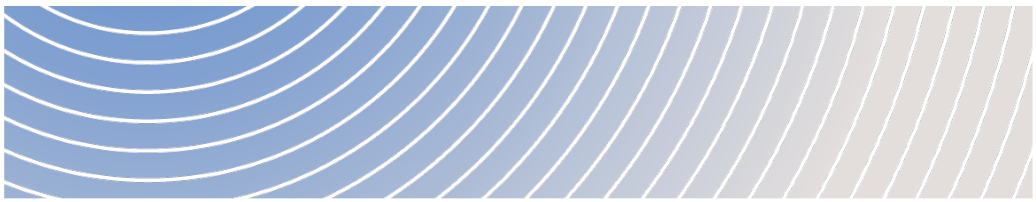
Impact Assessment Agency of Canada | Agence d'évaluation d'impact du Canada

# Webequie Supply Road Project

DRAFT IMPACT ASSESSMENT REPORT



April 2026

Canada

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# Executive Summary

The Impact Assessment Agency of Canada (IAAC) conducted an impact assessment of the Webequie Supply Road (the project) proposed by Webequie First Nation (the proponent) according to the requirements of the *Impact Assessment Act* (IAA). The proponent is proposing the construction and operation, including maintenance, of an all-season road, approximately 107 kilometres long, connecting the Webequie Airport and the McFaulds Lake area in northern Ontario. The road corridor would accommodate an industrial supply road that could enable future infrastructure development, such as transmission lines and broadband. As proposed, the project would connect Webequie First Nation to existing mineral exploration activities and potential future mineral development in the Ring of Fire area. The project also could become part of a future all-season road network connecting Webequie First Nation and the Ring of Fire area to the provincial highway system at Nakina.

The impact assessment was carried out in coordination with the Government of Ontario, who conducted a comprehensive environmental assessment under its *Environmental Assessment Act*. IAAC worked with the province to align the federal impact assessment with the provincial environmental assessment.

In addition to coordination with the province of Ontario, IAAC collaborated with federal authorities, Indigenous communities, and other participants to assess the likely effects of the project.

- IAAC consulted and engaged with Indigenous communities throughout the impact assessment in a manner consistent with Canada's commitment to reconciliation and the principles of free, prior and informed consent. IAAC considered Indigenous Knowledge that was provided to inform the impact assessment.
- IAAC worked with the proponent, considering information presented in its Impact Statement and other submissions.
- IAAC considered specialist or expert information or knowledge from federal authorities, including Environment and Climate Change Canada, Fisheries and Oceans Canada, Natural Resources Canada, Transport Canada, Indigenous Services Canada, Health Canada, Women and Gender Equality Canada and Public Health Agency of Canada.
- IAAC engaged with the public, inviting comments at various points during the impact assessment, and considered input received.

This draft Impact Assessment Report (draft IA Report) provides information about the impact assessment and sets out IAAC's rationale and conclusions. It also provides a summary of the consultation process with Indigenous Peoples that was conducted to in order to fulfill the federal Crown's the duty to consult.

IAAC's impact assessment took into account the project's likely non-negligible "adverse effects within federal jurisdiction" and "direct or incidental adverse effects" (collectively

referred to as “adverse federal effects”). IAAC considered a range of effect pathways that could result in adverse federal effects. For example, IAAC considered changes to boreal caribou populations as a pathway to an adverse federal effect on “the current use of lands and resources for traditional purposes by Indigenous Peoples”, given concerns raised by Indigenous communities during the assessment. The report is focused on adverse federal effects and effects pathways that are key issues. Where likely residual adverse federal effects were predicted to occur after the implementation of mitigation measures, IAAC assessed cumulative adverse federal effects, that is, effects that are likely to result from the residual effects of the project interacting with effects from other physical activities. IAAC’s conclusions regarding the likelihood of significance of adverse federal effects are summarized in Table 1.

**Table 1: IAAC’s conclusions on adverse federal effects**

| Adverse federal effect | IAAC conclusion |
|---|---|
| Effects on fish and fish habitat | Residual effects and cumulative effects to which the project contributes are likely to be significant to a low extent, due primarily to degradation and loss of habitat that may not be fully compensated and that would have limited spatial and temporal overlaps with effects from other projects. |
| Effects on migratory birds | Residual effects and cumulative effects to which the project contributes are not likely to be significant, as mitigation measures would limit infrequent residual effects to the project footprint, with minimal spatial and temporal overlap with effects from other projects. |
| Effects on the environment on federal lands and effects resulting from activities carried out on federal lands (Webequie First Nation reserve) | Residual effects are not likely to be significant, as mitigation measures are expected to allow the maintenance of sustainable populations and of air quality parameter levels below federal guidelines, limits or objectives. Cumulative effects to which the project contributes are likely to be significant to a low extent due to habitat loss and degradation of caribou and wolverine habitat on Webequie First Nation Reserve interacting with habitat changes from other projects throughout the species’ respective ranges. |
| Direct or incidental adverse effects from:<br>• *Fisheries Act* authorization(s);<br>• *Canadian Navigable Waters Act* work approvals;<br>• SARA permit(s); | The likely direct and incidental adverse effects associated with federal permits are considered within the assessment of effects on fish and fish habitat, migratory birds, effects on the environment on federal lands and impacts on Indigenous Peoples and their rights throughout the draft IA |

| Adverse federal effect | IAAC conclusion |
|---|---|
| • *Explosives Act* explosives licence(s); and<br>• *Indian Act* aggregate-removal permit. | report. No other direct or incidental adverse effects are likely. |
| Effects on current use of lands and resources for traditional purposes by Indigenous Peoples | Residual effects and cumulative effects to which the project contributes are likely to be significant to a low extent, due primarily to displacement of species of importance for fishing, hunting, harvesting and gathering away from some preferred sites as well as reduced safe access and quality of experience within the project footprint. Cumulative effects to which the project contributes are likely to be significant to a low extent for traditional activities except for hunting of caribou and other ungulates, for which the effect would be significant to a moderate extent, given that the project in combination with other foreseeable projects would alter movement patterns and range area which would affect resource availability. |
| Effects on the physical and cultural heritage of Indigenous Peoples and effects on structures, sites or things of historical, archaeological, paleontological or architectural significance to Indigenous Peoples | Residual effects and cumulative effects to which the project contributes are likely to be significant to a low extent, due primarily to partial degradation of sites of importance and sensory disturbances which would change the experience of Indigenous persons visiting those sites. |
| Effects on the health, social or economic conditions of Indigenous Peoples | Residual effects are likely to be significant to a low extent, due primarily to the added strain on social infrastructure and cultural continuity to Webequie First Nation from an influx of project-related workers, but in a context where Webequie First Nation demonstrated its willingness to withstand this strain to benefit from the project. Cumulative effects to which the project contributes are likely to be significant up to a moderate extent, due primarily to the considerable interactions between the effects of the project and those of future projects, which would further strain the social infrastructure of Indigenous communities in the region. |

The impact assessment also took into account the adverse federal effects of malfunctions and accidents that may occur in connection with the project.

Once this draft IA Report is finalized, it will be provided to the Minister of the Environment, Climate Change and Nature (the Minister). The Minister will decide whether the adverse federal effects indicated in the IA Report are likely to be significant, and, if so, the extent of their significance. If applicable, the Minister will then decide if the significant adverse federal effects are justified in the public interest based on the effects described in this report and the three decision-making factors set out in section 63 of the IAA. Table 2 identifies these factors and presents IAAC's summary conclusions regarding these factors. Alternatively, the Minister may pass these decisions to the Governor in Council.

**Table 2: IAAC's conclusions regarding factors to be taken into account in considering whether significant adverse federal effects are justified in the public interest**

| Factor | IAAC conclusion |
|---|---|
| The impact that the likely effects of the project may have on any Indigenous group and any adverse impact that those effects might have on Indigenous rights (Sections 4.3 and 4.4) | The project is likely to result in adverse effects to a low extent on Indigenous People's current use of lands and resources for traditional purposes, and physical and cultural heritage. In addition, the project would have positive economic impacts for Indigenous Peoples and opportunities for self-determination.<br>With regards to Indigenous People's rights as recognized and affirmed by section 35 of the *Constitution Act, 1982*, the project is likely to cause adverse impacts. Specifically, low to moderate severity of impacts on the right to hunt and trap, low severity of impacts on the right to fish, and low to moderate severity impacts on the right to a continued way of life for Indigenous communities that would be most directly impacted or reported some uses in the project footprint: Attawapiskat First Nation, Marten Falls First Nation, Neskantaga First Nation, Nibinamik First Nation, Webequie First Nation and Weenusk First Nation; and negligible to moderate severity of impacts on the right to hunt and trap, and negligible to low severity of impacts on the right to fish and the right to a continued way of life for Indigenous communities whose preferred areas for the exercise of harvesting and cultural rights have limited overlap with the geographic scope of anticipated project effects: Aroland First Nation, Eabametoong First Nation, Fort Albany First Nation, Kasabonika Lake First Nation, Kashechewan First Nation, and Kitchenuhmaykoosib Inninuwug First Nation. |
| The extent to which the effects of the project contribute to the | The likely effects of the project do not contribute to meeting Canada's environmental obligations, specifically as it relates to biodiversity as adverse effects of the project on |

| Factor | IAAC conclusion |
|---|---|
| Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change (Sections 5 and 6) | species at risk, including caribou and wolverine, are predicted to remain. IAAC considered the adverse federal effects in Table 1 and effects on species at risk to inform its analysis.<br>The likely effects of the project do not contribute to meeting Canada's climate change commitments, specifically greenhouse gas (GHG) emission targets as the GHG emissions from the project would continue beyond 2050 and there is overall uncertainty on whether the project infrastructure could contribute indirectly to Canada's ability to meet its climate change commitments in the long term. IAAC considered the adverse federal effects in Table 1 and effects on net GHG emissions to inform its analysis. |
| The extent to which the effects contribute to sustainability (Section 7) | The likely effects of the project would result in net positive contributions to sustainability to a low extent, notably through positive effects on employment and the economy as well as community well-being, economic reconciliation and self-determination for Webequie First Nation. IAAC's analysis also considered adverse federal effects, notably on use of lands for traditional practices by Indigenous Peoples, in the context of changes to the environment and the transfer of Indigenous Knowledge. |

A comment period is being held on this draft IA Report, along with draft potential conditions. Following the comment period, IAAC will finalize this IA Report to support decision making.

In addition to the impact assessment, the project is expected to require federal permits for specific activities, including *Fisheries Act* authorization(s), *Canadian Navigable Waters Act* work approvals, *Species at Risk Act* permit(s), *Explosives Act* explosives licence(s), *Indian Act* aggregate-removal permit. If it is decided that any likely significant adverse federal effects are justified in the public interest, IAAC will continue to coordinate the federal permits required for the project.

IAAC also notes that the Regional Assessment in the Ring of Fire Area is underway. While it is not a decision-making process, it aims to provide Indigenous communities access to information on current and future conditions within their traditional territory, which would be available to support and inform future decision-making in the Ring of Fire area. The suite of measures including funding, research and data platforms, and other initiatives that will be provided through the Regional Assessment will be an additional mean by which Indigenous communities will have access to information on conditions within their traditional territory to support and inform future decision-making.

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# List of abbreviations and acronyms

| Abbreviation/Acronym | Definition |
|---|---|
| ARD/ML | Acid rock drainage or metal leaching |
| COSEWIC | Committee on the Status of Endangered Wildlife in Canada |
| DFO | Fisheries and Oceans Canada |
| ECCC | Environment and Climate Change Canada |
| FPIC | Free, Prior and Informed Consent |
| GBA Plus | Gender-based Analysis Plus |
| GHG | Greenhouse gas |
| IAAC | Impact Assessment Agency of Canada |
| IAA | Impact Assessment Act |
| IA Report | Impact Assessment Report |

| Abbreviation/Acronym | Definition |
|---|---|
| IEPP | Indigenous Engagement and Partnership Plan |
| LSA | Local study area |
| MECP | Ontario Ministry of the Environment, Conservation and Parks |
| Minister | Minister of the Environment, Climate Change and Nature |
| MNR | Ontario Ministry of Natural Resources |
| project | Webequie Supply Road |
| proponent | Webequie First Nation |
| RSA | Regional study area |
| SARA | Species at Risk Act |
| TISG | Tailored Impact Statement Guidelines |

# Glossary

The table below defines or explains key terms or phrases that are used in this draft Impact Assessment Report (IA Report). Refer to section 2 of the *Impact Assessment Act* for key terms that are defined under that Act.

