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**PRELIMINARY ASSESSMENT OF IMPACTS ON CAT LAKE FIRST NATION'S ABORIGINAL
RIGHTS, TITLE AND INTERESTS ARISING FROM THE SPRINGPOLE GOLD PROJECT**

JANUARY 19, 2026

***THIS ASSESSMENT IS SUBJECT TO CAT LAKE'S COMPLETION OF ITS KITA-KI-NAN
PROCESS FOR THE SPRINGPOLE PROJECT***



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1. INTRODUCTION

The purpose of this document is for Cat Lake First Nation to provide an initial assessment of the impacts that First Mining Gold's ("FMG") proposed Springpole Gold Project (the "**Springpole Project**") will have on Cat Lake First Nations' Aboriginal rights, and claim of Aboriginal title, protected under Section 35 of the *Constitution Act, 1982* (collectively "**Rights**").

This assessment will form part of, and be incorporated into, the Environmental Assessment Report that will be prepared by the Impact Assessment Agency of Canada for the Springpole Project pursuant to the *Canadian Environmental Assessment Act, 2012*.

These preliminary results are derived from the Kita-ki-nan ("**Our Land**") Anishinaabe-led Impact Assessment Process for the Springpole Project, conducted by Cat Lake First Nation. The Kita-ki-nan Process is assessing the impacts of the proposed Springpole Project using western science and Anishinaabe Knowledge, and Anishinaabe legal teachings, and will lead to a consent decision by Cat Lake First Nation about the Springpole Project.

Further details on the environmental impacts from the Springpole Project will be available in the Kita-ki-nan Report when it is issued.

Information to support this preliminary Rights impact assessment was derived from extensive interactions with Cat Lake First Nation members and leadership. The results of two Nation-led studies released in 2024, the Socio-economic Baseline Study and the Springpole Project Traditional Knowledge and Use Study, were examined and integrated.

the rivers flow in opposite directions'. This unique geographic feature affords us the honor of accessing various river routes for travel, hunting, harvesting, and living off the land.

Deeply rooted in our traditions, we cherish the land and continue the time-honored practices of hunting, fishing, and trapping that connect us to our heritage.

Anishinaabemowin, our language, is the heartfelt expression of our culture, which we diligently preserve and celebrate. Anishinaabemowin is one of the oldest languages in North America and is the language of the Anishinaabe nation. In our native tongue, 'Peshewesahekgun' means "Lynx Cat", a name reflecting a time when lynx were abundant in our area.

Cat Lake First Nation is a unique community with its own robust customs, laws, culture and identity.

The Cat Lake is an isolated remote community situated 180 kilometers north of Sioux Lookout on the picturesque shores of Cat Lake and is only accessible by aircraft in the spring, summer and fall with ice road access in the winter depending on environmental conditions.

There are approximately 830 registered band members with 650 living on Cat Lake First Nation reserve.

Canada and Ontario have always maintained that Cat Lake First Nation was a signatory to Treaty 9, however the Cat Lake First Nation people through our oral history have always known that our people never signed Treaty 9.

Cat Lake First Nation has filed a Statement of Claim in the Ontario Superior Court of Justice on January 7th, 2022, (Court file#) 22-00000004-000), claiming Aboriginal title to its Aboriginal title lands and waters which include the lands and waters surrounding the Springpole Project area.

3.2 Our Relationship to the Water

Nibi/nipi (water) and watercourses across our traditional lands and territory were, and continue to be, central to our identity and livelihood.

Our family groups and lineages were, and remain, associated with specific watercourses and waterbodies in our traditional lands and territory, such as Zionz Lake and Eagle Island (located in Birch Lake), which are associated with specific habitation sites and resource use areas.

These characteristics, among others, have created a strong connection and affiliation between our peoples and our traditional lands and territory, which imparts a sense of belonging and a protective responsibility.

Access to clean drinking water from these waterbodies is both a right and a practice integral to, and inseparable from, Cat Lake First Nation peoples' time on the land.

Cat Lake First Nation peoples have, and continue to collect, drinking water year-round from various lakes including, but not limited to, Birch Lake, Springpole Lake, Keesic Lake, Gull Lake, Swayne Lake, and Zionz Lake. The waters of Birch and Springpole Lakes are reported to be clean,

clear and trusted, and our members collect water here to drink when out on the land and to bring back to the community.

Our watercourses have also been used by our peoples as travel routes and access corridors, facilitating travel across our traditional lands and territory and allowing access to seasonal camps and key harvesting areas.

Freshwater bodies have long sustained our people, who harvest and consume fish as part of our diet year-round. Fishing is a fundamental to our lives and culture and provides culturally valued and nutritious food and a means by which cultural values, such as sharing food with the community, and teaching harvesting knowledge and skills to younger generations, are practiced.

Preferred fish species include, but are not limited to, lake trout, northern pike (kinooshe), whitefish (atikamek), pickerel (walleye, ookaans), suckers (namepin), and sturgeon.

Fishing takes place throughout our traditional lands and territory. Preferred fishing locations in our traditional lands and territory in close proximity to the Spingpole Project area, include Springpole Lake, Birch Lake, Dole Lake, Fawcett Lake, Shabumeni Lake, Zionz Lake, Kapikik Lake and Kezik Lake.

3.3 Our Relationship to the Land

Hunting, trapping, and plant and medicine harvesting have been vital to our culture and way of life, as well as being essential to the expression of our Rights. These practices are also key in supporting our food and economic security.

Species traditionally hunted and trapped by our people include, but are not limited to, moose, caribou, beaver, marten, muskrat, otter, lynx, rabbit, goose, duck, and partridge.

Free movement across our traditional lands and territory allowed our people to access preferred harvesting locations, which includes the areas around Birch and Springpole Lake, as well as Gull Lake, Jackpine Lake, Johnson's Island, Lake St. Joseph, and Zionz Lake.

Plant and medicine harvesting also contributed to maintaining our health and wellbeing.

A variety of plant species have been harvested throughout our traditional lands and territory including, but not limited to, bear root, rat root (weekay), blueberries (miinan), mint, jack pine cones, goldenrod, chaga, cedar, joint grass, poplar, spruce, Labrador tea (kaakiikepak), wild rice (manoomin), and various fungi. Harvesting locations like Springpole Lake, Birch Lake, Shabumeni Lake, and the Shabumeni River are especially valued by our people.

The cultural continuity of Cat Lake First Nation peoples relies on the transfer of knowledge between and within generations, ceremonies and spiritual practices, connection to the land, sense of place, and communally shared identity. Our sense of place stems from our connection with our traditional lands and territory, which is tied to Anishinaabe identity, spirituality, history, law and ancestry.

Our longstanding historical use and occupancy of our traditional lands and territory including the Birch and Springpole Lakes area, means there are locations where our ancestors used the land that hold spiritual significance, which are discussed in detail below.

4. THE SPRINGPOLE PROJECT AREA

The Springpole Project would be located in the Birch and Springpole Lakes area in our traditional lands and territory.

