerning to our client, who holds Aboriginal rights on its asserted territory, including the right to hunt and fish for subsistence in the way their ancestors have always done.

Further, the Supreme Court of Canada has established the legal requirement on the part of the Crown to consult and accommodate Indigenous peoples that assert Indigenous and treaty rights, prior to engaging in activities that may have impact on the rights and interests of Indigenous peoples. As stated by the MEFCC in its *Guide sur la démarche d'information et de consultation réalisée auprès des communautés autochtones par l'initiateur d'un projet assujetti à la procédure d'évaluation et d'examen des impacts sur l'environnement*, "it is important to understand that the efforts of the project proponent to inform and consult Aboriginal communities are at all times distinct from consultations that the Government may conduct with certain Aboriginal communities for a project's environmental assessment."

Courts have also recognized that consultation on individual projects must include an assessment and accountability for cumulative effects of development on asserted right. Any decision Glencore is contemplating must be assessed in light of the overall context on the Anishinabe traditional territory. It is crucial for our client to be able to determine to what extent this project taken as a whole has adverse impacts on the health and safety of Anishinabe people and on their ability to continue exercising their aboriginal and treaty rights.

As you indicate in your letter, the Horne Smelter is presently undertaking an overhaul of its installations to modernize its operations. Further, Glencore public statements indicate that community consultations are key to the ability to understand the needs, concerns, and perspectives of the region, and that Glencore "seek to engage the community in developing common solutions that address the impacts, risks and opportunities" of the Horne Smelter. The meeting initially requested by our client a month ago is in line with this objective and should be understood as a key priority to ensure the wellbeing of the community surrounding your operations.

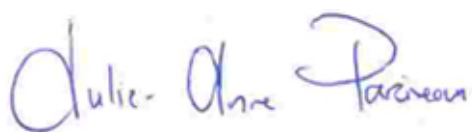
We request that you take the steps required to arrange a meeting with the community of Long Point First Nation to provide its people with accurate, updated information and address their concerns.

To this end, please contact the undersigned at your earliest convenience to discuss on possible modalities and arrange meeting at Winneway with Long Point First Nation.

Govern yourself accordingly.

Sincerely,

Borden Ladner Gervais, LLP



Julie-Anne Pariseau

JAP/mlb

cc.

Chief Arden McBride Timiskaming First Nation, amcbride@atfn.ca

Chief Lance Haymand, Eagle Village First Nation, lanceh@eaglevillagefirstnation.ca



Winneway, August [●], 2022

BY EMAIL

WITHOUT PREJUDICE

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Object: Consultation Request - Contamination of the environment on Anishinabe Traditional Territory due to Horne Smelter substance spills and emission exceedances

Minister Charette,

We are writing to inform you of our deep concerns regarding the environmental and public health situation at the Horne Smelter. The Horne Smelter is located 75 km from the community of Winneway, and its activities have significant impacts on the quality of the environment of our people (our elders, women, youth & men), including the flora and fauna located on our traditional Anishinabe territory.

The recent media revelation of alarming data on exceeding levels of contaminants at the Horne Smelter is extremely worrisome for the people of the Anishinabe Nation. We are deeply affected by the potential presence of contaminants on our land and in the wildlife, including animals we fish and hunt. These traditional activities are constitutionally protected Aboriginal rights and form an integral part of our values and culture. As community leaders, we have a duty and responsibility to do everything possible to protect the health and safety of our people and to promote our social and environmental wellbeing.

We understand that the Horne Smelter is currently in the process of renewing its governmental authorizations to operate its facilities. This includes, but is not limited to, the renewal of its depollution attestation and revision of contaminant emission targets. We further understand that your ministry is engaging with the Horne Smelter on these matters and will be making a decision with respect to the conditions of its operations and activities.

Given the fact that there is currently a process of renewal of governmental authorizations, the obligation to consult and accommodate is triggered. We are entitled to actively participate in the process of renewing these authorizations, especially since the impacts of the Horne Smelter activities are felt by our people and affects our ability to exercise our Aboriginal rights.

Consultation and Accommodation Rights

The Horne Smelter is located in the heart of the unceded Anishinabe traditional territory of Long Point First Nation. The Algonquins of Long Point First Nation have pre-existing rights and title to the Anishinabe traditional territory that predate the arrival of Europeans on our territory.

The Supreme Court of Canada has established the legal requirement on the part of the Crown to consult and accommodate Indigenous peoples that assert Aboriginal and treaty rights, prior to engaging in activities that may have impact on the rights and interests of Indigenous peoples. Our inherent rights must not be impacted by activities that have harmful, or worse, irreparable impacts on the quality of our environment.