| Term/Phrase | Definition/Explanation |
|---|---|
| Adaptive management | Adaptive management, in the context of impact assessment, is a planned and systematic process to respond to uncertainty around predicted project effects or the effectiveness of mitigation measures. It ensures timely and meaningful actions are taken to respond to adverse outcomes and allows for learning from the results of the actions that are taken. Adaptive management plans for specific issues can be required in addition to a follow-up program. |

| Term/Phrase | Definition/Explanation |
|---|---|
| Adverse federal effects | Collectively refers to two types of non-negligible effects defined in section 2 of the *Impact Assessment Act*, summarized here:<br>"adverse effects within federal jurisdiction" (includes non-negligible adverse effects caused by a project to fish and fish habitat; to marine plants (which are included in addition to fish as "aquatic species"); to migratory birds; to the marine environment outside of Canada caused by pollution; to boundary waters, international waters, and interprovincial waters caused by pollution; to the environment on federal lands; to Indigenous Peoples; and the adverse effects of any federal work or undertaking or activity occurring on federal lands); and<br>"direct or incidental adverse effects" (such as non-negligible adverse effects directly linked or necessarily incidental to a federal permit required for the project). |
| Bankfull width | Bankfull width is the horizontal distance across a stream channel measured between the banks when the channel is filled to the point just before water spills onto the floodplain. |
| Dewatering | Removal or draining groundwater or surface water from an area within a construction site by pumping or evaporation. |
| Marine plants | As defined in the *Fisheries Act*, includes all benthic and detached algae, marine flowering plants, brown algae, red algae, green algae and phytoplankton. |
| Critical habitat | Habitat that is necessary for the survival or recovery of a listed wildlife species and that is identified as the species' critical habitat in the recovery strategy or in an action plan for the species (*Species at Risk Act* (section 2(1)). |
| Cumulative effects | Effects likely to result from the project's residual effects in combination with other physical activities that have been or will be carried out. |
| Effect pathway / Pathway of effect | A cause-and-effect linkage between a project and a valued component. |

| Term/Phrase | Definition/Explanation |
|---|---|
| Equalization culvert | Culverts placed to balance water head and elevation on both sides of an embankment and reduce possible water seepage flow. |
| Fish | As defined in the *Fisheries Act*, “fish” includes fish and fish parts, as well as shellfish, crustaceans, marine animals and their parts, and the eggs, sperms, spawn, larvae, spat and juveniles stages of these animals. |
| Fugitive dust | Particulate matter, often sand or mineral dust, released to the atmosphere by mechanical disruption of soil or by wind scouring. |
| Heritage resources | A land or resource (e.g., an artifact, object, or place) that is considered as heritage or any structure, site, or thing distinguished from other lands and resources by the value placed on it. |
| Hydrology | Hydrology is the study of water, whether flowing above ground, frozen in ice or snow, or retained by soil. |
| Migratory birds | Birds identified and protected by the *Migratory Birds Convention Act* and listed in the schedule to that act. |
| Peat | Peat is partially decomposed organic material formed in waterlogged, low-oxygen conditions, often in cool environments |
| Peatland | Peatlands are wetlands with at least 40 cm of accumulated peat, including types such as bogs, fens, swamps, and marshes, which vary based on environmental conditions. |
| Residual effect | An effect expected to result from the project that is predicted to remain after the application of mitigation measures. |
| Sedimentation | A process in which solid particulates, or sediments, are formed or deposited. |
| Social infrastructure | Social infrastructure is the physical spaces, facilities, and organizations that support social connection, trust, civic participation, and a sense of belonging. It acts as the |

| Term/Phrase | Definition/Explanation |
|---|---|
| | foundation for social cohesion and resiliency within a community. |
| Species at risk | Any species listed in Schedule 1 of the *Species at Risk Act*. This does not include species recommended for inclusion in Schedule 1 by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), nor species that are listed under only provincial legislation. |
| Turbidity | Measure of the lack of clarity or transparency of water caused by biotic and abiotic suspended or dissolved substances. The higher the concentration of these substances in water, the more turbid the water becomes. |
| Valued component | An element of the natural or human environment that may be impacted by the project and is of value to participants. |
| Watershed | The area of land that drains into a body of water like a lake, river, or stream. |
| Wetland | A wetland is an ecosystem where the soil is either permanently or temporarily saturated with water. They contain plants adapted to very wet soil. Examples of wetlands include marshes, swamps, bogs and shallow open water. |

# 1 Introduction to the project and impact assessment process

The Impact Assessment Agency of Canada (IAAC) coordinated an impact assessment with the Government of Ontario of the Webequie Supply Road (the project) proposed by Webequie First Nation (the proponent) according to the requirements of the *Impact Assessment Act* (IAA) and Ontario's Environmental Assessment Act.

## 1.1 Project description

The proponent is proposing the construction and operation, including maintenance, of an all-season road, approximately 107 kilometres long, connecting Webequie Airport and the McFaulds Lake area in northern Ontario (Figure 1). The road corridor would accommodate an industrial supply road that could enable future infrastructure development, such as transmission lines and broadband. As proposed, the project would connect Webequie First Nation to existing mineral exploration activities and potential future mineral development in the Ring of Fire area. The project also could become part of a future all-season road network connecting Webequie First Nation and the Ring of Fire area to the provincial highway system at Nakina.The road corridor would be a right-of-way of approximately 35 metres wide to accommodate a two-lane road approximately 12 metres wide. Other project components include temporary work areas and camps, road maintenance facilities and rest stops, temporary access roads, water crossings, and aggregate sites (collectively, the project footprint).

The western portion of the road would be approximately 51 kilometres long, located in an upland area with mildly rolling terrain on mineral soils. This portion of the road would include swales and roadside ditches designed to manage runoff and drainage from the road right-of-way and adjacent areas. The road surface of this portion would have a tar slurry and gravel chip seal treatment, resulting in a surface similar to asphalt pavement. Approximately 17 kilometres of the road would be located on the Webequie First Nation reserve lands which are federal lands.

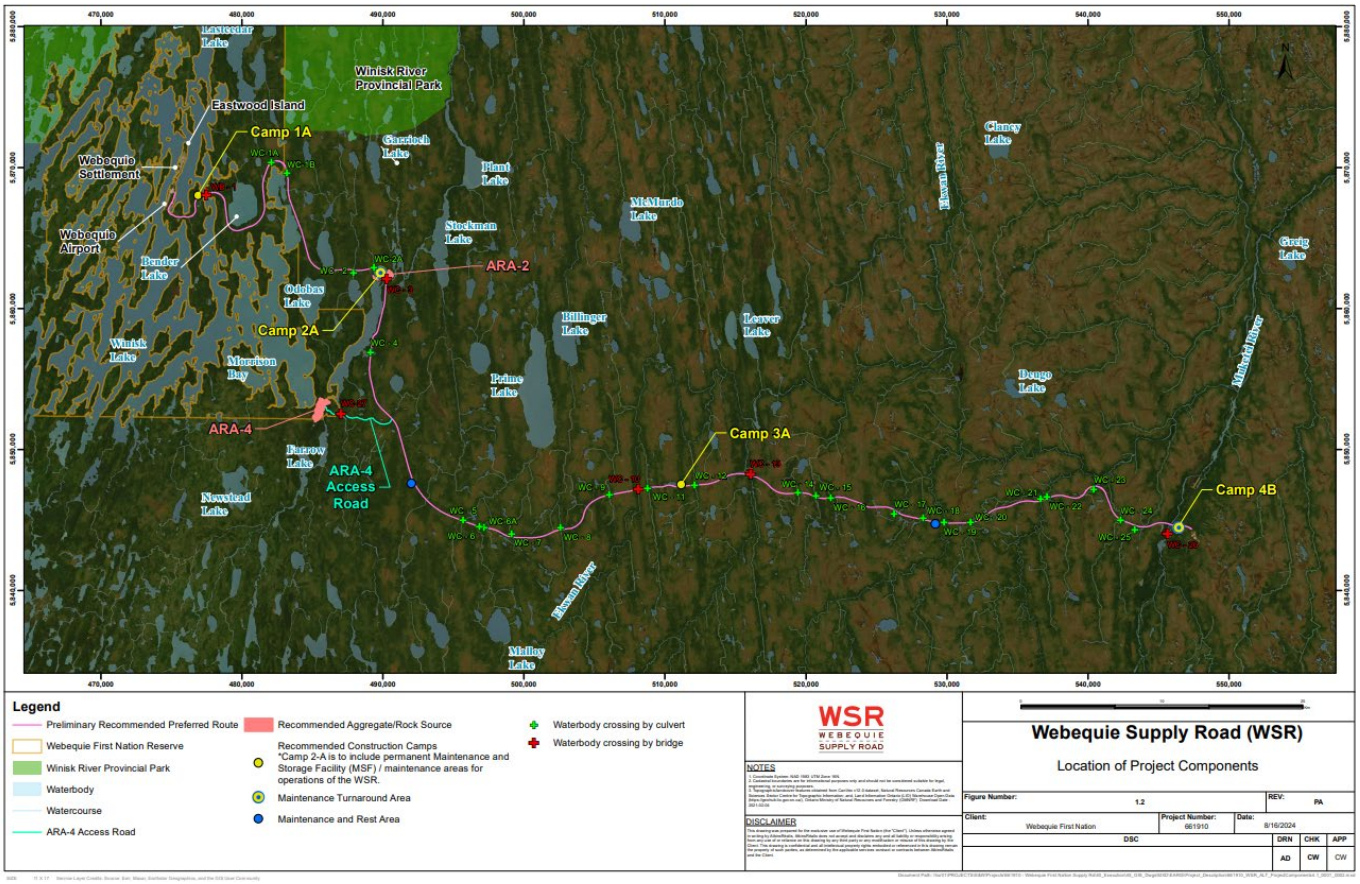
The eastern portion of the road would be approximately 56 kilometres long, located in lowland and peatland terrain. A floating road design is proposed for this segment, using geotextile or geogrid materials placed on the surface of the peat, prior to road construction, to facilitate compression and enable the underlying peat to support the road. No roadside ditches are proposed for the eastern portion of the road. Instead, equalization culverts would be installed at regular intervals to maintain surface and groundwater movement through the peatlands.

This portion of the road initially would have a gravel surface. During the operation phase, monitoring would be conducted to assess road performance. The gravel surface

may be replaced within approximately three to five years with a surface treatment such as chip seal treatment, or asphalt pavement, subject to performance and monitoring results.

The construction phase of the project is expected to span between five and six years, and the operation phase would continue indefinitely as the road would be permanent infrastructure.

## Figure 1: Project location and key components




**Source: Webequie Supply Road Project, Environmental Assessment Report/Impact Statement, Section 1, Figure 1.2**

The purpose of the project is to allow for movement of supplies and people from the Webequie First Nation Airport to the McFaulds Lake area, provide socio-economic development opportunities to the community of Webequie First Nation and meet the need of improved community well-being through enhanced access to jobs and training, including for the community's youth. In addition, should the Webequie Supply Road, Northern Road Link and Marten Falls Community Access Road proceed, together, the roads would connect Webequie First Nation to the provincial highway network, further enhancing the community's access to goods and services.

Alternatives to carrying out the project considered by the proponent included air transportation and the existing winter access road, dependent on ice thickness, open from around January to mid-March. Air transportation is high in cost and limited in what can be transported. The winter road has been deemed insufficient to meet the needs of the community. In addition, the seasonal lifespan of the winter road has been observed to shrink due to climate change and lower levels of reliability due to climate variability are anticipated.

## 1.2 Impact assessment process, scope and considerations

IAAC conducted an impact assessment of the project, coordinating with the province of Ontario. The impact assessment commenced on February 24, 2020. IAAC issued Tailored Impact Statement Guidelines (TISG) to the proponent, which set out the scope of the assessment and described the information and studies required of the proponent. Following amendments to the IAA, IAAC issued a letter to the proponent on June 11, 2025, clarifying that the next steps in the Impact Statement Phase of the project will focus on key issues relevant for decision making, specifically the adverse effects within federal jurisdiction and the positive benefits of the project, as well as on leveraging federal and provincial legislative frameworks outside the IAA to address the key issues.

In addition to being subject to an impact assessment under the IAA, the proponent entered into a voluntary agreement with the Ontario Ministry of the Environment, Conservation and Parks (MECP) to subject the project to a comprehensive environmental assessment under Ontario's Environmental Assessment Act. The provincial environmental assessment process started on October 8, 2021.

The proponent conducted studies and sought input from Indigenous communities, the public, federal authorities and provincial ministries, to address both federal and provincial requirements. IAAC and MECP coordinated, to the extent possible, the conduct of the federal and provincial assessments to streamline efforts of all parties. This included coordination of technical reviews to support the proponent in preparing a single set of documentation with the required information and studies, called the Impact Statement in the federal impact assessment process. The Impact Statement was submitted by the proponent to IAAC on January 30, 2026.

IAAC then prepared this draft IA Report, which provides information about the impact assessment and sets out IAAC's rationale and conclusions. In preparing the draft IA Report, IAAC considered multiple sources of information including: the proponent's Impact Statement, Indigenous Knowledge provided and other input from Indigenous communities, comments and community knowledge from the public, and information or knowledge provided by federal authorities and provincial ministries.

### 1.2.1 Effects assessment

Based on information made available through the federal and provincial assessments, the project is likely to cause the following effects to the environment, and to health, social, and economic conditions:

- adverse effects to:
  - groundwater and surface water;
  - geology, geochemistry, topography and soils;
  - vegetation and wetlands;
  - wildlife and wildlife habitat, including species at risk listed on Schedule 1 of the *Species at Risk Act* (SARA), fish and fish habitat and migratory birds;
  - waterways navigation;
  - Indigenous Peoples' current use of lands and resources for traditional purposes;
  - archaeological and heritage resources;
  - visual landscape;
  - atmospheric environment, including air quality; and
- positive and adverse effects to health, social and economic conditions.

From among these effects, this report identifies and provides information on the adverse effects within federal jurisdiction and direct or incidental adverse effects from the project as defined in Section 2 of the IAA (collectively referred to in this report as "adverse federal effects"), as well as other effects that may inform decision making.

The adverse federal effects of the project are listed below and set out in Sections 2 and 4.3 of this document:

- Effects on fish and fish habitat;
- Effects on migratory birds;
- Effects on the environment on federal lands and effects of physical activities carried out on federal lands;
- Effects on structures, sites or things of historical, archaeological, paleontological or architectural significance to Indigenous Peoples and effects to the physical and cultural heritage of Indigenous Peoples;
- Effects on current use of lands and resources for traditional purposes by Indigenous Peoples; and
- Effects on the health, social, and economic conditions of Indigenous Peoples.

Where effects could fall into more than one of the categories listed above, IAAC assessed them in a single category. For example, effects on fish and fish habitat are considered within its own section of the report and not duplicated in the assessment of effects on the environment on federal lands. As applicable, the result of interactions

between effects informed the analysis in the sections about adverse federal effects of this report.

The likely direct and incidental adverse effects associated with potential authorizations or permits under the *Canadian Navigable Waters Act*, *Fisheries Act*, SARA, *Explosives Act*, and *Indian Act* are included or similar to the changes in the environment related to the adverse federal effects on fish and fish habitat, migratory birds, and the environment on federal land, as well as the adverse changes associated with effects on Indigenous Peoples, which are assessed in Sections 2.1, 2.2, and 2.3, and 4.3, respectively.

In its assessment, IAAC considered likely effect pathways that could lead to adverse federal effects. This report focuses on adverse federal effects and effect pathways that are key issues.

In addition to adverse federal effects, IAAC considered other effects that could support decision making at the end of the impact assessment process. Specifically, this included information related to:

- the effects of the project on any Indigenous group (positive and adverse) and adverse impacts on the rights of Indigenous Peoples;
- the extent to which the likely effects of the project contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change; and
- the extent to which the likely effects of the project contribute to sustainability.