In a vast, mostly flat, low-lying boreal forest area consisting of tea-stained lakes and rivers, Springpole Lake and Birch Lake stand out for their crystal-clear pristine water, where one can look from the shore or from a boat and see many meters down to the bottom.

It is this water quality that makes them the only lakes that can sustain lake trout in our traditional lands and territory.

The lake trout in Springpole Lake and Birch Lake drew our people to the Springpole site for as long as anyone can remember. It is the plentiful, rich food source that has caused our people to have celebrated the area and to have frequented its pristine shores, waters and islands. These lakes have also supported economic sustainability for Cat Lake through commercial fishing.

For our people, lake trout nourishes the body and the experience of being at Springpole Lake and Birch Lake nourishes the spirit. It is truly a location our people celebrate.

When the first settlers came onto our traditional lands and territory, Springpole and Birch lakes were chosen as a place to build several fly-in tourist resorts because of the plentiful fish and moose and the beauty of Springpole Lake and Birch Lake.

Cat Lake First Nation's Aboriginal title claim to this area is strong, given our unique history.

There is significant historical evidence of our practice of Rights in and around the lands and waters around Springpole Lake and Birch Lake throughout the past.

5. DUTY TO CONSULT CAT LAKE FIRST NATION

The Government of Canada has the legal duty to consult and where appropriate accommodate Indigenous peoples when the Crown contemplates conduct that may adversely affect Aboriginal and treaty rights that are recognized and affirmed in section 35 of the *Constitution Act, 1982*.

The Supreme Court of Canada set out the basic legal principles of the duty to consult and accommodate Indigenous peoples in *Haida Nation v British Columbia (Minister of Forests)*, [2004] 3 S.C.R. 511. Since then, there have been several hundred court decisions that have applied the Haida principles to a variety of factual situations however the basic Haida principles remain unchanged.

The Supreme Court of Canada in *Haida*, stated that the duty to consult and accommodate First Nations is a fundamental, firm, and measurable objective that flows from the Honour of the Crown and that where the Crown has knowledge, real or constructive, of the potential existence of

Aboriginal right or title and contemplates conduct that might adversely affect it, the Crown has a duty to consult the applicable Indigenous peoples.¹

Canada has knowledge of our Rights in the area that the Springpole Project and through the Environmental Assessment Process is contemplating conduct that would adversely affect those Rights.

Canada has a legal duty to consult Cat Lake First Nation and where appropriate accommodate Cat Lake First Nation for any potential adverse impacts to Cat Lake First Nation's Rights that would arise from an approval of the Springpole Project.

6. UNDRIP

The sufficiency of the government of Canada's legal duty to consult Cat Lake First Nation has been enhanced pursuant to the *United Nations Declaration on the Rights of Indigenous Peoples Act* S.C. 2021, c.14 (the "UNDA")². Any analysis of the sufficiency of Canada's consultation with Indigenous peoples must take into account UNDRIP and its commentary.

The Federal Court in *Kebaowek First Nation v Canadian Nuclear Laboratories*, 2025 FC 319 states:

"... Canada's adoption of the UNDRIP into Canadian law via the *UNDA* must mean more than a status quo application of the section 35 framework. The UNDRIP must be interpreted in the ordinary sense of the words set out. The words of the UNDRIP and the resulting commentary regarding its development and interpretation must be used to guide our interpretation of the section 35 framework, and in this application, how the UNDRIP is to be used to interpret the Crown's analysis of the duty to consult and accommodate."³

And notes that because of UNDRIP, consultation needs to be more robust than the standard approach:

"Based on the foregoing, I am of the view that the UNDRIP FPIC standard requires a process that places a heightened emphasis on the need for a deep level of consultation and negotiations geared toward a mutually accepted arrangement. Much of the jurisprudence that has developed in the context of the duty to consult and accommodate confirms that it is not just a mere "check box" exercise; it must be a robust process of consultation."⁴

7. OUR RIGHTS IN THE SPRINGPOLE PROJECT AREA

The Springpole Project and its supporting infrastructure would be located within our traditional lands and territory and our people have exercised our Rights in this area for generations.

¹ *Haida Nation v British Columbia (Minister of Forests)*, 2004 SCC 73 para 32 and 35

² *Kebaowek First Nation v Canadian Nuclear Laboratories*, 2025 FC 319 at para 124-125

³ *Kebaowek First Nation v Canadian Nuclear Laboratories*, 2025 FC 319 at para 128

⁴ *Ibid.* at para 130

The exercise of our Rights will be adversely impacted by the Springpole Project, including, our ability to hunt, fish, harvest plants, collect and drink clean, trusted water, conduct cultural practices and other uses of the land and resources.

The development, operation, closure and legacy of the Project will impact the exercise of the following Rights:

Harvesting, including:

- a) Hunting
- b) Fishing
- c) Gathering berries, medicines, food plants, water, other materials
- d) Trapping
- e) Food security

Cultural and social Rights, including:

- f) Accessing and navigating lands and waters (the freedom of travel and unfettered ability to occupy lands, including for camps, etc.)
- g) Connection to important cultural places and spaces
- h) Language continuity
- i) Inter-generational knowledge transfer
- j) Ceremonial practices and spiritual connection to lands, waters and all our relations

Governance and Stewardship Rights, including:

- k) Right to protect, monitor, manage and restore lands and waters according to Anishinaabe law and legal teachings
- l) Determining best use of lands, waters and all our relations
- m) Self-determination and autonomy (right to consent or withhold consent)
- n) Impact on Aboriginal Title claim

Other Rights, including:

- o) Developing programs for health
- p) Improving social and economic conditions
- q) Protecting vulnerable sub-populations

The disturbance to the water, land, wildlife, and air caused by the Springpole Project would be a serious infringement on our Rights.

8. ASSESSMENT OF IMPACTS ON RIGHTS

8.1 Impacts on Water

Birch and Springpole lakes are pristine lakes that our people use to travel and collect drinking water from year-round.

One of the most significant features of the Springpole Project is the proposed permanent tailings and waste rock storage facility (the “**Co-Disposal Facility**”), which will be approximately 77 meters high and 380 hectares in size

The Co-Disposal Facility will be surrounded on all four sides by the waters of Springpole and Birch lakes and the structure will be permanent.

For our people and our exercise of Rights the Springpole Project and its Co-Disposal Facility could not be in a worse place.

The Co-Disposal Facility will be a dumping place for many of the worst by-products of the mine and will be surrounded by water on all four sides between Birch and Springpole Lakes. The Co-Disposal Facility will be within 120 metres of either lake, a distance that has caused the Nations (and government regulators) to raise concerns that there is not enough room or time to implement contingency plans in cases where greater than predicted seepage occurs.

The proposed Co-Disposal Facility would be a permanent facility with long-standing residual risks to water quality, long after the closure of the Springpole Project. There remain multiple uncertainties with how long FMG plans to treat water for during and after closure, how seepage from the Co-Disposal Facility will be monitored and managed after closure, and the overall appropriateness of the Co-Disposal Facility location between the two most important lakes in the area. It is fundamentally unacceptable under Anishinaabe legal teachings to leave risks behind for future generations to deal with and that would be the case if the Project proceeds as currently planned.