Further, courts have recognized that consultation on individual projects must include an assessment and accountability for cumulative effects of development on our land and our traditions. We will be evaluating this project, and the current renewal of authorizations, in light of the overall impact on the Anishinabe traditional territory. We want to determine to what extent this project has significant adverse impacts on the health and safety of Anishinabe people and on our ability to continue exercising our Aboriginal and treaty rights.

We are concerned with the current and potential impacts of the operations at the Horne Smelter on our Aboriginal and treaty Rights and ask to be provided with all the relevant information to engage in a meaningful consultation process, including copies of the authorization requests and of the studies supporting them. **The authorizations to be emitted by your ministry triggers this duty and obligation to consult and accommodate.**

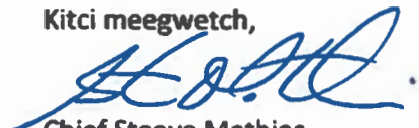
In addition, any consultation with our community must be undertaken according to Canada's legislative and international commitments in terms of Indigenous rights protection. Our rights are recognized by Canada and have been affirmed in The United Nations Declaration on the Rights of Indigenous Peoples Act, which sets out Canada's international obligations to uphold the rights of Indigenous peoples. The ability to decide how our land will be used, managed, and protected is at the heart of lasting reconciliation and cooperation and in the spirit of the UN Declaration on the Rights of Indigenous Peoples.

We therefore formally request to be consulted in the environmental authorization process given the significant impacts on the quality of the environment on its Anishinabe traditional territory, including human health, wildlife and plant protection, and the adverse impacts to the exercise of our Aboriginal and treaty rights.

We request that you initiate a consultation process with our communities and provide us with all information we require to meaningfully engage and carry out our assessment and formulate our concerns.

In the hope of obtaining a favourable response from you as soon as possible, please accept our best regards.

Kitci meegwetch,



Chief Steve Mathias
Long Point First Nation



Chief Arden McBride
Timiskaming First Nation



Chief Lance Haymond
Kebaowek First Nation

C.C.

Minister Ian Lafrenière, Minister responsible for Aboriginal Affairs,
Ian.Lafreniere.VACHON@assnat.qc.ca

Honorable Steven Guilbeault, Minister of Environment and Climate Change
Steven.Guilbeault@parl.gc.ca

Émilise Lessard-Therrien, Deputy, Rouyn-Noranda-Témiscamingue
Emilise.Lessard-Therrien@assnat.qc.ca

Madame Vanessa Connelly-Lamothe, directrice par interim, Direction régionale de l'Abitibi-Témiscamingue et du Nord-du-Québec, Ministère de l'Environnement et de la Lutte contre les changements climatiques, Dr.Abitibi-Temis@mamh.gouv.qc.ca



Rachel Pelletier <rachel.pelletier@thefirelightgroup.com>

For BAPE | LPFN Comment on the Implications of Abitibiwinini First Nation's Adherence to Treaty 9 and the Crown's Duty to Consult

1 message

Rachel Pelletier <rachel.pelletier@thefirelightgroup.com>

Fri, Oct 18, 2024 at 11:10 AM

Dear BAPE,

Please consider this email and documents as an appendix to LPFN's submission. Thank you for confirming its reception.

As Ogima Henry Rodgers has previously stated on multiple occasions, during LPFN's presentation and written

submissions to the BAPE as well as its letter to President Joseph Zayed dated October 9th, it is important to distinguish between the BAPE process and the duty to consult and accommodate Indigenous Peoples, which is the legal responsibility of the Quebec Crown. The role of the BAPE is to investigate, inform, and advise the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks (hereinafter the "MELCCFP") on the environmental and social impacts of proposed development projects, such as the one currently under review. The BAPE's mandate does not extend to matters of Aboriginal rights under section 35 of the Constitution Act, 1982, but rather focuses on assessing a project's implications for the environment and quality of life for the general public, which is distinct from the constitutional obligations owed to Indigenous Peoples.

The duty to consult and accommodate Indigenous Peoples, grounded in the honour of the Crown, is a distinct and separate legal process. It arises when the Crown has knowledge, real or constructive, of potential Aboriginal rights or title and contemplates conduct that could adversely affect those rights. This duty is part of a broader reconciliation process between the Crown and Indigenous Peoples that stems from section 35 of the Constitution Act, 1982, which recognizes and affirms Aboriginal and treaty rights.