## 1.2.2 Other factors considered in the impact assessment

In conducting the impact assessment, IAAC considered the factors described in section 22 of the IAA to the extent of their relevance to the impact assessment for this project. Given the focus of this report on matters directly material to decision making, a full description of IAAC's consideration of all section 22 factors is not provided in this report. Annex XX lists the section 22 factors and specifies, as applicable, where they are included in this IA Report. IAAC considered the factors to the extent relevant to the assessment and documented this consideration in the report and project file. Additional information on some factors is provided below.

### 1.2.2.1 Malfunction and accident scenarios

IAAC considered the effects from malfunctions and accidents that may occur in connection with the project during the construction and operation phases including:

- scenario 1: Accidental spills of hazardous material, including spills that may impact fish and fish habitat by reducing water quality;

- scenario 2: Vehicle or equipment accidents, including vehicular collisions with migratory birds and wildlife of importance to traditional practices of Indigenous communities;
- scenario 3: Structural failure of a project component (e.g., road surface failure, bridge failure, or culvert failure or a storage facility accident) due to extreme weather or wildfire event could result in adverse effects to fish and fish habitat, migratory birds, wildlife important to Indigenous traditional practices, and community well-being; and
- scenario 4: Accidental fires and explosions associated with project components (e.g., equipment, fuel storage, maintenance activities, or camps) which could result in adverse effects to migratory birds, wildlife important to Indigenous traditional practices, and community well-being.

Of the scenarios identified, IAAC considers Scenarios 1 and 2 as likely to occur. These scenarios are plausible during the construction and operation of the project, based on the nature of the activities and the operating environment. Further, these scenarios are consistent with hazards identified as priorities by the Ontario Ministry of Emergency Preparedness and Response. The adverse federal effects of the likely malfunctions and accidents are considered in Sections 2 and 4.3 of this report, as applicable. The adverse federal effects of unlikely malfunction and accident scenarios are considered in Section 3.

#### 1.2.2.2 Effects to the project caused by the environment

IAAC considered potential effects caused by the environment to the project, such as severe natural events (e.g. extreme rainfall, drought, and seismic activity), including how these could be a contributing or complicating factor for malfunctions and accidents. The project has been designed to mitigate potential effects of the environment on the project with consideration of existing conditions and external environmental risks, including projected climate trends. All proposed structures, foundations, and related facilities would follow applicable Canada and Ontario codes, guidelines, specifications, and standards, including the Ontario Ministry of Transportation Highway Drainage Design Standards (2008) and Maintenance Manual (2003), , adequate road drainage, properly sized and maintained culverts, based on historical climate data and future climate scenarios, as well as the Canadian Highway Bridge Design Code (CSA S6:19, 2019), which would ensure that bridge components would withstand extreme environmental conditions. The proponent and ECCC noted that climate change effects would not have tangible repercussion on the road integrity as the project is adopting, and in some cases exceeding provincial standards, guidelines and codes for the design, operation and maintenance of provincial highways.

Furthermore, the baseline conditions that informed the assessment included consideration of how environmental conditions could change due to climate change, where relevant.

#### 1.2.2.3 Other projects considered in the cumulative effects assessment

IAAC considered how the likely residual adverse federal effects of the project could interact with effects from other past, present or likely future physical activities, resulting in cumulative effects. The other physical activities considered were:

- mining activities;
- mineral exploration activities;
- electricity generation and water diversion;
- telecommunications activities;
- road construction and operation projects; and
- forestry management activities.

As applicable, the cumulative effects of the project in combination with other physical activities are discussed in Sections 2 and 4.3 of this report.

#### 1.2.2.4 Alternatives means of carrying out the project

IAAC considered the alternative means of carrying out the project identified by the proponent as technically and economically feasible, as well as the effects of those means. It also considered the rationale provided by the proponent for its preferred means of carrying out key project elements.

In accordance with provincial and federal requirements, the proponent considered multiple route alternatives. Ultimately, three main options were compared that followed similar paths west from the McFaulds Lake area before turning north toward Webequie First Nation, with each alternative involving different potential water crossing locations. Following technical study, data collection, and consultation that integrated Indigenous Knowledge and community feedback, the proponent identified a preferred route corridor. Means for other project components were then selected from feasible options within the preferred corridor.

#### 1.2.2.5 Gender-based Analysis Plus

IAAC applied Gender-based Analysis Plus (GBA Plus) to inform its assessment of the project's potential adverse federal effects and its consideration of information that could inform federal decision making. As applicable, the differential effects of the project on diverse populations – considering intersecting identify factors – were identified and considered, including in Section 4.3 of this report.

### 1.2.3 Criteria for significance of likely adverse federal effects

Taking into consideration the recommended mitigation measures, IAAC assessed whether there are residual adverse federal effects of the project (i.e. adverse federal

effects that are likely to remain after taking into account the implementation of recommended mitigation measures). Where there are residual effects, IAAC also assessed cumulative effects that are likely to result from the project in combination with other physical activities that have been or will be carried out.

IAAC described the residual adverse federal effects and cumulative effects using the rating criteria defined in Annex B. IAAC drew conclusions on whether those effects are likely to be significant, and, if so, characterized the extent to which effects are likely to be significant. Table 3 provides information about the criteria used to determine whether and to what extent adverse federal effects were likely to be significant.

**Table 3: Categories used to characterize the extent to which the adverse federal effects are significant**

| Extent of significance | Description |
|---|---|
| Not significant | Effect is sufficiently small that it does not individually or cumulatively have a significant effect on a valued component, and generates no or few impacts in social or ecological contexts. |
| Low extent of significance | Effect is significant but low in magnitude, of short duration, infrequent, small in spatial extent, reversible or readily avoided, and generates minor impacts in social or ecological contexts. Mitigation measures may not be required, or would allow baseline conditions to remain largely unchanged such that a valued component is not likely to be diminished or lost. |
| Moderate extent of significance | Effect is significant and moderate in magnitude, of moderate duration, occasionally frequent, possibly/partially reversible, and generates a moderate level of impacts in social or ecological contexts. Mitigation measures may be required but not fully eliminate, reduce, control or offset the effect but should prevent severe diminishment or loss of a valued component. |
| High extent of significance | Effect is significant and high in magnitude, permanent/long term, frequent, irreversible, and over a large spatial extent or within an area of exclusive/preferred Indigenous use or of ecological/environmental sensitivity. High levels of impacts in social or ecological contexts are expected. There is a high degree of uncertainty of the effectiveness of mitigation measures, or mitigation measures are unable to fully address effects such that a valued component is likely to be severely diminished or lost. |

## 1.3 Consultation and engagement with Indigenous communities

As set out in the Indigenous Engagement and Partnership Plan (IEPP) IAAC consulted and engaged with Indigenous communities. Section 4 describes the consultation process carried out over the course of the impact assessment and presents the perspectives of Indigenous communities regarding the process. It also provides information on the Indigenous Knowledge that was provided with respect to the project and was considered by IAAC in conducting the impact assessment and in preparing this report. Input from Indigenous communities informed IAAC's assessment and is incorporated throughout the IA Report.

## 1.4 Public engagement

Consistent with the Public Participation Plan, IAAC engaged the public during the impact assessment process and considered their input. Engagement included:

- virtual and in-person meetings; and
- opportunities to comment on the Tailored Impact Statement Guidelines, and IAAC's preliminary analysis of federal effects and benefits of the project.

IAAC provided $55, 000 in participant funding to help the public participate in the impact assessment.

Written public comments received by IAAC were published on the project page on the Canadian Impact Assessment Registry, subject to privacy, security or confidentiality exceptions. Annex C provides a summary of public comments. Input from the public informed IAAC's assessment and is incorporated throughout the IA Report, as applicable.

# 2 Biophysical adverse federal effects

This section summarizes IAAC's rationale and conclusions related to the assessment of the biophysical adverse federal effects likely to be caused by the carrying out of the project.

## 2.1 Fish and fish habitat

The project is likely to cause residual and cumulative adverse effects on fish and fish habitat through degradation and loss of habitat, harm to fish populations, and increased recreational fishing. With the implementation of the recommended mitigation measures identified in Table 4, IAAC is of the view that the residual effects of the project on fish and fish habitat are likely to be significant to a low extent as local habitat loss may not be fully offset. The cumulative effects of the

project in combination with other physical activities are likely to be significant to a low extent as the spatial and temporal overlap with effects from other proposed projects would be small.

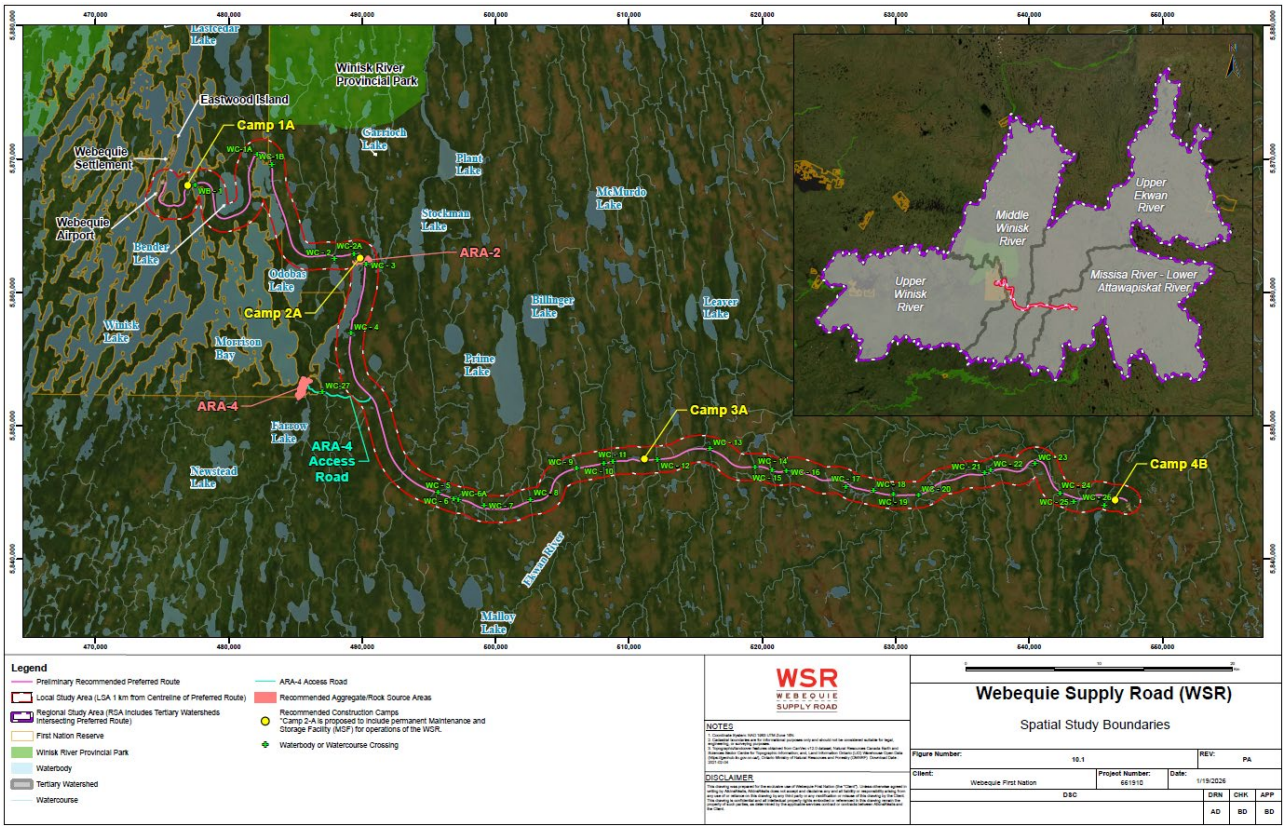
IAAC assessed effects on fish and fish habitat including through degradation and loss of habitat, harm to fish populations, and decreases in fish populations through recreational fishing.

The environment, including fish and fish habitat, surrounding the road is generally seen as pristine by Indigenous communities and Fisheries and Oceans Canada (DFO). The proponent indicated that the watercourses and waterbodies intersected by the proposed route contain fish habitat for at least 32 fish species. Considering the information provided by the proponent, IAAC focused the assessment of effects to the 11 fish species that were noted as important to Indigenous communities, which includes species at risk, identified in lakes and rivers within the study areas: burbot, brook trout, lake sturgeon (a species of special concern under SARA), lake whitefish, northern pike, walleye, yellow perch, cisco, longnose sucker, white sucker, and lake chub.

Climate change is expected to affect the project over time through warmer temperatures and more frequent extreme precipitation and runoff events. These conditions may alter hydrology (e.g., water levels and flows) and increase erosion and sediment transport during high-runoff periods, as well as increasing water temperature. These changes to the environment could increase the likelihood or magnitude of effects on fish and fish habitat, including effects associated with how project components (e.g., water crossings and culverts) interact with fish and fish habitat.

IAAC considered effects on fish and fish habitat within the Local study area (LSA) as well as the Regional study area (RSA). The LSA extends one kilometre from the centreline on both sides of the proposed route plus a 500-metre buffer around each of the other project components. The RSA extends beyond the LSA and encompasses the area of the tertiary watersheds crossed by the proposed route. The proposed route is within the Southwestern Hudson Bay watershed and passes through four tertiary watersheds: the Upper Winisk, Middle Winisk, Upper Ekwan, and Lower Attawapiskat. As depicted in Figure 2, the LSA and RSA contain abundant waterbodies, such as streams, rivers, ponds, and lakes, as well as large extents of wetlands (e.g., bogs, fens), frequented by fish or on which fish depend. IAAC considered effects during project construction and operation; decommissioning and abandonment of the road is not anticipated.

**Figure 2: Local and Regional study areas and locations of watercourse crossings**




**Source: Webequie Supply Road Project, Environmental Assessment Report/Impact Statement, Appendix F Figure 8-2**

## 2.1.1 Assessment of effects

### 2.1.1.1 Degradation and loss of fish habitat

The project would result in the loss and physical degradation of approximately four hectares of fish habitat including loss of potential spawning and/or rearing habitat for eight of the eleven species, namely brook trout, lake sturgeon, northern pike, walleye, yellow perch, longnose sucker, white sucker, and lake chub. Loss and physical degradation of fish habitat will primarily result from the placement of the 31 proposed permanent water crossing structures as well as temporary crossings including ice bridges and snow fills. Effects on fish habitat may also result from in-water or near water works, including operating heavy machinery; placement of structures, fill, or other materials in the waterbody; installation of temporary flow isolation structures; and clearing of aquatic and riparian vegetation for site preparation. The proponent has planned to avoid the need for channel realignment or infilling; however, if required, these activities could also result in additional effects to fish habitat. IAAC notes that

Attawapiskat First Nation, Constance Lake First Nation, Long Lake #58 First Nation, Marten Falls First Nation, Neskantaga First Nation, Nibinamik First Nation,

Kasabonika Lake First Nation, and Weenusk First Nation expressed concerns related to loss of spawning habitat.