First Mining Gold estimates that at least 8% of the liquid from the facility will escape as seepage into local groundwater and nearby surface waters and while First Mining Gold’s says that the Co-Disposal Facility will not fail many of our people do not have the same confidence that water quality will not be impacted. Our experts and Canada’s experts have raised concerns about impacts at the “seepage face” in the nearshore area of Birch Lake, for example, which is predicted to see the largest amount of contaminated seepage from the Co-Disposal Facility.

The Springpole Project will also release treated effluent (wastewater) in either the southeast arm of Springpole Lake (FMG’s original proposal) or into a yet-to-be determined location in Birch Lake throughout the life of the Project and although the effluent will be treated, it will differ in nature and contaminant concentrations from the natural waters of whatever waterbody receives it, and cause changes to the water quality and aquatic ecosystem of whichever lake receives it. The Nations asked FMG to provide further details on the alternative effluent discharge location in Birch Lake in August 2025 and FMG has not provided any further details on a proposed location or its environmental effects in the Project Case.

There will also be inevitable changes in the water quantity and flow/drainage patterns from water management activities at the Springpole Project. These changes would cause there to be changes in the quantity of water entering Birch and (especially) Springpole Lakes. The development of the open pit requires dewatering of an entire basin of Springpole Lake, the critical deep water northernmost basin, moving all that water to Springpole Lake (raising its levels), then fundamentally altering the depth of that northern basin by digging the open pit, and then after mining is completed,

re-watering the new northern basin by taking water away from the rest of Springpole Lake (lowering its levels). This artificial alteration of water levels is against Anishinaabe legal teachings. In addition, the groundwater levels around the Springpole Project will be lowered during operations as groundwater preferentially reports to the ever-deepening open pit. This will have impacts on the groundwater table and lakes, streams, plants and animals that rely on the natural groundwater regime.

Entire waterbodies would be permanently eliminated from existence underneath the 380 hectare Co-Disposal Facility and other local inland waterbodies would be fundamentally altered by changes to the groundwater regime (as groundwater preferentially flows to the ever-deepening and ultimately 1000 foot deep open pit), and from contaminants entering into them. For example, an existing lake would be entirely devoted to being the Central Water Storage Pond of the Project. Altering natural, relatively pristine waterbodies, in some cases permanently and irrevocably, is not reconcilable with Anishinaabe legal teachings.

Even the perception of these adverse impacts on water quality and quantity can have adverse effects on our people's choice to exercise their Rights on these waters. Community members have indicated they would have much lower confidence in collecting and drinking water from the Springpole and Birch Lake areas if the Springpole Project proceeds, due to contamination concerns. The absence of clean, trusted water is one of many contributing factors that members have indicated would lead to them feeling alienated from the Springpole Project area. And this alienation and loss of use would not end with the closure of the Springpole Project. Many members have indicated that it will be multiple generations, if ever, before they trust the area again. Visible remnants of the Springpole Project will still be on the landscape forever; it is those type of sensory reminders that negatively influence ability and willingness to practice Rights in an area deemed "contaminated" by our people.

From the perspective of Cat Lake First Nation, the location of this project is challenging overall, given the critical role that Birch and Springpole Lakes play in Cat Lake's cultural and harvesting landscape. Cat Lake recognizes that the gold and silver are where they are and that defines the extraction location if the Springpole Project proceeds. However, it is clearly a choice of First Mining Gold to locate the Co-Disposal Facility between Birch and Springpole Lakes, and that the primary reason to do so is related to reducing financial costs. The fact that to date FMG is continuing to promote the least acceptable location for putting a tailings and waste rock co-disposal facility, which can be moved to a location where risks to nipi/nibi are reduced, is extremely disturbing.

The Springpole Project will adversely impact our Rights to drink water directly from Birch and Springpole Lakes, to harvest fish from Birch and Springpole Lakes and to travel freely on Birch and Springpole Lakes.

In particular, the loss of trust in water quality in these currently trusted and highly valued waterbodies would be a serious infringement of Anishinaabe rights. In addition, the long-term risks on water quality from the permanent Co-Disposal Facility, and the spin-off impacts that the location of this facility would have on water and harvesting Rights, are serious and likely cannot be mitigated.

8.2 Impacts on Fishing and Harvesting

The Birch and Springpole Lakes area is a preferred traditional hunting area for many of our people and for many Birch and Springpole Lake area represents a key breadbasket area that they come to year round and plays a critical role in food security.

It is critical to recognize that a preferred traditional harvesting area, in general, and the Springpole Lake and Birch Lake area specifically, is not ‘just another place’ for our members to harvest. Harvesting areas are preferred because they have multi-generational, multi-centuries, connections to individual families and the Cat Lake community as a whole. They are preferred because they are well-known, trusted, safe, and have the right characteristics for harvesting and peaceful enjoyment of land and waters. Our people are intricately connected to this preferred harvesting area; Marten Portage, for example, has been described as a place where the ancestors still walk. As a result of these intricate connections, the loss of use and/or alienation from a preferred harvesting area is not replaceable by “going elsewhere”, which appears to be a fallacy that both FMG and agents of the Crown are promoting as “mitigation” for Cat Lake’s loss of use of this area if the Project proceeds.

It is also critical to recognize that the experience of effects from one project do not occur in isolation from the cumulative experience of effects by Cat Lake members throughout our traditional lands and territory. Our members have been pushed out of valuable harvesting locations by many different industrial and other developments over the past century, as greater access, higher levels of development, increasing numbers of outsiders, damage to habitat, changes in water levels, and contamination have caused serious cumulative effects on the environment and our Rights. We have seen mines come in the past and leave toxic legacies. We have seen water contaminated and impacts on fish and game and vegetation – in distribution, abundance, and health. And as a result, our members are both extremely sensitive to real and perceived changes in the environment, and in a position where fewer and fewer locations remain that have the necessary conditions for consistent, meaningful practice of our Rights. The Springpole Project is proposed in one of those last, best places, and our members are highly sensitive to the impacts that would occur from it.