We LPFN Anicinabek have pre-existing Aboriginal rights and title to our traditional unceded territory of Anicinabek Aki, predating European contact, and are vested with a sacred, inherent responsibility for the stewardship of the land, waters, animate and inanimate beings within Anicinabek Aki. We are thus entitled to be consulted and accommodated for the Horne 5 Project (hereinafter the "Project"), especially since its impacts will affect our people and our ability to exercise our Aboriginal rights.

The Quebec government cannot claim ignorance of LPFN's rights in this region. In fact, we have, no later than in 2022, formally notified Quebec of our right to be consulted in relation to the Horne Smelter operations situated in very close proximity to the proposed mining Project, as appears from a copy of the Anicinabek Chiefs' letter to Minister Charette dated August 2022 attached as an appendix to our written submissions to the Commission regarding the Horne Smelter operations. The Horne Smelter facility is situated on our unceded traditional territory, where we continue to exercise our Aboriginal rights. Despite being fully aware of this, Quebec has chosen to ignore its duty to consult with LPFN regarding the proposed mining Project. This constitutes a clear violation of the Crown's legal obligations and a failure to uphold the honour of the Crown.

Despite being fully aware of its legal obligations to consult with LPFN regarding the Project, the Québec Government (MELCCFP) only consulted Abitibiwinini First Nation, therefore overlooking other Anicinabek communities who have rights in this area. The Quebec government's failure to consult LPFN regarding this mining Project constitutes a serious breach of its constitutional obligations. Quebec, in dealing with this Project, has cavalierly run roughshod over the Aboriginal rights and interests of LPFN and has thus acted contrary to the principles of the honour of the Crown, which is always at stake in the Crown's dealings with Aboriginal Peoples. In failing to consult and accommodate us, the government has not only disregarded our legal rights but has acted contrary to the principles of reconciliation and respect that are meant to guide Crown-Indigenous relations.

I must also emphasize that Quebec's failure to consult and accommodate violates international legal standards, particularly those set out in the United Nations Declaration on the Rights of Indigenous Peoples (hereinafter "UNDRIP") which Canada has committed to upholding. Article 32 of UNDRIP requires States to obtain the free, prior, and informed consent of Indigenous Peoples before approving any development projects that affect their lands or resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. Deciding how our land will be used, managed, and protected is at the heart of decolonization and is a crucial component of reconciliation. The Quebec government's failure to engage with LPFN in any meaningful consultation regarding this Project is a blatant violation of this international standard.

LPFN remains deeply concerned about the Crown and Falco decision to consult solely with Abitibiwinni regarding this Project, excluding other communities with ancestral connections to the land. LPFN is fully aware that the Quebec government has a mining consultation agreement with Abitibiwinni, whose territory of application overlaps with ours. However, as a signatory to Treaty 9, Abitibiwinni ceded its rights to these lands in exchange for treaty benefits. It is both troubling and unacceptable that Quebec is using this consultation agreement with a community that has surrendered its rights as a justification to avoid its constitutional duty to consult with LPFN, who has never surrendered its rights. This approach not only undermines Indigenous unity but also violates the principles of fairness and justice.

On several occasions, LPFN has asked Quebec whether Treaty 9, which was signed solely by Abitibiwinni and which aimed to surrender certain rights in exchange for specific benefits, has any bearing on the duty to consult other Nations that are not signatories to Treaty 9. Moreover, LPFN has repeatedly sought clarification from Quebec regarding the extinguishment of Abitibiwinni's rights and title following their adherence to Treaty 9, as appears from the Letter from Ogima Henry Rodgers to Minister Ian Lafrenière dated September X, 2024. To date, Quebec has provided no response to these critical questions.

During the initial BAPE session in Rouyn-Noranda, questions were raised regarding the rationale for limiting the consultation to Abitibiwinni as well as the anthropological and historical studies supporting this position.^[1] Although the MELCCFP took the question under advisement and committed to providing a response within 48 hours, they failed to follow through. When later questioned via email, the BAPE determined that the documents were not necessary for their investigation.

At the subsequent BAPE session in Winneway, Ogima Henry Rodgers once again questioned the MELCCFP on the rationale behind the Crown's decision to consult only with Abitibiwinni regarding the Project. The MELCCFP responded that the ministry's department responsible for Indigenous relations determines which Indigenous communities require consultation. However, they were unable to provide a specific answer and deferred the question once again. Falco acknowledged that while initial discussions with LPFN occurred at the outset of the Project, they failed to maintain

ongoing dialogue and admitted that they could have done better in this regard.^[2]

*In its response letter dated October 7th, the MELCCFP chose not to address the core issue, instead reiterating the legal criteria for the Crown's duty to consult as outlined in the 2004 Supreme Court ruling, *Haida Nation v. British Columbia (Minister of Forests)*, [2004] 3 S.C.R. 511, 2004 SCC 73. They also noted their openness to "improving their assessments."*

While the BAPE cannot address land claims or legal rights, in particular Aboriginal rights under section 35 of the Constitution Act, 1982, LPFN stresses that in omitting to consult and accommodate with them, the Quebec government has not exercised due diligence and has fundamentally failed to respect the legal and constitutional rights of LPFN, which could have detrimental social and environmental consequences for those who have lived on Anicinabek Aki for generations.