To mitigate the direct degradation or loss of fish habitat, the proponent committed to selecting a proposed route that would minimize the number of water crossings, work in sensitive habitats, and the size of the project footprint as well as following best practices where possible, including by; designing culverts and bridge crossings to be outside the existing bankfull width of each watercourse; avoiding work during restricted activity timing windows; and minimizing vegetation removal to within the proposed right-of-way. Temporary crossings would have similar mitigation measures with the addition of DFO's *Code of Practice: Ice bridges and snow fills: Construction, maintenance and decommissioning*. Further, IAAC understands that authorizations under the *Fisheries Act* and, for activities occurring on provincial Crown land, permits under Ontario's *Public Lands Act* and *Lakes and Rivers Improvement Act* would apply to the project where relevant. These legislative mechanisms would manage effects to fish habitat associated with the proposed project that cannot be avoided though project design by requiring offsetting where residual effects to fish and fish habitat remain (*Fisheries Act*) and may include implementation of proposed avoidance and mitigation measures, monitoring and reporting requirements, contingency measures as well as the identification of further site-specific measures during the permitting stage (*Public Lands Act* and *Lakes and Rivers Improvement Act*).

DFO noted that because the local environment is ecologically intact and largely undisturbed, it may be difficult to find suitable locations within the same reach or watershed to offset degraded or loss fish habitat. If suitable offsetting locations cannot be found, a combination of different types of offsetting measures, including complementary measures like data collection, scientific research, and public education activities could be used to offset effects to fish habitat and meet DFO requirements. IAAC and DFO agree that the proponent should consult with Indigenous communities and provincial ministries with knowledge of the area to inform offsetting plans.

Additionally, project activities may reduce fish passage and cause degradation of fish habitat through hydrological changes due to installation of undersized or not properly embedded culverts as well as in-water works for dewatering, water taking and discharging activities related to aggregate sites, worker camps, and other project components during the construction and operation phases. Further, off-water construction activities, including aggregate placement, peat compression, and the installation of mineral and/or geotextile layers may alter hydrology, especially in the peatland. Constance Lake First Nation, Nibinamik First Nation, and Weenusk First Nation expressed concerns about effects from hydrological changes.

To minimize changes in hydrology (e.g., changes in water flows, levels and velocities), the proponent committed to design, install and maintain bridges and culverts to sustain

downstream flows and fish passage in accordance with applicable standards and guidelines, including Environmental Guidelines for Access Roads and Water Crossings from the Ontario Ministry of Natural Resources (MNR), and DFO's Measures to Protect Fish and Fish Habitat, Code of Practice: Culvert Maintenance, and Standard: In-water site isolation. For off-water construction activities the proponent has committed to maintaining hydrological flows through the peatlands by installing equalization culverts and the floating road design. The *Fisheries Act* and regulations address potential changes in hydrology that would result in adverse effects to fish habitat, including through DFO codes of practice and protective provisions as required through a *Fisheries Act* authorization. Provincial requirements to address potential adverse effects to hydrology include, where applicable, the permitting of water crossings and approvals for temporary dewatering activities under Ontario's *Lakes and Rivers Improvement Act*; requirements for water taking, drainage, discharge, and treatment of wastewater and aggregate processing water in the Permit to Take Water and Environmental Compliance Approval issued under the *Ontario Water Resources Act* or the Environmental Activity and Sector Registry under Ontario's *Environmental Protection Act*; and other operating requirements included in site permits issued under Ontario's *Aggregate Resources Act*.

IAAC is of the view that, with the implementation of these mitigation measures, the project is expected to cause limited residual effects from the degradation and loss of fish habitat, as habitat loss would be largely, though not necessarily completely, offset due to uncertainties about the types and locations of offsetting and/or compensatory measures to be determined through DFO requirements.

#### 2.1.1.2 Harm to fish populations

The project may result in harm to fish populations through in-water work (e.g. operating heavy machinery, placing fill or structures, and dewatering). To mitigate physical injury to fish, the proponent has committed to rescue fish within the isolated in-water work area and relocate them outside of the zone of impact. Avoidance and mitigation measures would likely be a part of an authorization under the *Fisheries Act* as well as following DFO's Standard: In-water site isolation and Interim code of practice: End-of-pipe fish protection screens for small water intakes in freshwater. Fish rescue would be conducted in accordance with a *Licence to Collect Fish for Scientific Purposes* issued under Ontario's *Fish Licensing Regulation* (O. Reg. 664/98, section 34.1). In-water or near water works may also include blasting which can result in physical injury to fish but is not planned to be used in water for the project. If blasting is required in or near water frequented by fish during construction or maintenance work, the proponent has committed to following the Ontario Provincial Standard Specification *General Specifications for the Use of Explosives*, DFO's Guidelines for the Use of Explosives in or Near Canadian Fisheries Waters, and adhering to the protective provisions under the *Fisheries Act* to minimize risk of physical injury to fish from blasting. Further, IAAC understands that, under the *Aggregate Resources Act* (ARA), aggregate permit applications are required to include site plans and technical reports prepared in accordance with the Aggregate Resources of Ontario Site Plan (2020) and Technical Reports and Information (2023) Standards. This includes preparing a Natural

Environment Report to determine if fish habitat is present within 120 metres of the site. Where potential impacts on these features are identified, the Natural Environment Report must outline proposed preventative, mitigation, or remedial measures. This may include recommendations to implement DFO's guidelines to mitigate any potential negative impacts to fish habitat related to blasting, to be incorporate on the site plan.

Project activities may also result in harm to fish populations by changing water quality through aggregate placement, shoreline and in-water work (such as vegetation clearing), as well as water and wastewater discharges and site run-off. Placement of aggregate materials with a high potential for acid rock drainage (ARD) or metal leaching (ML) may result in changes to water quality and impact fish habitat, as was identified by Aroland First Nation and Constance Lake First Nation. To avoid this effect, the proponent committed to undertake further testing of aggregate material (i.e., ARD/ML potential) prior to project construction to avoid developing sites that show potential for ARD/ML. Attawapiskat First Nation, Constance Lake First Nation and Nibinamik First Nation expressed concerns about impacts to fish from changes to water quality that result from sedimentation and vegetation clearing. The proponent estimated that about 25 hectares of downstream fish habitat may be affected by sedimentation. To mitigate this effect, the proponent has committed to develop and implement an erosion and sedimentation control plan and to follow best management practices (e.g., use of sediment fencing and restricting work during high precipitation or run-off events) and provincial standards (e.g., Ontario Provincial Standard Specifications *Construction Specification for Temporary Erosion Control*). Where applicable, authorizations issued under the *Fisheries Act*, and permits issued under Ontario's *Public Lands Act* and Ontario's *Lakes and Rivers Improvements Act* may include erosion and sediment control measures including restrictions on bank grading, and design requirements for water crossings to avoid and mitigate effects to fish and fish habitat. Aroland First Nation, Kasabonika Lake First Nation, Kashechewan First Nation, and Weenusk First Nation expressed concerns related to changes to water quality from discharges of water and wastewater, and from site run-off from aggregate sites, worker camps, and laydown and field office areas. To mitigate these effects, the proponent has committed to treating domestic wastewater onsite or hauling wastewater to the existing treatment plant in Webequie. Changes to water quality would be managed in accordance with requirements under the *Ontario Water Resources Act* through an Environmental Compliance Approval for wastewater systems, site drainage water and stormwater management systems, as well as aggregate processing water.

The proponent also committed to conduct water quality monitoring for total particulate matter and turbidity when in-water work would occur in or near fish and fish habitat. Water quality monitoring for turbidity would be required as part of an authorization under the *Fisheries Act*, and may be required as part of a permit or approval under Ontario's *Public Lands Act* and Ontario's *Lakes and Rivers Improvements Act*. For the purpose of setting water quality guidelines for permits and approvals for protection of aquatic life, IAAC understands that DFO and Ontario would consider the Provincial Water Quality Objectives, Canadian Water Quality Guidelines for the Protection of Aquatic Life, and Federal Water Quality Guidelines.

Accidental spills during storage, transportation, handling and dispensing of hazardous materials, from vehicle accidents or mechanical malfunctions during the construction and operation phases may occur and could also harm fish populations. Although spills are infrequent, short-term localized spills are likely to occur over the lifespan of the project. Aroland First Nation, Marten Falls First Nation, and Nibinamik First Nation expressed concerns about impacts to fish from changes to water quality resulting from accidents and spills. Spills of harmful materials (e.g., petroleum products, sewage, ammonium nitrate) into or near waterbodies may degrade, or even destroy, fish habitat and injure fish through direct acute or chronic toxicity from contamination.

The proponent committed to prepare and implement, a Spill Prevention and Emergency Response Management Plan in accordance with all applicable federal and provincial legislation. Additionally, it would be included as an avoidance and mitigation measure as part of an authorization issued under the *Fisheries Act*. The plan would include preventative measures to reduce the likelihood of, or impact from, accidental spills, such as refueling away from waterbodies where possible; providing spill response kits and equipment at dedicated petroleum storage areas; and training personnel in best practices for spill response and the transportation of dangerous goods. The proponent would also have to comply with legislative mechanisms, such as Ontario's *Technical Standards and Safety Act, 2000* and *Dangerous Goods Transportation Act* as well as the federal *Transportation of Dangerous Goods Act* and *Explosives Act*.

In the event of a spill, the proponent committed to implement corrective actions that could reduce effects to fish and fish habitat, such as containing and cleaning up spills as soon as possible. However, uncertainty remains regarding cleanup of spills in the eastern portion of the road (i.e. peatland), where the road design does not include roadside ditches. If accidental spills would occur in this section of the proposed route, contaminants could enter surrounding peatlands. This could present challenges for spill detection, containment, and cleanup, and it is unclear what enhanced spill-management measures the proponent would apply. IAAC understands that, under Ontario's *Environmental Protection Act*, it is the duty of the owner or controller of a spilled pollutant to clean up a spill and do whatever is practicable to prevent and eliminate adverse effects from a spill. Spills of any harmful material must be reported to the Spills Action Centre of MECP.

IAAC is of the view that, with the implementation of these mitigation measures, the project is expected to cause limited to no residual effects through harm to fish populations, given that likely effects would be infrequent (e.g. during construction, accidental spills) and be confined to small areas (e.g. near in-water work and aggregate pits blast sites).

#### 2.1.1.3 Increased recreational fishing

Road construction and use may foster recreational fishing by increasing access to waterbodies, potentially leading to localized lower numbers of fish. Aroland First Nation, Attawapiskat First Nation, Constance Lake First Nation, Marten Falls First Nation,

Nibinamik First Nation, and Weenusk First Nation expressed concern that there would be less fish available from increased angling in more easily accessible fishing areas.

To reduce potential recreational fishing, the proponent has committed to prohibit fishing by employees and visitors on-site at temporary construction camps and at the permanent maintenance and storage facility. Additionally, the proponent has committed to several public access restrictions, such as prohibiting public access during construction, reclaiming temporary areas as soon as feasible, and prohibiting stopping on the roadway. Further, recreational fisheries in Ontario are managed through Ontario's *Fish and Wildlife Conservation Act* to protect fish populations and their habitats, notably by regulating recreational fishing.

IAAC is of the view that, with the implementation of these mitigation measures, the project is expected to cause limited to no residual effects to fish populations due to increased recreational fishing, depending on how many recreational anglers visit the area.

### 2.1.2 Residual effects

Based on the above assessment, IAAC is of the view that the project would likely result in residual adverse effects on fish and fish habitat, resulting from degradation and loss of habitat, harm to fish populations, and increased recreational fishing.

The residual effects, taking into account the mitigation measures described above, would be low in magnitude and geographic extent as there would be a net loss and degradation of fish habitat, including spawning habitat, as well as hydrological changes localized to the project footprint, but the changes are not expected to harm fish populations. The effects would occur infrequently, primarily during project construction (except for effects from recreational fishing) and would be at least partially reversed through habitat offsetting required by *Fisheries Act* authorizations, which may not be local given the pristine conditions nearby and/or rely on complimentary measures. DFO has stated that the potential effects from the proposed project are well understood.

IAAC concludes that the residual adverse effects of the project on fish and fish habitat are likely to be significant to a low extent.

### 2.1.3 Cumulative effects

The residual adverse effects of the project on fish and fish habitat, in combination with other past, present, and reasonably foreseeable projects, are likely to have cumulative effects. As the RSA extends into three secondary watersheds, IAAC considered the catchment area of the three major rivers (e.g., Ekwan River, Winisk River, and Attawapiskat River) and their tributaries that are hydrologically connected to the fish populations and habitat potentially affected by the project. This spatial boundary captures the area where downstream effects to fish and fish habitat could occur from other projects, including operating and proposed mines, mineral exploration activities,

hydroelectric activities, other roads, and the Rapid Lynx Broadband Project (a fibre-optic internet cable network). Additionally, IAAC considered future connectivity of the project to the existing highway network. These projects would cause changes to the environment in areas that support fish and fish habitat largely through local degradation or loss of fish habitat in an otherwise pristine region.

Federal (i.e., *Fisheries Act*) and provincial (e.g., *Lakes and Rivers Improvements Act*, *Ontario Water Resources Act*) protections for fish and fish habitat apply or would apply to manage the effects of these projects on fish and fish habitat and would likely limit them to local project-specific areas. There would be small geographic overlap in effects. Effects from these projects would therefore not reduce fish population levels within the Winisk, Ekwan, or Attawapiskat watersheds.

In addition, effects from these projects would mainly occur during project construction (except for effects from recreational fishing). As such, there would also be small temporal overlap in effects between the proposed project and other projects.

Given that the interaction of project effects with the effects from other projects would be limited, IAAC does not recommend further mitigation measures or follow-up program related to cumulative effects.