Some of our people have flagged that the presence of the FMG exploration camp has had a negative effect on their level of their activities in the area in recent years. Our people express a strong connection to the remaining relatively pristine fish and wildlife habitat, population and body condition in the Springpole Lake and Birch Lake area. The fact that the relatively smaller level of physical and sensory disturbance by the FMG exploration activities have already disrupted our fishing and harvesting activities, indicates the sensitivity to change that our harvesters exhibit. This also indicates that in a future with the Springpole Project, where activity levels and sensory disturbances increase exponentially, alienation and loss of use by our fishers and harvesters will increase exponentially as well

The following is based on statements from and discussions with our members about impacts on harvesting and land use:

1. The Birch and Springpole Lakes area is very important to Cat Lake for past, present and desired future harvesting. Several families have long-standing, deep roots in the area and harvest from it every year.
2. The Birch and Springpole Lakes area has very strong fishing values (Springpole Lake is the only lake Cat Lake members can harvest lake trout, for example), with clean water, relatively low outside harvesting pressures due to no road access, and strong habitat for wildlife. This gives the area stronger natural conditions than in much of the rest of our traditional lands and territory - the area has more of the attributes necessary for peaceful enjoyment of successful harvesting than elsewhere. That is why this is a **highly preferred harvesting area for Cat Lake First Nation**.
3. Anishinaabek have travelled through, stayed at, and harvested here since long before living memory, as evidenced by the presence of culturally important Marten Portage, pictographs and extensive found and unfound ancestors' belongings.
4. Harvesting and land use has already felt some negative effects in the area with the presence of the exploration camp and exploration activities in recent years. Cat Lake First Nation members indicate not feeling as welcome in the area and being more concerned about use of firearms, and discomfort with interactions with people working at the camp. As a result, members overall reported slightly reduced use in the area, but this does not reduce the area's preferred status. Members are concerned, however, that if a relatively small exploration camp is causing alienation and loss of use, how much larger the negative effects would be with an exponential increase in activity and disturbance with a major mining project.
5. Cat Lake First Nation members reject as ill-informed, unqualified and self-serving, FMG's suggestion that their harvesting and land use will be largely unaffected by the Project and that they can and will harvest right up to the coffer dams and will experience the 77 m high Co-Disposal Facility as a "rock plateau".
6. Cat Lake First Nation members reject FMG's finding, generated both without input or verification from Cat Lake First Nation, that the Springpole Project is likely to cause only minimal impacts on harvesting and land use, and that this will occur only until the end of closure at the site.
7. In a future with the Project, many Anishinaabek report that they will likely avoid the area due to sensory disturbance, reduced water quality, fish and fish habitat, wildlife and wildlife habitat and contamination concerns.
8. There will be access issues from the Springpole Project that will limit the area accessible to Cat Lake First Nation. A critical lake trout fishing basin will be removed entirely by the Springpole Project. However, the area Anishinaabek report they will be alienated from during the life of the mine (18-20 years) is likely to be must larger than the

Springpole Project footprint due to its high visibility from long distances, other sensory disturbance, concerns about safety, stigma associated with an industrial facility, reduced fish and wildlife presence, and contamination concerns. For example, members flagged that once heavily disturbed and displaced, wildlife's spiritual connection with Anishinaabek harvesters may be negatively altered, leading to the animals no longer presenting themselves for harvesting.

9. This large number of contributing factors will together see high alienation and loss of use throughout much of our traditional lands and territory. Some harvesters will not harvest anywhere in Birch and Springpole Lakes during the mine life, others will not harvest anywhere they can see the mine from (which in some places extends well beyond 10km), and others who venture closer will experience reduced peaceful enjoyment of harvesting activities and are concerned about reduced harvesting success.
10. Many members indicate that this alienation and loss of use will continue long beyond closure. For multiple human generations at minimum and possibly permanently, the area will be "rezoned" in the Nations' cultural consciousness as "industrial". Even after the mine closes, the land and waters will look different, will have different attributes, and will have altered habitat values. It is uncertain whether, when and in what numbers fish and wildlife will repopulate the area, and the spectre of contamination from remaining mine "leftovers" like the Co-Disposal Facility will be active.
11. Cat Lake First Nation members are also concerned about how the all-season road, which they suspect will be neither deactivated nor properly subject to access controls after the mine life, could lead to an "invasion" of recreational harvesters seeking access to the area in the future. This would further negatively impact on aki (land), nibi (water) and Kakinakitinawemaakaninaanak (all our relations), and by extension on harvesting and land use due to higher competition and increased disturbance to wildlife and fish. Cat Lake First Nation members have extremely low faith that first, FMG, and then (after Project closure), Ontario, will enforce road access restrictions. Nation members recognize that roads are "sticky", meaning the all-season road is likely to be in place effectively permanently, and that outsiders will start using it to access Birch and Springpole Lakes, increasing competition for harvesting and reducing quiet enjoyment of the area by Anishinaabek.

(a) Fishing

Fishing has sustained our peoples for generations and our people harvest and consume fish as part of our diets year-round.

For our people the deep waters of Birch and Springpole Lakes provide important fish habitat that support preferred species such as walleye, whitefish (atikamek) and lake trout.

Birch and Springpole Lakes are the only areas where our people harvest lake trout, which are available year-round.

Anishinaabe knowledge records the presence of culturally-critical and SARA-listed lake sturgeon in Springpole Lake.

(b) Hunting

The Birch and Springpole Lakes area sees year-round harvesting activities and is important to the food security of our people. Family-based activities, such as the annual moose hunt continue to happen to this day. Caribou are found in the Birch and Springpole Lakes area and are a culturally significant species and food source for our people. There are also several traplines located in the Birch and Springpole Lakes area, where our people harvest species such as marten, beaver, muskrat, and otter.

(c) Harvesting of plants

The Birch and Springpole Lake areas are preferred plant and medicine harvesting areas for our people as the beaches lining these waterbodies and watercourses provide abundant and productive habitat for plants and medicines. Specific locations around Springpole Lake, such as Johnson's Island, are especially valued.

A variety of plant species are harvested throughout the Birch and Springpole Lakes area including, but not limited to, bear root, rat root (weekay), blueberries (miinan), mint, jack pine cones, goldenrod, chaga, cedar, joint grass, poplar, spruce, Labrador tea (kaakiikepak), wild rice (manomin), and various fungi.

Having unobstructed access to these preferred harvesting areas in the Birch and Springpole Lakes area is critical for our people's exercise of their harvesting Rights and is critical to our ability to pass on knowledge of how to safely harvest, process, and use plant species to younger generations.

(d) Impact of Springpole Project on Fishing, Hunting and Harvesting

The development of the Springpole Project will cause multiple, overlapping impacts that would inevitably lead the majority of our people to avoid practicing fishing and harvesting activities in the Birch and Springpole Lakes area. Those impact pathways include but are not limited to:

1. Valid fears and concerns about contamination from the project impacting the air, water, plants and animals;
2. Removal and disturbance of fish and wildlife habitat in the project areaA;
3. Removal of access and ability to harvest in portions of the project area , due to access and safety restrictions;
4. Sensory disturbance from multiple sources on would-be Cat Lake harvesters in and outside of the project area, (for example the Co-Disposal Facility would be visible for upwards of 12km away from some viewpoints);
5. Sensory disturbance on fish and wildlife, leading to displacement and other impacts on all our relations;

6. Increased risks to fish and wildlife health from physical works and activities associated with the Springpole Project;
7. Increased outsider access into the Springpole and Birch Lakes area, increasing competition for harvested resources; and
8. Increased sense of unwelcomeness and reduced potential for peaceful enjoyment in the project area.