[1] See transcript from the BAPE hearing dated August 29, 2024 (evening session) at 30 online: < <https://voute.bape.gouv.qc.ca/dl/?id=00000672144>>.

[2] See transcript from the BAPE hearing dated October 3, 2024 (afternoon session) at 31 online: < <https://voute.bape.gouv.qc.ca/dl/?id=00000679962>>.

Online references to consider:

- Conseil de la Nation Abitibiwinni. 2016. Mémoire de consultation, Politique culturelle. En ligne: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.mcc.gouv.qc.ca/fileadmin/documents/Politique-culturelle/Memoires___Metadonnees/Conseil_Premiere_Nation_Abitibiwinni_Memoire.pdf
- Royal Commission on Aboriginal People et Conseil de la Nation Abitibiwinni. 1992. Royal Commission on Aboriginal People: Presentation by the Abitibiwinni Band (Pikogan) Chief Harry McDougal and Edward Kistabish. En ligne: <https://digital.scaa.sk.ca/ourlegacy/permalink/30474>

Meegwetc for your consideration.



Rachel Pelletier <rachel.pelletier@thefirelightgroup.com>

For BAPE | LPFN Comment on UNDRIP, FPIC and the TRC

1 message

Rachel Pelletier <rachel.pelletier@thefirelightgroup.com>

Fri, Oct 18, 2024 at 11:10 AM

Dear BAPE,

Please consider this email and documents as an appendix to LPFN's submission. Thank you for confirming its reception.

*LPFN hereby submits to the BAPE Commission as attachments the texts of (1) United Nations Declaration on the Rights of Indigenous Peoples (hereinafter "**UNDRIP**") and (2) the report of the Truth and Reconciliation Commission (hereinafter the "**TRC**") which reaffirm the rights of communities to self-determination and to Free, Prior and Informed Consent (hereinafter "**FPIC**") when affected by development projects.*

LPFN Anicinabek are Aboriginal People within the meaning of section 35(1) of the Constitution Act, 1982 and Indigenous Peoples within the meaning of UNDRIP.

On October 8, 2019, the National Assembly of Québec unanimously adopted a resolution calling on Quebec to recognize

the principles of UNDRIP and to commit to negotiating its implementation with First Nations and Inuit.^[1] Canada has also endorsed these principles, passing the UNDRIP Act in 2021, which provides a roadmap for the implementation of UNDRIP within Canadian domestic positive law.

Article 32 of UNDRIP requires States to obtain the free, prior, and informed consent of Indigenous Peoples before approving any development projects that affect their lands or resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. Deciding how our land will be used, managed, and protected is at the heart of decolonization and is a crucial component of reconciliation.

Call to action #92 of the TRC report urges Canada's corporate sector to adopt UNDRIP as a reconciliation framework for respecting Indigenous rights and to apply its principles, norms, and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources. It specifically asks businesses, particularly those involved in resource extraction, to commit to meaningful consultation with Indigenous communities, ensuring FPIC. It also calls for addressing the environmental, social, and economic impacts of business activities on Indigenous lands and rights.

LPFN acknowledges Falco's commitment to obtaining LPFN's FPIC before proceeding with the project, as confirmed by Falco's Vice President, Environment, Sustainable Development and Community Relations, Mrs. Hélène Cartier, at the

BAPE hearing in Winneway on October 3rd.^[2] LPFN also highlights Falco's stated commitment to respond to call to action #92 of the TRC report, as appears from the company's website page regarding the Horne 5 Project.^[3]

LPFN requests that the Quebec government respect the inherent, constitutional and international rights of LPFN and the Anicinabek, including the right to FPIC as part of the Horne 5 Project review and approval process. LPFN further requests that Falco uphold its commitments and implement Call to Action #92 of the TRC report in its dealings with LPFN on this Project.

^[1] Quebec, National Assembly, *Minutes*, 42-1, No 68 (8 October 2019) at 1159.