Taking into consideration the recommended mitigation measures in Table 4 below, the likely cumulative effects to fish and fish habitat would be low in magnitude and geographic extent given that effects would be largely localized to the respective project footprints, which are small relative to the area of fish habitat within the Ekwan River, Winisk River, and Attawapiskat River watersheds. The effects would be relatively short-term, occurring primarily during the respective construction phase and partially reversible over the long-term. For the types of projects considered, uncertainty is low as the effects are generally well understood and addressed with standard mitigation measures. The project's contribution to these cumulative effects on fish and fish habitat would be small.

IAAC concludes that cumulative effects of the project on fish and fish habitat are likely to be significant to a low extent as the project, along with other projects, would contribute to habitat loss and degradation in a pristine region.

**Table 4: Summary of IAAC's recommended mitigation measures and follow-up program for implementation by the proponent pertaining to fish and fish habitat**

| **Recommended follow-up program that would be potentially included as conditions in the impact assessment decision statement** |
|---|
| Implement a follow-up program, in consultation with Webequie First Nation with respect to waterbodies located on Webequie First Nation reserve land, and in consultation with Indigenous communities, MNR, DFO, and Environment and Climate Change Canada (ECCC) with respect to waterbodies located on provincial lands, to verify the accuracy of the impact assessment and determine the effectiveness of |

mitigation measures with respect to effects to fish and fish habitat from changes in water quality. The program should include:

- monitoring water quality parameters in groundwater and surface water (total suspended solids, acidity (pH), electrical conductivity, sulphates, nitrates, and heavy metals and metalloids, including aluminum, mercury, arsenic, copper, iron, lead, manganese, nickel, and zinc) in waters frequented by fish starting during construction and until a three-year trend analysis indicates that the project may not change water quality;
- comparing the monitoring results to the Canadian Council of Ministers of the Environment's Canadian Water Quality Guidelines for the Protection of Aquatic Life to determine whether modified or additional measures are required;
- consideration of views from Indigenous communities on the design of the monitoring program and on the trend analysis; and
- making the monitoring results available to Indigenous communities.

**Recommended mitigation measures that would be potentially ensured by DFO**

With respect to loss and physical degradation of fish habitat, as part of the *Fisheries Act* authorization:

- develop, to the satisfaction of DFO, and in consultation with Indigenous communities, and implement any offsetting plan for activities that may result in the harmful alteration, disruption, or destruction of fish habitat, or the death of fish associated with the project. These plans should be developed taking into account DFO's Policy for Applying Measures to Offset Harmful Impacts to Fish and Fish Habitat.

**Recommended mitigation measures that would be potentially ensured by the Government of Ontario**

With respect to changes in hydrology and fish passage, as part of the permits and approvals under Ontario's *Public Lands Act* and Ontario's *Lakes and Rivers Improvement Act*:

- design, install, and maintain water crossings in a manner that addresses downstream flows, water levels, velocities, and fish passage, as appropriate to site conditions and as determined through applicable Provincial review, permitting, and approval processes, including relevant standards, best practices, and permit conditions (e.g., MNR's Environmental Guidelines for Access Roads and Water Crossings, and DFO's Measures to Protect Fish and Fish Habitat *and* Code of Practice: Culvert Maintenance).

With respect to physical degradation of fish habitat, as part of the permits under Ontario's *Public Lands Act*:

- avoid construction below the high-water mark during a fish restricted activity timing window as determined through the applicable permitting and review process, using all information available and a precautionary approach where uncertainty remains regarding fish community composition, and considering relevant provincial guidance and the In-water Work Timing Window Guidelines.

| |
|---|
| With respect to physical injury to fish, as part of a licence issued under Ontario's *Fish and Wildlife Conservation Act*:<br>• rescue fish within the work area and relocate them away from the work area prior to starting any in-water work, where warranted by the nature of the work, in accordance with a *Licence to Collect Fish for Scientific Purposes* issued under the *Fish Licensing Regulation*. |
| With respect to changes in hydrology and water quality, as part of permits and approvals that may be issued under the *Ontario Water Resources Act*, and Ontario's *Environmental Protection Act*:<br>• conduct dewatering, water-taking and wastewater discharge in accordance with permits and approvals issued under the *Ontario Water Resources Act*, and Ontario's *Environmental Protection Act*. |
| Implement, at a minimum, the following mitigation measures to control sedimentation, runoff and erosion, as appropriate, during all phases of the project in order to meet suspended sediments and turbidity thresholds in the Canadian Council of Ministers of the Environment's Canadian Water Quality Guidelines for the Protection of Aquatic Life or Provincial Water Quality Objectives:<br>• stabilize all erodible areas (including excavated materials) and regularly inspect and maintain the stability of these areas until they are permanently stable;<br>• install a settling basin for water being pumped or diverted from aggregate sites such that water run-off meets Canadian Water Quality Guidelines for the Protection of Aquatic Life or Provincial Water Quality Objectives before discharge into the receiving environment;<br>• limit vegetation removal to the footprint of water crossing structures and maintain an undisturbed vegetated buffer zone of 30 metres upstream and downstream of each crossing; and<br>• isolate in-water project activities from the receiving fish bearing waters to mitigate intensity, spatial scale and duration of sedimentation in fish habitat taking into account DFO's Interim standard: in-water site isolation. |
| Use only rock materials characterized as not acid-generating, non-potentially acid-generating and non-metal-leaching for project works. |
| Restrict vehicle and equipment refueling and servicing to a minimum of 30 metre from waterbodies such that they cannot result in accidental spills reaching fish-bearing waters. |
| Establish and implement a Spill Prevention plan and Emergency Response Management Plan to prevent accidents and malfunctions that may result in adverse federal effects that includes, at a minimum, training personnel in spill response procedures, providing spill response kits and equipment for containing spills at work locations and in vehicles, and cleaning up and containing spills as soon as possible following incidents. |

## 2.2 Migratory birds

The project is likely to cause limited residual and cumulative adverse effects on migratory birds through displacement due to vegetation clearing, sensory disturbances, and mortality risk due to potential accidental collisions and spills. With the implementation of the recommended mitigation measures identified in Table 5, IAAC is of the view that the residual adverse effects of the project on migratory birds are not likely to be significant as they would be limited to the project footprint and occur infrequently. The cumulative effects of the project in combination with other physical activities are not likely to be significant as the spatial and temporal overlap with effects from other proposed projects would be minimal.

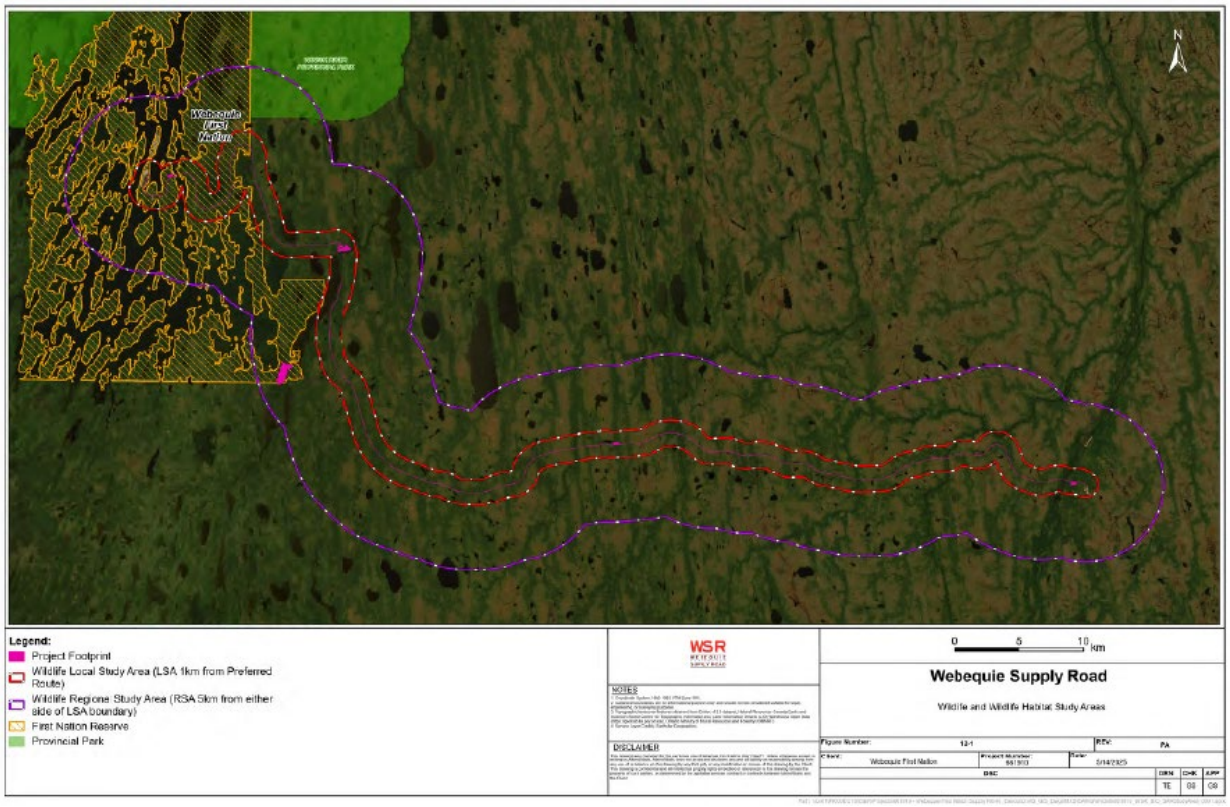
IAAC assessed effects on migratory birds including through displacement due to vegetation clearing, sensory disturbances during construction and maintenance activities and mortality risk due to potential accidental collisions and spills.

The project would overlap with wetland and upland vegetation communities, which act as primary habitat for migratory birds. Migratory birds are known to occur within these vegetation communities in the area, which provide habitat for nesting, stopover, staging and migration.

IAAC considered effects to migratory birds within the LSA as well as the RSA. The LSA includes the project footprint and extends one kilometre from the centreline on both sides of the proposed route plus a 500-metre buffer around each of the other project components. The RSA includes the LSA and further extends five kilometres beyond the LSA boundary, as depicted in Figure 3. Effects were considered for both the construction and operation phases of the project.

The LSA and the RSA predominantly contain wetland habitats—bogs, fens, swamps, marshes, open water, and riparian areas— while upland coniferous, mixed, and hardwood forests make up a relatively small proportion of the landscape. These habitats support wetland songbirds (e.g., palm warbler and alder flycatcher), shorebirds (e.g., greater yellowlegs), waterfowl (e.g., Canada goose and mallard), and forest birds (e.g., orange-crowned warbler and Tennessee warbler), during the nesting season and during spring and fall migration periods.

**Figure 3: Local and Regional study areas for migratory birds**




**Source: Webequie Supply Road Project, Environmental Assessment Report/Impact Statement, Section 12, Figure 12-1**

Climate change is expected to affect migratory birds and their habitat over time through warmer temperatures, shifting seasonal patterns, and more frequent extreme weather events. These changes may alter the timing of migration, breeding, and nesting, as well as the availability and quality of habitat along migratory routes and within the RSA. These climate-related changes could increase the likelihood or magnitude of effects on migratory birds by altering how project components interact with migratory bird habitat during sensitive periods.

Migratory birds use a variety of habitat types within the LSA and RSA for breeding, foraging, and migration. Forest birds are commonly associated with upland and mixed forest habitats, but may also occur in treed wetlands and other forested areas. Shorebirds typically forage and nest in shoreline and other wetland habitats around waterbodies, watercourses and riparian areas widespread across the LSA and RSA. Waterfowl use open waterbodies and surrounding wetlands, including conifer swamps, sparse treed bogs and fens, and thicket swamps, within the LSA and RSA for breeding and for spring and fall migration staging. Wetland birds nest and forage in bog, fen, swamp or marsh habitats as well as other wetland and riparian areas during the summer nesting season as well as spring and fall migration periods.

Forest bird species at risk listed under Schedule 1 of SARA, expected to be present within the LSA and RSA, include Canada warbler, olive-sided flycatcher, and evening

grosbeak. Common nighthawk, a species listed as special concern under SARA and associated with open or disturbed habitats, was detected within the LSA and RSA through acoustic monitoring conducted by the proponent.

## 2.2.1 Assessment of effects

### 2.2.1.1 Displacement of migratory birds

The project would result in the displacement of migratory birds due to loss of suitable migratory bird habitat through vegetation clearing during construction and maintenance activities. While some habitat types could experience higher proportional losses within the LSA, most affected habitat types are regionally abundant. No habitat within the project footprint was identified as unique or critical to the survival of migratory birds, including federally listed migratory bird species at risk. Animbiigoo Zaagi'igan Anishinaabek, Aroland First Nation, Attawapiskat First Nation, Fort Albany First Nation, Kashechewan First Nation and Weenusk First Nation expressed concerns about the effects from the project on migratory birds and bird habitat.

To reduce displacement of migratory birds due to habitat loss, the proponent committed to minimize the extent of vegetation clearing at temporary work areas, maintain a minimum 30 m vegetation protection zones around waterbodies, and avoid clearance of riparian vegetation to the extent feasible. Progressive revegetation of areas not actively used for construction would be implemented where feasible, using restoration approaches that support natural regeneration supplemented with native self-sustaining plant species. The proponent indicated it would enhance existing wildlife habitat where appropriate by planting and seeding self-sustaining species indigenous to the area.

IAAC is of the view that, with the implementation of these mitigation measures, the project is expected to result in residual adverse effects on migratory birds due to displacement limited to the project footprint (e.g. cleared areas within the right-of-way, aggregate sites) and generally limited to specific times (e.g. construction) and no residual effects on bird populations.

### 2.2.1.2 Sensory disturbance to migratory birds

Sensory disturbances (e.g., noise, light, and vibrations) due to project activities during construction and operations, such as blasting, use of construction equipment, lighting, and vehicle operations may alter migratory birds' behaviour, leading to local displacement and/or nest abandonment within the LSA. During construction and operations, noise levels are expected to increase within and adjacent to the project footprint, and may extend into the LSA.

To reduce sensory disturbances to migratory birds, the proponent committed to setting buffer distances around active nests identified during surveys, as required in accordance with ECCC's Guidelines to Avoid Harm to Migratory Birds, minimize construction vehicles and equipment idling unless required by weather and/or safety

conditions, use proper silencers, mufflers, acoustic linings, acoustic shields or acoustic sheds for construction vehicles and equipment that are supplied by the contractor.