The Co-Disposal Facility at a height of approximately 77 meters high will be the most visible man-made structure in the Birch and Springpole Lakes area and a constant and permanent reminder to the Cat Lake First Nation peoples of the potential contamination, and the general impact of industrial activity, on their fishing and harvesting activities. Cat Lake members have indicated that they are unlikely to return to harvest in the shadow of such a facility, and even seeing it (and it can be seen for many kilometers around) would be detrimental to their enjoyment of land and waters and willingness to harvest in the area.

Seepage from the Co-Disposal Facility and the planned release of treated effluent (wastewater) into either the southeast arm of Springpole Lake or a yet-to-be determined location in Birch Lake would cause changes to the water quality of either/both Birch and Springpole Lakes impacting fish habitat, endangering an important food source and traditional activity of our people.

The Springpole Project is within the range of the Churchill Caribou and will disturb critical caribou habitat, including nursery grounds. The Ministry of the Environment, Conservation and Parks and Environment and Climate Change Canada predict that the Springpole Project is likely to permanently eradicate the fragile Churchill Caribou population. Caribou along with being a traditional food source, has important spiritual and cultural value to our people. The loss of a cultural keystone species, critical to harvesting Rights, is not an acceptable risk.

The development and operation of the Springpole Project will mean changes of Birch and Springpole Lake area's landscape from a relatively undisturbed area to an area of significant, in some cases, permanent, disturbance.

The loss of natural resources, and access to natural resources, in the Birch and Springpole Lakes area, the clearing of all plants and removal of soil to flatten the land; damming and de-watering of a part of Springpole Lake to build the open pit mining area, permanent alterations to the shoreline and depth of Springpole Lake, multi-generational impacts on critical fish populations in the important northern basin of Springpole Lake, and disruption of trapline areas, will all seriously infringe on our exercise of fishing, hunting and gathering activities that are protected Rights of our people.

Springpole Project infrastructure (particularly but not limited to the all-season road) will provide the general public with access to what is an extremely remote area only accessible by aircraft. This may not occur right away, if a proper access management system is in place for the all-season road, but we have yet to see commitments from FMG and Ontario that the all-season road would be subject to "project only" traffic before, during and after the operation of the mine. Ontario has expressed strong reluctance to properly limit public access to all-season roads in the past, and this

has led to increased outsider access that has infringed on our Rights and interfered with our peaceful enjoyment of aki, nibi and all our relatives.

Given that all-season roads tend to be “sticky” and remain on the landscape, we are highly concerned that the Project road will remain after closure and not be subject to proper monitoring and access restrictions. The public will use roads, trails or any cleared areas for hunting and fishing purposes that will directly impact the exercise of harvesting Rights. The general public are well-equipped with boats and motors, and modern technology, (off road and all-terrain vehicles, etc.) that enable their harvesting of the fish and animals near the Springpole Project.

Once trees are cut down to develop the project, a wide array of hunters and fishermen with snowmobiles and all-terrain vehicles will hunt and fish in our traditional lands and territory previously only accessible by aircraft.

Most hunters use modern software to track new roads, new cleared areas to hunt newly opened areas where the moose and fish are plentiful; any influx of hunters and fishermen will severely reduce the fish and wildlife populations available to our people.

We expect that the various stages and activities of the project will cause serious infringements of our Rights, examples of this include but are not limited to the following:

1. The construction and operation of the proposed Springpole Project will result in members’ facing access and safety restrictions in areas around the project that will constrain the area they can harvest.
2. Land clearing and site grading activities during the construction of the proposed project would directly reduce the abundance of plants and medicines in the Birch and Springpole Lakes area, therefore reducing our ability to gather these species in this preferred harvesting area.
3. The damming and dewatering of the north basin of Springpole Lake will contribute to changing water levels in the Birch and Springpole Lakes area, which reduces our ability to navigate through the area when doing water-based traditional activities.
4. The destruction of Waabizheshi Agaasademon Onigam (Marten Portage) during the construction of the project will similarly reduce our ability to navigate and travel through the area for land and waterbased traditional activities.
5. Increase in sensory disturbances (i.e., noise, light, dust, and visual changes) will cause changes in the behaviour of wildlife and fish in the Birch and Springpole Lakes area, which will hamper our ability to have high harvesting and fishing success when using the area for land- and water-based traditional activities.
6. Increase in sensory disturbance on our members at and around the Springpole Project will negatively impact the ability and willingness of our members to harvest from this preferred harvesting area.

7. Alterations to the quality of water, air, wildlife, vegetation as a result of physical and chemical changes caused by the Springpole Project, some of which will last for multiple generations, will infringe on our right to harvest clean, abundant, and trusted water, wildlife and vegetation.
8. Increased access for outsiders due to the development of an all-season road and other linear disturbances is likely to both increase long-term pressure on the harvestable resources in this area and infringe on our members' peaceful enjoyment of this currently inaccessible and sparsely populated area of our traditional lands and territory.

The approval of the Springpole Project and its supporting infrastructure would be a continuation and magnification of existing serious infringements of our Rights and would contribute to reducing our use of the Birch and Springpole Lakes area for land and water based traditional activities for multiple generations, with a high risk that this becomes a permanent effect. Cat Lake refutes any assertion that once the Springpole Project is closed, it would cease to cause impacts on our harvesting Rights. The permanent nature of many aspects of the Project, known by our risk-averse (through longstanding experience of prior harms) members, will last multiple human generations. Our experience is that once a preferred harvesting area is subject to industrial harm, and once it looks different and has different characteristics than we remember, it becomes difficult to impossible, to reconnect to a site subject to these risks and the stigma associated with industrial development.

8.3 Impacts on Cultural and Social Rights

(a) Cultural Rights of Cat Lake First Nation

"I think the biggest loss we will have would be use of the lands, and the life we have that ties to the land, and being one with the land." (KAG member, Cat Lake, November 12, 2025)

Cat Lake First Nation being an Anishinaabe people hold inalienable cultural Rights in our traditional lands and territory. We have connection to the land and through that connection have connection to our ancestors and all our relations. We share intergenerational knowledge while on the land and waters, commune spiritually with the land, and have language continuity, much of which is tied to being on the land.

The ability to freely practice cultural activities in preferred ways and in preferred areas is critical not only to the exercise of those Rights, but also to Anishinaabe well-being and quality of life.

Cat Lake First Nation like many Anishinaabe communities, have long faced pressures from colonial policies to restrict access to our lands, and this limited our ability to exercise our cultural Rights.

(b) Importance of Birch and Springpole Lake to Cat Lake First Nation Cultural Rights

The lands and waters surrounding Birch and Springpole Lakes are deeply interconnected with our peoples' identity and spirituality.

The Birch/Springpole Lake area is one of the few remaining areas where cultural practices can continue relatively unimpeded, as many other areas have degraded conditions.

Our people exercise their cultural Rights through fishing, hunting, harvesting, traveling the land and waters, sharing knowledge and language between generations on the land and waters, paying respect to ancestors and communing with areas where ancestors are, and inhabiting the land.