^[2] See transcript from the BAPE hearing dated October 3, 2024 (afternoon session) at 34 online: <<https://voute.bape.gouv.qc.ca/dl/?id=00000679962>>.

^[3] Falco Resources, "First Nations", online: <<https://www.falcores.com/en/sustainability/#PN>>.

Online references to consider:

- United Nations (General Assembly). 2007. Declaration on the Rights of Indigenous People. Online: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf
- Government of Canada. 2016 Truth and Reconciliation Commission of Canada: calls to action. Online: chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Calls_to_Action_English2.pdf
- Quebec, National Assembly, *Minutes*, 42-1, No 68 (8 October 2019) at 1159.

Meegwetc for your consideration.



Rachel Pelletier <rachel.pelletier@thefirelightgroup.com>

For BAPE | LPFN Members' General Comments and Opinion on Falco Resources' project Horne 5

1 message

Rachel Pelletier <rachel.pelletier@thefirelightgroup.com>

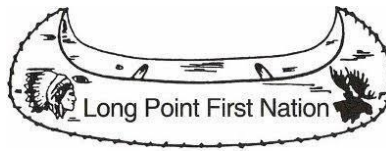
Fri, Oct 18, 2024 at 11:18 AM

Dear BAPE,

Please consider this email as an appendix to LPFN's submission. Thank you for confirming its reception.

We are submitting this document as an appendix to LPFN's submission, which includes the general comments and opinions of LPFN members regarding the Falco Resources' Horne 5 project. It is important to note that these individual comments do not necessarily reflect the Council's overall position on the project. We provide these insights independently to honor and respect the voices and perspectives of our community members.

Meegwetc for your consideration.



LONG POINT FIRST NATION PARTICIPATION TO BAPE HEARINGS OCTOBER 3rd

FINAL COMMENTS LPFN'S MEMBERS BAPE HEARINGS

- With regard to the mine's origins (LPFN brothers showing Edmund Horne the current mine site) and the unextinguished aboriginal title of the Anishinabek of LPFN to the land's of Rouyn and the subsurface minerals that constitute the Horn 5 mine, all together present this historic opportunity for economic reconciliation.
Honour LPFN's title and acknowledge the historic theft of minerals from their unceded territories and rebuild the relationship by beginning the process of making us whole again.
- Begin the processes of identifying all historic tailings spills within the Ottawa river upper watersheds
- The lands and waters around Rouyn serve an immense ecological service to the people of Turtle Island, will the Tailings management areas be able to withstand a 2000 year rain event?
- The Ottawa river, better known as the Kitchisibi, aka the Grand River of the Algonquins as well as many other place names have been historically and conveniently mislabelled or plain omitted in favour of bland colonizing names. Lac Simard for example is named after a surveyor who erased the Anishinabek place names, Winnewayish-gaming(Bay of troubled waters), with "Lac Expanse" later renamed Lac Simard . This question seeks a means to help restore Algonquin toponymes to the surrounding geographic places.
- Because of the many hydroelectric projects used to help powers the mines of our region combined with the intense harvesting of trees the ecosystems of the Temiskaming forests are fractured and frayed, help fund an ecological study of the historic makeup of the forest communities including it's fauna like; the woodlands caribous, this study would begin the processes of restoring the Temiskaming forest to a more diverse state similar to it's makeup before the colonization plans of the Quebec government imported the 23 thousand squatters/settlers during the 1930's
- Specifically a Mushroom inventory of the Rouyn and Temiskaming districts in partnership with local Anishinabek
- A supply of physical ingots of each metal on a quarterly bases in proportion to their production and abundance. (economic reparations and ongoing bases)



Rachel Pelletier <rachel.pelletier@thefirelightgroup.com>

For BAPE | LPFN Comment on the history of the Makimoot Brothers

8 messages

Rachel Pelletier <rachel.pelletier@thefirelightgroup.com>

Fri, Oct 18, 2024 at 11:14 AM

Dear BAPE,

Please consider this email and documents as an appendix to LPFN's submission. Thank you for confirming its reception.

LPFN submits the following attachment to the BAPE Commission: an email sent to the City of Rouyn-Noranda requesting the documents that supported their request for the toponym "Makimoot Brothers" to the Commission de toponymie du Québec to be recognised. The person responsible for Heritage and Toponymy at the City, provided us with the documentation that underpins their efforts to have the toponym "Makimoot Brothers" officially recognized. The history of the Makimoot Brothers, who discovered the copper deposit at the Horne smelter, highlights the long history of land use and occupation of the LPFN members in the Horne 5 project area.

Meegwetc for your consideration.