IAAC is of the view that, with the implementation of these mitigation measures, the project is expected to result in residual adverse effects on migratory birds due to sensory disturbances from noise that would be limited to the project footprint and parts of LSA mainly during construction periods and there would be no residual effects on bird populations.

#### 2.2.1.3 Mortality risk

Vegetation clearing during construction and maintenance activities in the project footprint could destroy nests containing eggs or juveniles. To mitigate this, the proponent committed to conducting vegetation clearing in accordance with the Migratory Birds Regulations, 2022 and other guidance outlined in ECCC's Guidelines to Avoid Harm to Migratory Birds. IAAC further notes that the provisions of the *Migratory Birds Convention Act, 1994* and *Migratory Birds Regulations*, 2022 would apply to protect migratory birds, their nests and eggs.

Project construction and maintenance activities may create open or disturbed habitat features within the project footprint that could be used by common nighthawk a species at risk listed under Schedule 1 of SARA. Suitable habitat for bank swallow, a federally listed species under SARA, was not identified within the RSA. However, due to bank swallow's habitat preferences, including nesting in vertical sandy or silty substrates, the construction of the project may create suitable nesting habitat within the project footprint, such as temporary sand or aggregate stockpiles, pits or quarries. Vehicular or equipment collisions with migratory birds that use the disturbed areas created by the project, would result in harm or death. IAAC recommends that the proponent follow guidance from ECCC related to the management of pits, quarries, and aggregate stockpiles to prevent or manage potential bank swallow nesting outlined in Bank Swallow (Riparia riparia): in sandpits and quarries. Additionally, IAAC recommends that the proponent monitor potential nesting and roosting areas for migratory bird species that are known to prefer disturbed areas, such as the common nighthawk, barn swallow and bank swallow, at times when these birds may be present in the project footprint. If the birds or their nests are detected, the proponent should implement measures to decrease the likelihood of harm or death of individual birds, nests, and eggs. IAAC also notes that standard measures such as erecting road signs to lower vehicle speeds and avoiding construction and maintenance activities during the migratory bird nesting season would limit collisions.

In the eastern portion of the road, accidental spills could release harmful materials into surrounding peatlands and cause harm or death to migratory birds. Mitigation measures described in Section 2.1, including related to spill prevention and response, would support the management of potential adverse effects on migratory birds through control or containment of effects on aquatic and riparian environments where migratory birds could be present, resulting in infrequent effects confined to small areas. Effects from

accidental spills are not likely in the western portion of the road located in upland areas where swales and ditches within the right of way would capture spills and minimize the likelihood that any spills reach shorelines and waterbodies at a magnitude that could pose risk to migratory birds.

IAAC is of the view that, with the implementation of these mitigation measures, the project is expected to result in residual adverse effects on migratory birds due to mortality risk limited to the project footprint (e.g. cleared areas within the right-of-way, aggregate sites) and generally limited to specific times (e.g. migratory bird nesting season, infrequent accidental spill), and no residual effects on bird populations.

### 2.2.2 Residual effects

Based on the above assessment, IAAC is of the view that the project would likely result in limited residual adverse effects on migratory birds from vegetation and land clearing, sensory disturbance and accidental collisions and spills.

The residual effects, taking into account the mitigation measures described above, would be low in magnitude and geographic extent as migratory birds would be displaced locally in the project footprint into the LSA. The effects would occur infrequently (i.e. during land and vegetation clearing activities, and any collisions or spills where migratory birds are present) both during project construction and maintenance activities and would be irreversible. Changes at the population level are not anticipated, and there is low level of uncertainty given that potential effects from the project and appropriate mitigation measures are well understood.

IAAC concludes that the residual adverse effects of the project on migratory birds are not likely to be significant.

### 2.2.3 Cumulative effects

The residual adverse effects of the project on migratory birds, in combination with other past, present, and reasonably foreseeable projects, are likely to have cumulative effects. For its assessment of cumulative effects, IAAC used the proponent's Caribou RSA in order to encompass an area large enough to consider the effects on migratory birds from other reasonably foreseeable projects and physical activities beyond the migratory birds RSA defined by the proponent. This larger area encompasses upland habitat, wetlands and habitat near waterbodies likely to be suitable for migratory birds. IAAC included projects that could cause harm or death to migratory birds, mostly through vegetation clearing and habitat loss, such as operating and proposed mines, mineral exploration activities, and other roads; Ogoki Forest Management Plan; Neskantaga Forest Management Unit; and the Rapid Lynx Broadband Project. Effects from these other projects may displace migratory birds and increase mortality risk in a way that is additive with the residual effects of the proposed project.

These other projects would also subject to the *Migratory Birds Convention Act, 1994*, and requirements to implement appropriate measures to avoid harm or death to migratory birds, their nests and eggs. As such, cumulative effects would be limited and would not measurably affect migratory bird populations. IAAC does not recommend further mitigation measures or follow-up program.

Taking into consideration the recommended mitigation measures in Table 5 below, the likely cumulative effects on migratory birds would be low in magnitude and geographic extent as they are not expected to result in population levels changes and would be localized within the respective project footprints. The effects would be long term, occur infrequently, mainly during construction and maintenance activities, and most effects would be irreversible. For the types of projects considered, uncertainty is low as the effects are generally well understood and addressed with standard mitigation measures. The project's contribution to these cumulative effects on migratory birds is not significant.

IAAC concludes that cumulative adverse effects of the project on migratory birds are not likely to be significant as migratory birds would not likely be measurably diminished or lost.

**Table 5: Summary of IAAC's recommended mitigation measures for implementation by the proponent pertaining to migratory birds**

| **Recommended mitigation measures that would be potentially included as conditions in the impact assessment decision statement** |
|---|
| Determine, under the direction of a qualified individual, the presence, or likely presence of migratory bird nest(s) protected under the *Migratory Birds Convention Act, 1994* and its regulations, migratory bird residences protected under SARA that may be adversely affected by any project activity prior to initiating the activity. Non-intrusive methods used to determine the presence or likely presence of migratory bird nests should be appropriately selected based on the habitat type. |
| Establish and delineate, under the direction of a qualified individual, setback distances around nest(s) and residence(s) whose presence is likely or confirmed by the qualified individual, within which that activity shall not occur while those nest(s) are protected under the *Migratory Birds Convention Act, 1994* and its regulations or SARA or both. When establishing setback distances, take into account ECCC's Guidelines to avoid harm to migratory birds - Establishing buffer zones and setback distances. |
| Develop and implement mitigation measures to prevent bank swallow from nesting in pits and quarries while taking into account ECCC's document Bank Swallow (Riparia riparia): in sandpits and quarries. |
| Refer to measures in Table 4 in Section 2.1 related to accidental spills. |

## 2.3 Effects from activities carried out on federal lands and effects to environment on federal lands

The project is likely to cause residual adverse effects on federal lands from the portion of the road located on the Webequie First Nation Reserve through changes to federal species at risk and eastern migratory caribou and the atmospheric environment. Within the Webequie First Nation Reserve, the project is likely to result in habitat loss and degradation and an increase in mortality risk for federal species at risk and eastern migratory caribou, as well as an increase in air emissions. With the implementation of the recommended mitigation measures identified in Table 6, IAAC is of the view that the residual effects of the project to the environment on federal lands are not likely to be significant as species at risk populations are expected to remain sustainable and air quality parameter levels below federal guidelines, limits or objectives.

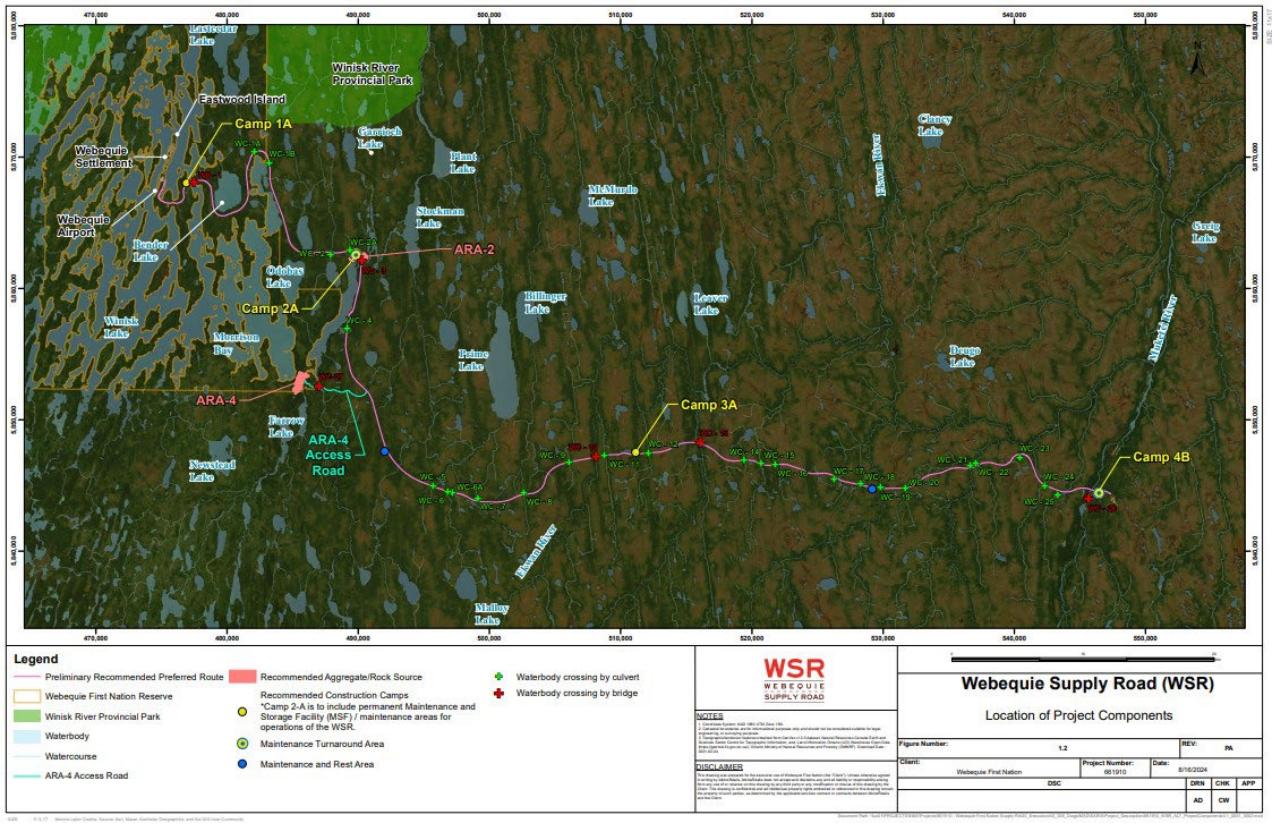
Cumulative effects of the project, in combination with other physical activities, are not likely to be significant, except for cumulative effects to caribou and wolverine habitat, which are likely to be significant to a low extent due to habitat loss and degradation on Webequie First Nation Reserve interacting with habitat changes from other projects throughout the species' respective ranges.

The assessment of effects to the environment on federal lands considers the project's effects to the environment on Webequie First Nation Reserve as well as effects from the project's physical activities being carried out on Webequie First Nation Reserve. Approximately 17 kilometres of the project's road would be constructed and operated on the Webequie First Nation Reserve. One worker camp (Worker Camp 1A) and one aggregate site (ARA-4) are also proposed on the Webequie First Nation Reserve. Effects from these physical activities carried out on federal lands are anticipated to be restricted to Webequie First Nation Reserve. As such, IAAC considered adverse effects from the project on Webequie First Nation Reserve. No other federal lands are anticipated to be affected by the project.

IAAC focused its assessment on the atmospheric environment as well as on species at risk and eastern migratory caribou and their habitat. IAAC also acknowledges potential effects to wetlands on federal lands, but accepts the proponent's Impact Statement predictions that potential effects to wetlands would be indirect, localized to within 60 metres of the project footprint for upland forests and swamps such as those found on reserve lands, and that the net loss or alteration of wetlands would be negligible. Effects on fish and fish habitat, including lake sturgeon (a species at risk), and effects on water quality (Section 2.1), migratory birds listed under the *Migratory Birds Convention Act,*

1994 (Section 2.2) and on species of importance to Indigenous communities (Section 4), are described elsewhere in the report and are inclusive of Webequie First Nation Reserve. As such these effects are not repeated here.

**Figure 4: Location of Webequie First Nation Reserve intersected by the project**




**Source: Webequie Supply Road Project, Environmental Assessment Report/Impact Statement, Section 1, Figure 1.2**

## 2.3.1 Assessment of effects

### 2.3.1.1 Atmospheric environment

The project would result in changes to the atmospheric environment, including changes to air quality as well as increased noise and vibration on the Webequie First Nation Reserve, largely due to the use of heavy equipment during the construction of the road and blasting at aggregate sites. Lesser changes would occur during operations and during maintenance activities, if and as required.

The recommended mitigation measures described to address change in quality of fishing experience in Section 4.3.1 would also mitigate the effects on air quality and noise.

IAAC is of the view that, with the implementation of these mitigation measures, the project is likely to result in residual adverse changes to the atmospheric environment on federal lands that are localized, temporary and appropriately managed by meeting relevant guidelines.

#### 2.3.1.2 Loss and degradation of species at risk and eastern migratory caribou habitat

IAAC focused its assessment on the following federal species at risk: little brown myotis (Endangered), northern myotis (Endangered), wolverine (Special Concern), rusty blackbird (Special Concern), short-eared owl (Special Concern), and woodland caribou (boreal population) (Threatened). Woodland caribou (eastern migratory population) was also considered (assessed as Endangered by COSEWIC). The project intersects potential habitat on Webequie First Nation Reserve for these species.

The local study area for caribou and wolverine is eleven kilometres from the centreline of the preferred route and supporting infrastructure (Figure 6 in this report). The local study area for little brown myotis, northern myotis, rusty blackbird, and short-eared owl is one kilometre from the centreline of the preferred route and 500 metres from temporary or permanent supportive infrastructure.

The project would result in the loss or degradation of species at risk and eastern migratory caribou habitat on federal lands. Direct loss of habitat for bats, wolverine, rusty blackbird, short-eared owl and caribou from site preparation would include the removal of vegetation from the Webequie First Nation Reserve to clear land for the road, lay down areas, a worker camp and an aggregate site. Temporary auxiliary project areas such as laydown areas and worker camps would be reclaimed. However aggregate site ARA-4 is expected to continue to be open during the operation phase for use in maintenance activities. Regular maintenance activities during the operation phase would involve managing regrowth of vegetation in the project footprint on federal lands. This could result in the destruction, degradation, and/or fragmentation of important habitat such as nests, roosts, dens, calving areas, winter areas, and travel areas, as well as the displacement of individuals from these habitats.