The Birch/Springpole Lake area including the site where the Springpole Project will be developed has been an area of vital cultural significance to our people, as it has been used historically and over many generations for traditional land use.

This land use has resulted in the creation of various cultural heritage resources that hold the story of our ancestors, in the form of multiple pictographs, burial sites, heritage locations, archaeological resources, and oral teachings.

The historic Waabizheshi Agaasademon Onigam (Marten Portage) bridging Springpole Lake and Birch Lake, is an important heritage location for our people and our ancestors.

The Marten Portage has been in use for thousands of years, as evidenced by physical landmarks and oral teachings from our Elders. Elders have stated that the use of Waabizheshi Agaasademon Onigam has spanned millennia.

Our people observe that our ancestors still walk this trail. Many historic portages are protected in perpetuity elsewhere in Canada.

The Marten Portage has been used forever by Indigenous travellers and is still very important to our people and other surrounding communities, as travelling on the land is fundamental to our way of life.

There are also important archaeological sites in the area across the lake from the end of the Marten Portage which have produced pottery and artifacts dating as far back as 8000 B.C, and the pictograph sites nearby are evidence of the spiritual, ceremonial, and cultural importance of this location for our people.

The area between Birch/Springpole Lake is a ceremonial location. Our people have stories of our spiritual encounters at Springpole Lake. This is well-documented in Cat Lake First Nation's Traditional Use and Socio-Economic Studies, filed with the Impact Assessment Agency of Canada.

The Springpole Project will cause a reduced cultural connection for our people with crucial parts of our cultural landscape. These effects in combination would be a serious infringement of our cultural Rights.

What we heard from Cat Lake community members about Impacts on Anishinaabe Culture

1. For Anishinaabek, culture is a complex mixture of relations between them, ancestors, future generations, the spirit realm, aki, nipi and all our relations. Each of these factors needs to be considered when assessing impacts of the Project on culture.
2. Birch Lake and Springpole Lake have strong cultural and spiritual connections for Cat Lake members in particular and Anishinaabek in general. Those cultural connections are due to long-standing use and occupancy, going back long before living memory, and are also evident in the archaeological and historic record of the area as an important harvesting and travel route.
3. Members note the presence of Waabizheshi Agaasademon Onigam, archaeological sites all around the proposed mine site, Eagle Island in Birch Lake, and pictographs at Springpole Lake as important physical markers of this cultural/spiritual connection.
4. Waabizheshi Agaasademon Onigam, in particular, is recognized as an important spiritual place where ancestors are felt to still walk the land. Waabizheshi Agaasademon Onigam's value is not solely or primarily as a portage/transportation route. Its primary value is as a cultural and spiritual site where Anishinaabek can reconnect with their ancestors.
5. Nation members recognize that Waabizheshi Agaasademon Onigam is not used as much today as it was in the past. The simple reason noted by Nation members for this is disturbance and avoidance caused by the placing of FMG's exploration camp in close proximity to Waabizheshi Agaasademon Onigam, which has caused members to feel less welcome and to avoid due to greater industrial activity and more people around. Lack of current use is thus **not** reflective of absence of value.
6. Nation members expressed alarm and disappointment, but not surprise, that FMG's prior archaeological work at Waabizheshi Agaasademon Onigam and the rest of the immediate proposed mine site found no new archaeological resources. This is attributed to: a. Lack of serious effort; b. Lack of engagement of Anishinaabek in any of the archaeological investigations; and c. FMG being disincentivized from finding archaeological resources that could impact with their Project plans.
7. Members were likewise not surprised that a casual site walk down by community members and the Nations' archaeologist, in August 2025, found no less than five new archaeological sites without even digging any test pits. This confirms what Nation members already assumed - that the area that would be removed to build the open pit, including Waabizheshi Agaasademon Onigam, holds extensive ancestors' belongings that would be disturbed/destroyed if the Project proceeds.
8. Nation members are concerned about negative effects from the Project on their cultural connection to the Birch Lake/Springpole Lake area, ancestors' belongings and remains,

destruction of the Waabizheshi Agaasademon Onigam, and impacts on pictographs from greater outside access.

9. Nation members reject outright FMG's assertions that the Waabizheshi Agaasademon Onigam/exploration camp area has low to no archaeological potential, as this has already been disproved by the findings at the Nations' August 2025 site visit.
10. Nation members also reject the estimation by FMG that the Project will not likely have residual adverse effects on: a. Archaeological resources; and b. Cultural heritage values. According to community members, this reflects a complete ignorance of or a willful refusal to consider the available evidence and the Anishinaabe worldview.
11. Nation members also note that FMG did not consider less "tangible" but equally important factors in Anishinaabe culture such as: cultural and spiritual connections to aki, nipi and all our relations and inter-generational knowledge transfer about culturally important places. For Anishinaabek, culture is not just about what you can see; it is also about what you can feel and how you feel out on the lands and waters.
12. In a future with the mine, Waabizheshi Agaasademon Onigam would be destroyed and its cultural and spiritual values likely lost forever. They cannot be replaced once removed. Ancestors' footsteps would first be dug up and then flooded. The place left behind would not have the same structure, ancestors belonging, meaning, and value. In a future with the mine, the rebuilt portage committed to as a "mitigation measure" by FMG, is actually more likely to represent a wound to the psyche of Nation members who will avoid using it because they know what it used to be like and how it has been changed forever. Nation members reject as unhelpful FMG's planned mitigation to commemorate the loss, build another portage to the south, and rebuild the portage site during closure. It will no longer be Waabizheshi Agaasademon Onigam.
13. In a future with the mine, members know that ancestors' belongings will be damaged, destroyed, removed from their rightful location, and will not be able to be connected with in the same way they are now. This is disrespectful to the ancestors and also takes away from future generations' ability to connect to the ancestors.
14. In addition to the loss of Waabizheshi Agaasademon Onigam and damage to ancestors' belongings at the mine site, Nation members expressed strong concern about two other cultural factors: a. Increased alienation from and loss of cultural connection to aki, nipi and all our relations in the general Springpole Lake/Birch Lake area; and b. Potential for changed water levels in Springpole Lake and (even more likely) greater outsider access to the area putting pictographs at risk of damage and disrespect. None of the mitigation currently proposed by FMG gives the Nations confidence that these impacts will be avoided or minimized to a degree acceptable to the Nations.
15. Nation members believe strongly that additional archaeological and heritage impact assessments should be conducted BEFORE decisions are made on the Project. Nation members also feel that they need to be heavily involved in this additional fieldwork; it needs to be within their control, given the failings of prior work by the FMG. Nation

members also want community monitors present for pre-clearing investigations and during construction, with stop work orders for any potential archaeological finds, if the Project proceeds.

(c) Transfer of Cultural Knowledge

Intergenerational knowledge transfer comes from learning about our connection to our traditional lands and territory and sacred places where our people connect with our spirituality and culture. Disruptions in our people's ability to harvest, hunt, and fish and the destruction of our historical and ancestral cultural values disrupt intergenerational knowledge transfer, which can have long-term effects on our ability to maintain our Anishinaabe culture and connection to the land.

The alterations to the physical environment caused by the Springpole Project will be substantial, with new, unnatural landforms of significant size (such as the Co-Disposal Facility, such as the order of magnitude change in the maximum depth of Springpole Lake) being in place permanently. The shoreline of Springpole Lake and its surroundings will be permanently altered from what is known now and has been known for hundreds of years. It is difficult to impossible to pass on place-based knowledge for a place you no longer recognize and no longer trust, and which may support a very different ecosystem from the natural one Nation members recall. Thus, the Springpole Project will have serious negative effects on the Cat Lake members' ability to pass on place-based cultural knowledge about this critical portion of the Cat Lake cultural landscape.

(d) Location of Cultural Values

Our family groups and lineages are associated with specific waterbodies and watercourses throughout our traditional lands and territory. One such area is Eagle Island near the proposed mine site, which is an important site for the exercise of numerous Rights and practices such as, but not limited to, hunting and trapping, processing meats, fishing, camping, and family gatherings that have occurred for generations.

There are a variety of historical and ancestral cultural values around Birch and Springpole Lake, such as Anishinaabemowin place names, gathering places, travel routes and passes, burial sites, and unique and historically significant ecological values.

There are pictographs, which are rock paintings that convey a story, that can be found in the Springpole Lake area.

Three pictograph sites are located outside of but near the Springpole Project area. The pictographs are drawn in red ochre and provide a place where our people can visit and connect with their culture. These pictographs remind our people of our beliefs, our rituals, and our sense of belonging in the world. These sites are therapeutic to our people, which is more important to the people now as many in our community battle substance use and addictions. These sites are not just historical and disposable once documented and published in a books or photographs displayed in a museum. They are part of our ongoing cultural practice just like a church or a mosque is a holy place to the people who frequent it.

The operations of the Spingpole Project will increase both the activity occurring around these sacred sites and the accessibility to non-Indigenous people to these sites, putting both the sites themselves and their cultural connection for our people at risk. The connection that our people experience while visiting these sites will be disturbed by large open pit mine nearby with almost continuous operations.

Other cultural and ceremonial sites of significant importance to our people are located around the Springpole Project. These significant cultural and ceremonial sites will be dramatically impacted by the 77-metre-tall Co-Disposal Facility (visible from over 12km away from some viewpoints) and massive industrial facility that is lighted 24-hours a day, 7 days a week, for well over a decade. The noise and commotion of a large industrial site will have a significant adverse effect on the Cat Lake First Nation people's use of these very important sites.

(e) Impact on the exercise of Cultural Rights

The Springpole Project would have inevitable and unmitigable impacts on archaeological resources and the Waabizheshi Agaasademon Onigam (Marten Portage), a critical cultural heritage value, if it proceeds. Cat Lake First Nation can state with high confidence that an area of known high archaeological potential, with recently found archaeological resources, will be completely bulldozed to build the Springpole Project.

Archaeological resources are ancestors' belongings, and they should "stay where they are" whenever possible, to respect prior generations and enrich present and future ones. This is fundamentally impossible in the case of this Project, where the archaeologically rich Waabizheshi Agaasademon Onigam and exploration camp zone, will be almost completely stripped of natural vegetation and soil for the mine to proceed, and with that removal will go all of the area's ancestor's belongings. In some cases, they may be found and recovered, but in many cases they will simply be destroyed. And even when they are found and removed, this is not a costless transaction; by being removed from their rightful place, impacts are reduced but not avoided. The best solution for archaeological values is for the area not to be destroyed, but that is impossible with the mine as proposed.

Another factor that is important to consider is that Waabizheshi Agaasademon Onigam itself would not only be completely destroyed by the Project, but that loss must be considered irreversible. Despite what the FMG suggests, Waabizheshi Agaasademon Onigam CANNOT be rebuilt to have the same meaning after the mine closes. The area will look different, the area will be different, less people will use the area, the ancestor's belongings will have been damaged, destroyed or removed, and people will not have the same connection to this site in the future that they have had in the past.

And the FMG's argument that the area is not currently heavily used has no value in determining how important it is. Cat Lake members have indicated that they do not feel welcome to use the Waabizheshi Agaasademon Onigam (Marten Portage), they don't feel welcome at the exploration camp, and so their lack of current use is emblematic of an existing cumulative alienation effect tied to FMG's actions, not to a lack of value of the Waabizheshi Agaasademon Onigam (Marten Portage) itself. Cat Lake First Nation rejects completely the "mitigation" proposed by FMG that

Waabizheshi Agaasademon Onigam (Marten Portage) will be rebuilt after closure and somehow have the same value the historic site has had for countless generations; it does not hold water.

There are two additional critical cultural concerns with the Project. The first is that the overall connection of Anishinaabe to this Birch Lake and Springpole Lake area (primarily Cat Lake members among the Nations in the Kita-ki-nan process) has a high probability – indeed a certainty – of reducing if the Project goes ahead. There have just been too many other industrial projects that have led to long-term, localized alienation as an area is deemed “industrial” by members and avoided during and after the life of a project, to suggest otherwise. Building a large mine with very visible physical remains on the land after it is closed will almost certainly lead to long-term alienation and loss of use. Community members are concerned about what they can see and what they can’t see (contamination) in areas deemed industrial. Therefore, for a yet-to-be determined area, much of it on Birch Lake and Springpole Lake, and certainly not limited to the immediate project area, Cat Lake members in particular will have a reduced connection to the land, a critical cornerstone of Anishinaabe culture.

Finally, our community members are heavily concerned about greater access of outsiders to the area through the all-season road required for the Springpole Project. This road will impact on valuable and vulnerable cultural resources, including several pictograph locations in the southern part of Springpole Lake.

There are concerns that promises made to Cat Lake First Nation about access controls on who can use the road will not be lived up to, not be successful, and/or will not last after the mine closes but the road likely remains open.

The Springpole Project will increase risks from human and water level negative impacts on important pictograph sites to the south of the mine, due to increased access through the new all-season road.

In some places in FMG’s Environmental Impact Statement, FMG claims that they will control access on this road, keeping would be non-Indigenous land users out, and decommission the road at the end of the Project. In other places, FMG talks about the road as a permanent object on the landscape, raising concerns about both short-term access to the new all-season road and long-term effects of it.

In our experience, and the experience of many other Indigenous peoples in Canada, once a road or other wide linear corridor is developed into traditional lands and territory they tend to be “sticky”, with “can opener” effects leading to harvesting pressures and increase development pressures, both of which would have negative impacts on the exercise of our Rights.

Overall, it is reasonable to predict that the Springpole Project will have high magnitude effects on Waabizheshi Agaasademon Onigam (Marten Portage) and cultural connection and archaeological resources in the mine project area, and on the cultural connection of Anishinaabe to the larger Birch Lake and Springpole Lake area.