Effects to these species also include sensory disturbances during construction and operation from activities including blasting at aggregate sites, earth hauling, vegetation clearing, construction lighting and vehicles travelling on the road. Sensory disturbances may lead to functional fragmentation of federal species at risk habitat as species alter their movements and behavior to reduce their utilization of the area and to avoid human disturbance. In addition, the operation of the road may create a linear barrier to movement of species at risk on Webequie First Nation Reserve, especially caribou and wolverine. These effects are likely to result in changes to the distribution of species at risk on the Webequie First Nation Reserve.

Effects and associated mitigation measures for wolverine and caribou are further described in the Hunting and Trapping subsection of Section 4.3.1. Effects to rusty

blackbird and short-eared owl would be similar to effects to migratory birds described in Section 2.2 and IAAC recommends similar mitigation measures to mitigate effects on these bird species at risk. To mitigate effects to species at risk bats, the proponent committed to, where possible, minimize vegetation clearing, implement reclamation of temporary areas of disturbance, buffer areas to minimize impacts to potential roosting areas, project personnel training and procedure for identification of maternity roosting habitat and conducting blasting and maintenance activities outside of sensitive timing windows.

IAAC understands that authorizations under SARA for activities occurring on federal Crown land that affect the individuals or residences of species listed under SARA as Threatened or Endangered would apply to the project. This legislative mechanism would manage effects to Threatened and Endangered federal species at risk individuals and residences, apart from effects stemming from broader habitat degradation and loss, including to caribou critical habitat, and would ensure implementation of mitigation measures as well as the identification of further mitigation measures for site-specific concerns during the permitting stage.

IAAC is of the view that, with the implementation of these mitigation measures, there would be loss and degradation of species at risk and eastern migratory caribou habitat on federal lands, notably through fragmentation of wolverine and caribou habitat.

#### 2.3.1.3 Injury or death of species at risk and eastern migratory caribou

The project may result in the injury or death of the above listed federal species at risk and eastern migratory caribou on Webequie First Nation Reserve. During construction and operation, collision with vehicles and equipment, changes to predator-prey dynamics through the creation of linear corridors, alteration of movement, vegetation clearing, and increased access by humans could increase federal species at risk injury or mortality rates. Aerial species are susceptible to vehicular mortality, while vehicular mortality risk for caribou and wolverine are lower as they are known to generally avoid human disturbance. The proponent noted wolverine are susceptible to incidental capture through increased access and indirect mortality from alteration of movement to avoid human activities.

To mitigate effects from injury or death, the proponent committed to follow best practices where possible, including implementing speed limits (see mitigation measure in Table 10 in Section 4.3.3 of this report).

IAAC is of the view that, with the implementation of these mitigation measures, the project is likely to result in limited and infrequent injury or death of species at risk and eastern migratory caribou.

### 2.3.2 Residual effects

Based on the above assessment, IAAC is of the view that the project would likely result in residual adverse effects from activities carried out on federal lands and effects to the environment on federal lands resulting from changes to the atmospheric environment, degradation and loss of species at risk and eastern migratory caribou habitat and injury or death to species at risk and eastern migratory caribou.

The residual effects, taking into account the mitigation measures described above, would be low in magnitude and geographic extent limited to the LSA. The effects would generally occur infrequently, but indefinitely throughout the life of the project, with effects being partially reversible by the operations stage. There is a low to moderate level of uncertainty specific to species at risk on the federal lands portion of the project. Even while acknowledging this uncertainty, populations are expected to remain sustainable and air quality parameter levels generally below federal guidelines, limits or objectives for the majority of the year.

IAAC concludes that the adverse residual effects of the project to the environment on federal lands and from activities carried out on federal lands are not likely to be significant.

### 2.3.3 Cumulative effects

IAAC considered Webequie First Nation's Community-Based Land Use Plan and other foreseeable projects in the area, and is of the view that there are no foreseeable physical activities with expected effects on federal lands that would interact with the residual effects of the project on species at risk eastern migratory caribou and the atmospheric environment likely to occur on the Webequie First Nation reserve.

Regarding projects outside of federal lands, the residual adverse effects of the project on Webequie First Nation Reserve land in combination with other past, present, and reasonably foreseeable projects, are likely to have cumulative effects primarily through loss or degradation of species at risk and eastern migratory caribou habitat. Due to spatial distance, other projects are not likely to cause effects to the atmospheric environment on Webequie First Nation Reserve land. The proposed Marten Falls Community Access Road Project, the proposed Northern Road Link Project, and mineral exploration followed by mining at the proposed Eagle's Nest site have the potential to interact with the residual adverse effects from the project, in relation to habitat loss and degradation (including fragmentation), through clearing and grubbing activities, sensory disturbances from construction equipment and increased traffic.

Although federal and provincial legislative frameworks would apply to manage the effects of the projects on species at risk, effects from the other projects are likely to be additive with the residual effects from the proposed project, and low in magnitude, primarily through caribou and wolverine habitat loss and degradation and, to a lesser extent, effects on little brown myotis, northern myotis, rusty blackbird and short-eared owl. ECCC noted that cumulative effects to caribou and caribou habitat may be significant despite mitigation, and MECP, noted that, although cumulative disturbance

within the Missisa Range would increase, overall disturbance is expected to remain below the 35% threshold identified in the federal recovery strategy.

IAAC concludes that cumulative effects to the environment on federal lands and from activities carried out on federal lands by the project in combination with other projects is likely to be not significant for changes to atmospheric environment and species at risk, except for caribou and wolverine, which are likely to be significant to a low extent due to changes in habitat availability and function that would result from the project and other foreseeable projects, together, altering movement patterns and habitat availability, including within Webequie First Nation Reserve.

**Table 6: Summary of IAAC's recommended mitigation measures for implementation by the proponent pertaining to activities carried out on federal lands.**

| **Recommended mitigation measures that would be potentially included as conditions in the impact assessment decision statement** |
|---|
| With respect to little brown myotis and northern myotis:<br>• follow recommended timing windows by avoiding construction and maintenance activities, including blasting, during the period of May 1 to August 31;<br>• establish and delineate, under the direction of qualified individuals, a vegetation setback of 120 metre for construction and maintenance activities from any maternity roosting habitat identified;<br>• ensure project employees and contractors are trained to identify potential maternity roosting habitat and be aware of protocols to follow should any be found including:<br>  ◦ cease work and document the feature;<br>  ◦ notify Webequie First Nation, ECCC and IAAC; and<br>  ◦ ensure the established setback, including the identified maternity roosting habitat, remains in place until ECCC approves SARA permit. |
| Do not undertake activity associated with the project that could harm the nesting of birds that are species at risk on the Webequie First Nation Reserve, to avoid the destruction of nests, eggs or nestlings. In doing so, determine the dates of relevant nesting periods for any year during which these activities are carried out. Inform IAAC of these dates, including a justification, before carrying out these activities. Do not undertake or continue any activity likely to harm nesting unless this is not technically or economically feasible. If it is not feasible, provide a justification to IAAC and develop and implement additional mitigation measures to avoid adverse effects on birds that are species at risk during nesting. Provide these measures to IAAC before implementing them. |
| Refer to Table 8 in Section 4.3.1 and Table 10 in Section 4.3.3 of this report for measures to reduce and monitor sensory disturbance (reduced air quality and elevated noise levels) as well as measures to monitor wildlife species. |

# 3 Malfunctions and accidents

Although unlikely to occur, certain malfunctions and accidents associated with the project could cause residual adverse federal effects. For example, an accidental fire or explosion or a structural failure of a project component, such as the road surface, bridge or culvert, may impact fish and fish habitat, migratory birds, as well as traditional practices and community well-being of Indigenous communities. Recommended mitigation measures to prevent potential malfunctions and accidents are listed in Table 7.

## 3.1 Assessment of effects

Malfunctions and accidents may be associated with the project. Likely scenarios are vehicle accidents or mechanical malfunctions, including any resulting accidental spills of hazardous material. These and their associated adverse federal effects are described in Sections 2.1, 2.2, and 4.3.1 to 4.3.3. Adverse federal effects of unlikely malfunction and accident scenarios are described below.

Although unlikely to occur, a structural failure of a project component or accidental fires or explosions associated with project components could result in adverse effects to migratory birds, wildlife important to Indigenous traditional practices, and community well-being.

A structural failure of a project component (e.g., road surface failure, bridge failure, culvert failure or a storage facility accident) due to faulty design, extreme weather, seismic activity or wildfire event could lead to increased erosion or sedimentation, changes to hydrology and hydraulics, and the potential for debris or materials to enter nearby waterbodies, which could adversely affect fish and fish habitat, alter traditional fishing by Indigenous persons that practice in the area and impact the cultural experience of Indigenous communities that maintain a connection to the land or have cultural sites in the area.

The likelihood of a structural failure of a project component may be influenced by changing environmental conditions over the lifespan of the project. Climate change is expected to increase the frequency and intensity of extreme weather events in the region, including heavy precipitation, flooding, freeze-thaw cycles, and wildfire conditions. These stressors can place additional demands on project infrastructure and increase the potential for malfunctions or accidents, such as erosion, overtopping, or structural failure of highway infrastructure.

To prevent structural failures, the project components would be designed in accordance with applicable federal and provincial standards and codes such as the Canadian Highway Bridge Design Code CSA S6:25, Ontario's Roadside Design Manual and

Structural Manual, Drainage Management Manual, Highway Drainage Design Standards, and Gravity Pipe Design Guidelines. To manage climate-related stressors, the proponent would design project infrastructure to meet applicable codes and standards that address wildfires, and extreme weather events. This would include designing highway drainage infrastructure such as bridges, culverts, roadside ditches, and equalization culverts for the floating road portion, using best practices and engineering guidance to determine the optimum return period for a rain-storm event, based on historical climate data with temperature incorporation and climate scenarios as well as projected future changes in extreme rainfall over the lifespan and design service life of the structures. Additionally, the proponent committed to conduct routine inspections and carry out maintenance during the operation phase, including of bridge and culvert structures, roadside ditches and swales, embankments, and related highway drainage infrastructure with repairs undertaken as required, to maintain structural integrity of project components. The proponent also indicated that storage facilities, particularly fuel storage areas, would have barricaded, double-walled aboveground storage tanks in compliance with the Canadian Council of Ministers of the Environment's Environmental Code of Practice for Aboveground Storage Tank Systems Containing Petroleum Products to minimize the likelihood of a storage breach.

Accidental fires or explosions associated with project components (e.g., equipment, fuel storage, maintenance activities, or camps) could result in localized harm or death of migratory birds and other wildlife, or temporary displacement of the wildlife due to smoke, noise, or habitat disturbance. Fires and explosions could reduce habitat quality in surrounding areas used for traditional purposes, as well as increase safety risks and cause disruption to harvesting activities or travel, which may contribute to stress and add emotional distress.

Ontario has legislative and regulatory requirements related to fire prevention, fire safety, and emergency preparedness — including requirements related to wildland fire prevention, fire safety planning and suppression equipment at camps and facilities, and fuel storage and handling — which are intended to reduce fire risk and support effective response.

The proponent has committed to developing a fire prevention and preparedness plan and a fire mitigation program and following the Ontario Regulation 207/96 during construction and maintenance. IAAC recommends that the proponent's plan to develop and implement fire prevention and preparedness measures, include safe fuel handling and storage practices, regular maintenance of equipment to reduce ignition risks, and clear emergency response procedures; appropriate firefighting equipment at project sites; and trained staff capable of responding quickly and effectively to limit the spread of fire and minimize effects on wildlife and Indigenous communities.

**Table 7: Summary of IAAC's recommended mitigation measures for implementation by the proponent pertaining to malfunctions and accidents**

| **Recommended mitigation measures that would be potentially included as conditions in the impact assessment decision statement** |
|---|
| Develop, prior to construction, and maintain, during construction, an accidents and malfunctions response plan including:<br>• a description of potential accidents and malfunctions that may cause adverse federal effects, including both worst-case and more likely alternate scenarios;<br>• measures for each scenario aligned with Environment and Climate Change Canada's *National Wildlife Emergency Response Framework*; and<br>• clearly defined roles and responsibilities for the proponent, relevant authorities and other parties involved in response efforts.<br>In the event of an accident or malfunction during construction:<br>• notify relevant emergency response authorities;<br>• inform Indigenous communities as soon as feasible, and IAAC within 48 hours, while providing:<br>  ○ the date, time, and location of the accident or malfunction;<br>  ○ a summary of the accident or malfunction;<br>  ○ the substance and quantities released;<br>  ○ the relevant authorities notified and involved in the response;<br>• submit a report to IAAC within 60 days, describing:<br>  ○ the incident and its adverse federal effects;<br>  ○ measures taken to mitigate the adverse federal effects;<br>  ○ feedback from Indigenous communities and relevant authorities;<br>  ○ residual effects and any additional mitigation or monitoring measures; and<br>• steps taken to prevent recurrence. |
| **Recommended mitigation measures that would be potentially ensured by the Government of Ontario** |
| Implement the following mitigation measures to prevent structural failure of project components:<br>• undertake routine inspections of project component/highway infrastructure, including bridges, culverts, road embankments, and upstream/downstream riverbanks, and complete repairs where required;<br>• design project infrastructure to meet applicable codes and standards that address seismic activity, wildfires, and extreme weather events; and<br>• design highway drainage infrastructure such as bridges and culverts based on historical climate data with temperature incorporation and projected future changes in extreme rainfall over the lifespan/design service life of the structures. |
| Develop and implement a Spill Prevention and Emergency Response Management Plan for malfunction and accident scenarios that includes, at minimum: |

| |
|---|
| • coordinated procedures for evacuation, communication, and emergency response for accident and malfunction scenarios. |
| Refer to Table 4 of Section 2.1 for erosion protection and sediment control. |

# 4 Impacts on Indigenous Peoples and their rights

Indigenous Peoples have a deep connection to their lands, territories, and resources, and an important constitutional relationship with the Crown (i.e. the federal and provincial governments acting on behalf of the Crown), making their participation essential to decision-making on the impacts of major projects. Impact assessments must evaluate the potential impact of a project on Indigenous Peoples and their rights. The government must assess the extent to which consultation and engagement with Indigenous communities has been carried out meaningfully, in keeping with Canada's commitment to implement the *United Nations Declaration on the Rights of Indigenous Peoples*. Recognizing the interconnected nature of these considerations, and in the spirit of respectful and meaningful consultation and engagement, IAAC presents this information in a dedicated, integrated section.