There is also unacceptable risks of serious impacts on the pictographs as a result of increased outsider access to the area. Taken together, there is a high risk of unacceptable adverse effects from the Springpole Project on local and regional cultural Rights, including connection to land, protection of archaeological resources, and protection of cultural heritage for future generations.

The Nations find that the Project would lead to **HIGH** magnitude adverse effects on Anishinaabe Culture, which will occur for a long-term of multiple generations, with some impacts permanent, for the following key reasons:

- There are numerous uncertainties and gaps within FMG’s Archaeological Assessments, as demonstrated by the review conducted Cat Lake First Nations expert and by the discovery of precontact archaeological materials in the project area during the August 2025 site visit. This makes the Nations highly doubtful that the Birch and Springpole Lakes area has been adequately surveyed.
- Given the gaps in FMG’s archaeological assessments, there is a high risk of disturbance or destruction of ancestors’ belongings in the Waabizheshi Agaasademon Onigam and exploration camp areas in particular, but also along ancient shorelines, and at the proposed Co-Disposal Facility site.
- Overprinting of the Waabizheshi Agaasademon Onigam (Marten Portage) would cause the complete and permanent loss of this physical cultural heritage site, and sever the intangible cultural connection members have to Waabizheshi Agaasademon Onigam (Marten Portage).
- The massive industrial complex created by the Springpole Project, the removal of Waabizheshi Agaasademon Onigam, along with concerns about contamination, weaker harvesting conditions, loss of peace and quiet in the area along with other sensory disturbance, increased human activity, and the fundamental irreconcilability of a major mine with Anishinaabe connection to the land, risks severely reducing both access and willingness to use the area by our people and, by extension, reducing our cultural connection to the area. This impact is likely to last long past closure due to physical, biophysical and psychological changes associated with the area at and around the Springpole Project, in the eyes and minds of our people.
- There is an increased risk of the pictograph sites being damaged, as the all-season mine road could facilitate outsider access to these sites.

Each of the above-noted impacts will infringe on our cultural Rights.

The Springpole Mine threatens to put Birch and Springpole Lake area, one of the last preferred and spiritually significant areas for our people at risk of long-lasting damage, which could have long-lasting impacts on the cultural continuity of our community.

The Marten Portage will be destroyed as it sits in the area that will be the open pit for the Springpole Project. Although FMG has plans to re-establish Marten Portage as part of the future closure of the project, the destruction of the Marten Portage would change the tangible and intangible cultural heritage aspects of portage. Re-establishing the portage on a site that was

subject to such intensive industrial use would negatively impact the cultural heritage of the site making our peoples less willing to use portage even after it has been re-established.

The development of the Springpole Project will involve a potential all-season road and transmission line. This infrastructure will allow for increased access by outsiders, and the experience of our people is that this increased access negatively impact the experience of solitude and ability to exercise their Rights on the lands and waters in these areas, especially due to increased competition for resources. This increased access to the lands and waters by outsiders leads to alienation and loss of use and reduced enjoyment of use by our people.

The Co-Disposal Facility, including the change to the topography, will create physical and visual disturbance to the natural environment and the increased access of outsiders to the Birch and Springpole Lake area due to new mine infrastructure, will lead to alienation, loss of use and reduced enjoyment and competition for limited resources, seriously infringing on the ability of our people to exercise cultural and social Rights and putting important cultural values at risk.

(f) Impacts on Governance and Stewardship Rights

Our governance and stewardship Rights are rooted in Anishinaabe legal teachings.

Our elders teach us that the land and all our relations have spirit and we have both a right to use them respectfully and a responsibility to protect them and ourselves from harm; these teachings developed by our ancestors have built up over time into Anishinaabe legal teachings.

Anishinaabe law and legal teachings have allowed our people to live in harmony with, and within, our traditional lands and territories. Our people continue to learn and strive to adhere to these legal teachings, which emphasize balance, respect, reciprocity, conservation, precaution, and humility.

Anishinaabe law and legal teachings focuses on responsibilities to others, including to the land, to other beings, to ancestors, and to future generations.

At the heart of Anishinaabe law and legal teachings is the concept of Manitoo Ogitigaan – the understanding that all of Creation is a gift, and that each being (human and non-human) is entrusted with unique gifts and responsibilities by the Creator.

The Anishinaabe legal teachings linked to Aki (lands), focus efforts on ensuring that the lands and waters within our traditional lands and territory remain safe, healthy, and life-sustaining for current and future generations, and to Orishkoonan (conservation) shape our people's responsibility over the environment within our traditional lands and territory.

The increased presence of non-Indigenous structures in our traditional lands and territory, has severely impacted our ability to protect the land, waters and all our relations, and enforce Anishinaabe law and legal teachings.

Our governance and stewardship Rights rooted in Anishinaabe law and legal teachings have been eroded to the point that many of our people are pessimistic that their voice have any real meaning in decision-making; that government will accept whatever plans for development industry brings

to them, severely impacting their ability to live within Anishinaabe law and legal teachings and to fulfill our responsibilities over the lands.

(g) Impact on Aboriginal Title

Cat Lake First Nation claims Aboriginal Title to the lands where the Springpole Project will be located.

Aboriginal title is a subset of Aboriginal rights and represents a right to the land itself (*R v Adams*, [1996] 3 SCR 101, *Delgamuukw v. B.C.*, [1997] 3 SCR 1010 SCC).

Aboriginal Title is a collective constitutionally protected right of Aboriginal people to their traditional lands, and grants rights to use, control, manage and benefit from the lands and resources, but not to be used in a manner which prevents future generations from use and benefit of the land (*Tsilhqot'in Nation v British Columbia*, 2014 SCC 44).

If the Springpole Project goes ahead, it will have significant impact on Cat Lake First Nation if the claim is eventually proven. If Cat Lake First Nation wins title, we will be deprived of the ability to use, control and benefit from the value of the resources that will be extracted. Once removed from the ground these valuable resources can never be replaced. Furthermore, the right of Cat Lake First Nation to use the waters of Springpole and Birch Lake, so significant to Cat Lake First Nation's Rights, will be irreversibly impacted.

The Supreme Court has advised that "Once title is established, it may be necessary for the Crown to reassess prior conduct in light of the new reality in order to faithfully discharge its fiduciary duty to the title-holding group going forward. For example, if the Crown begins a project without consent prior to Aboriginal title being established, it may be required to cancel the project upon establishment of the title if continuation of the project would be unjustifiably infringing." (*Tsilhqot'in Nation v British Columbia*, para 92),

9. FINALIZING THE PRELIMINARY RIGHTS IMPACT ASSESSMENT

We will follow up this preliminary Rights impact assessment with our Kita-ki-nan Report and a final Rights impact assessment, and a consent decision by our people. If the Springpole Project receives the consent of our people, it will be subject to conditions agreed to by Cat Lake First Nation for the development of the Spingpole Project. It is our position that these conditions must be adhered to if the Springpole Project proceeds. These conditions are rooted in Anishinaabe law and legal teachings, failure to implement these conditions would seriously infringe on our governance and stewardship Rights.