## 4.1 Consultation and engagement

IAAC is responsible for leading Crown consultation and engagement with Indigenous Peoples for the Government of Canada throughout the impact assessment. Both IAAC and the proponent maintain bilateral relationships with Indigenous communities throughout the impact assessment, with IAAC ensuring that consultation and engagement are tracked, and responsive to the issues and interests raised. For the purposes of this project, IAAC coordinated with the Province of Ontario to align consultation and engagement periods.

### 4.1.1 IAAC-led consultation and engagement

The federal Crown's consultation objectives are to meet the duty to consult, uphold the Honour of the Crown, and support long-term relationships grounded in shared reconciliation goals. The scope of this duty depends on the specific context and facts before decision makers, and its implementation is guided by government policy, best practices, and evolving jurisprudence. In fulfilling this duty, the Crown seeks:

- to demonstrate meaningful efforts to understand Indigenous concerns and potential impacts;

- to provide opportunities, proportionate to the level of potential impacts on rights, for Indigenous communities to learn about the project, assess its implications, and communicate their views;
- to accurately understand and respond to issues raised, including through mitigation and accommodation, where appropriate; and
- to maintain a flexible, accessible, reasonable, and fair process grounded in good faith, respect, and recognition of the uniqueness of each Indigenous community.

IAAC consulted and engaged with potentially impacted Indigenous communities as part of a whole-of-government approach, involving federal authorities where appropriate. IAAC sought to reach a consensus with Indigenous communities on the approach to the assessment of the effects and impacts on Indigenous rights.

Indigenous communities that were invited to participate in consultation include those with the potential for adverse impacts on potential or established Aboriginal or treaty rights (section 35 rights). Overall, IAAC identified twelve Indigenous communities whose section 35 rights may be impacted by the project, including:

- Aroland First Nation
- Attawapiskat First Nation
- Eabametoong First Nation
- Fort Albany First Nation
- Kasabonika Lake First Nation
- Kashechewan First Nation
- Kitchenuhmaykoosib Inninuwug First Nation
- Marten Falls First Nation
- Neskantaga First Nation
- Nibinamik First Nation
- Webequie First Nation
- Weenusk First Nation

Kitchenuhmaykoosib Inninuwug First Nation and Neskantaga First Nation are not currently participating in consultation with IAAC on the project; however, IAAC continues to notify both communities of all major milestones and opportunities to participate in the impact assessment process.

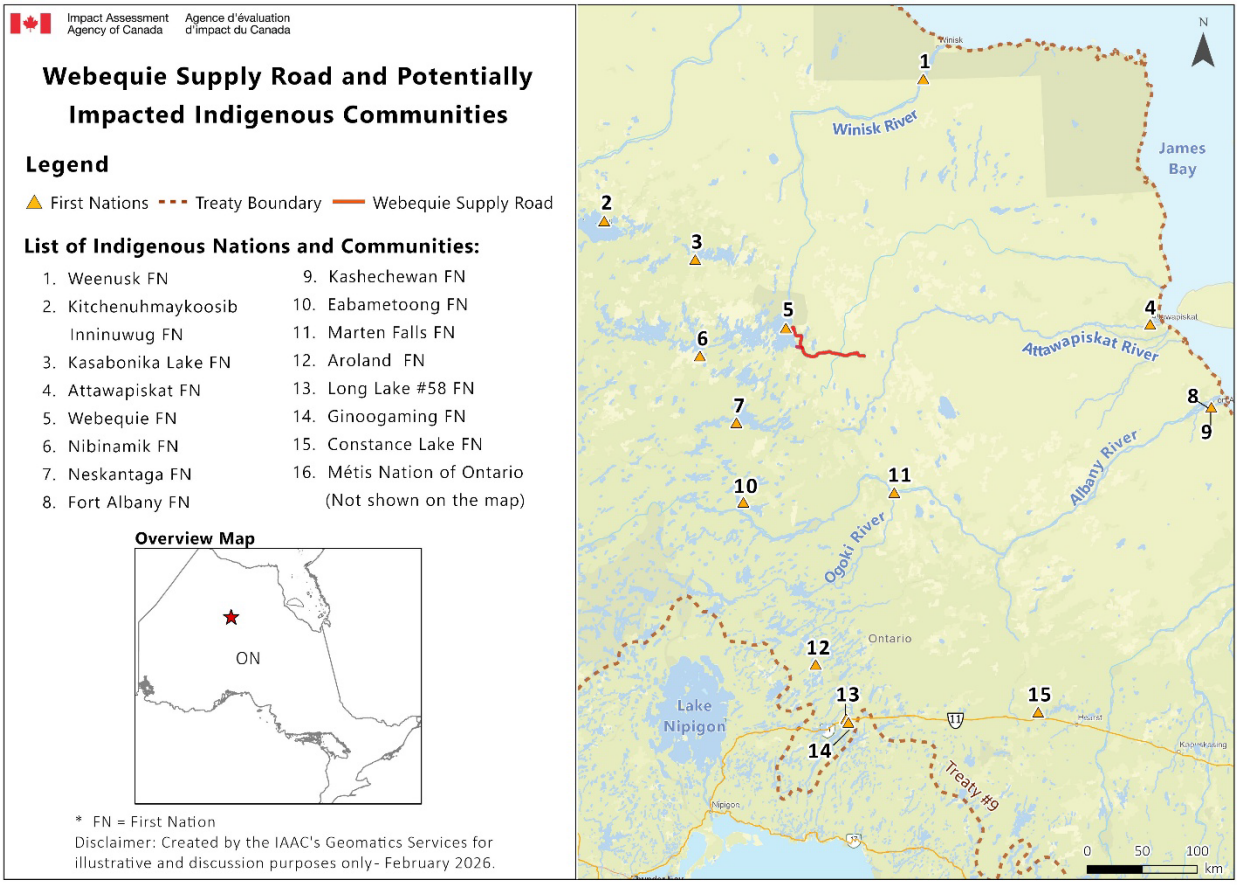
In addition, IAAC engaged with the following four Indigenous communities based on their interest in the project. Input received from these Indigenous communities has been considered and incorporated into the assessment set out in Sections 2.1, 2.2, 4.2.1, 4.3.2, and 4.3.3 of this draft IA Report:

- Constance Lake First Nation

- Ginoogaming First Nation
- Long Lake #58 First Nation
- Métis Nation of Ontario (Region 2)

Figure 5 shows the approximate locations of the abovementioned sixteen Indigenous communities in relation to the proposed Webequie Supply Road.

**Figure 5: Approximate location of potentially impacted Indigenous communities**




**Source: IAAC**

Throughout the IA process, IAAC kept Indigenous communities informed of process steps and timelines and maintained ongoing dialogue with the above listed Indigenous communities. IAAC supported Indigenous participation by sharing information, providing training, offering plain-language updates, and implementing the IEPP (the list of Indigenous groups identified by IAAC for consultation was updated to include Métis Nation of Ontario (Region 2) based on their interest in the project). IAAC also sought to understand how communities wished to work with IAAC and adapted consultation approaches to reflect the preferences of individual Indigenous communities.

IAAC instructed the proponent to provide clear project information, work with Indigenous communities to gather and incorporate Indigenous Knowledge and offer participation in

technical discussions. Indigenous communities identified potential impacts on their rights and on environmental, health, social and economic conditions, provided Indigenous Knowledge, and offered input to inform the Impact Statement. IAAC also created opportunities for Indigenous communities to learn about the project, raise concerns about potential effects within federal jurisdiction and potential impacts on the exercise of section 35 rights, and discuss possible mitigation and accommodation measures, where appropriate. Comments and perspectives of Indigenous communities, including Indigenous Knowledge where provided, informed the identification of valued components, the assessment of potential effects and pathways of effects, and conclusions about the significance of these effects. Comments, perspectives, and Indigenous Knowledge provided by Indigenous communities also informed the Crown's understanding of potential adverse impacts on the exercise of section 35 rights and the effectiveness of proposed measures to avoid or minimize impacts on community rights and interests.

IAAC integrated the Crown's consultation and engagement activities throughout the IA process and invited all sixteen Indigenous communities to review and provide written comments during formal comment periods on the Summary of the Initial Project Description (September 11, 2019 - October 1, 2019), draft Tailored Impact Statement Guidelines and the IEPP (December 19, 2019 - January 28, 2020). As part of the consultation initiatives that were ongoing outside of the formal comment periods, starting July 15, 2019, IAAC provided opportunities to meet with communities virtually and in-person, provided material to support community led information sessions, and developed summaries of the IAAC's understanding of potential impacts from the project.

IAAC provided advance notice to Indigenous communities about the process steps following the proponent's submission of the Impact Statement and offered to set up meetings to provide an overview of IAAC's preliminary analysis of adverse federal effects that would result from the project. IAAC also provided all sixteen Indigenous communities with updated individualized summaries for review and validation, outlining what IAAC had heard regarding potential impacts of the project on each community throughout the entirety of the IA process. Input to these summaries was used to inform the impacts on rights assessments and this report.

Throughout the IA process, IAAC also held meetings with all sixteen Indigenous communities. Recognizing the remote status of most potentially impacted Indigenous communities and the preferences of many communities for in-person meetings, IAAC strove to meet with Indigenous communities in-community upon request whenever possible. IAAC held 66 meetings with Indigenous communities throughout the IA process, 18 of which took place in-person.

IAAC supports Indigenous participation and consultation activities through its Participant Funding Program. In total, Indigenous recipients were allocated $1,268,000 in grant and contribution funding to participating Indigenous communities through this program.

### 4.1.2 Proponent-led engagement

The proponent engaged with Indigenous communities to support IAAC's assessment of effects and impacts on rights. The proponent's engagement does not replace or substitute Crown consultation but does provide important information to support the Crown's informed understanding of potential impacts and appropriate responses.

Beginning in January 2019 the proponent engaged all sixteenIndigenous communities identified by IAAC to discuss their practice of section 35 rights, use of lands and resources, and the potential effects of the project.

Due to the COVID-19 pandemic, Indigenous communities had limited capacity to participate meaningfully in the impact assessment process, resulting in the proponent requesting a time limit extension for the assessment. IAAC granted the proponent an additional three years and ten and a half months to the existing three-year time limit for submitting the required information and studies for the project.

The proponent provided financial support to communities to retain technical experts to review baseline studies, alternatives assessments, and other documents; conduct traditional knowledge, traditional land and resource use studies, and socio-economic studies, as well as independent Indigenous-led assessments; and hire professional and legal advisors and community support, where appropriate.

All potentially impacted Indigenous communities were engaged separately to gather their knowledge and expertise for inclusion in the proponent's Impact Statement. The engagement activities organized by the proponent included communications by email, letters, social media outreach, virtual and in-person meetings and working sessions, and the sharing of information and documents.

The engagement process during the proponent's preparation of the Impact Statement took place in four rounds:

- Round 1 (October 29, 2021, to September 15, 2022) provided an overview of the IA process, study plans, selection of a preferred route, baseline studies and the Indigenous Knowledge / Indigenous Land and Resource Use Program;
- Round 2 (March 9 to November 23, 2023) provided a summary of input and baseline results from Round 1, preferred route and locations for supportive infrastructure including rationale for their selection, and preliminary engineering design elements;
- Round 3 (April 21 to September 13, 2024) provided a summary of input received from Round 2, summary of preliminary effects of the project on valued components, including cumulative effects, and the proposed impact management, mitigation, and follow up monitoring program; and
- Round 4 provided Indigenous communities with specific information on mitigation measures to address potential adverse effects from the project, as well as targeted opportunities to receive information and provide feedback on the cumulative effects assessment for the project.

### 4.1.3 Indigenous Knowledge provided with respect to the project

IAAC collaborated with Indigenous Knowledge holders to ensure their Knowledge was respected and meaningfully incorporated into the impact assessment and this report. When Indigenous Knowledge was shared, IAAC considered it when writing this report to help understand how the project might affect Indigenous communities and their rights.

Indigenous Knowledge that was shared informed multiple parts of the assessment, including:

- describing current use of lands and existing environmental conditions;
- identifying culturally significant species, places, and practices;
- identifying and assessing potential pathways of effects;
- evaluating the significance of predicted effects; and
- developing measures to mitigate or monitor adverse effects.

The integration of Indigenous Knowledge into the assessment was guided by Indigenous communities and ethical standards, including the First Nations principles of Ownership, Control, Access, and Possession (OCAP®). IAAC recognizes that Indigenous Knowledge remains the intellectual property of the respective Knowledge Holders and Indigenous communities, who determine how their Knowledge is shared, interpreted, and protected. While IAAC has described how Indigenous Knowledge informed the assessment in this report, as available, IAAC recognizes that Knowledge holders are the only people who can truly define Indigenous Knowledge for Indigenous Peoples.

The proponent engaged with Indigenous communities to complete studies as part of the proponent's Indigenous Knowledge and Land and Resource Use Program or the Socio-Economic Primary Data Collection Program. The following Indigenous communities completed Indigenous Knowledge studies as part of those programs:

- Fort Albany First Nation
- Kashechewan First Nation
- Marten Falls First Nation
- Webequie First Nation
- Weenusk First Nation

Weenusk First Nation and Kashechewan First Nation opted to share their Indigenous Knowledge studies with IAAC. Knowledge in these studied informed IAAC's assessment of effects in federal jurisdiction, including impacts on Indigenous Peoples and their rights.

Pursuant to the Cooperation Plan for the project between IAAC and MECP and consistent with the Ontario-Canada Cooperation Agreement, IAAC and the province of Ontario shared, as appropriate, information received from Indigenous communities, while ensuring that confidential Indigenous Knowledge was protected.

## 4.2 Federal Crown's duty to consult

This section provides IAAC's and Indigenous communities' views of the Crown's consultation and accommodation efforts up until the drafting of the final IA Report. At the time of this draft IA Report, IAAC's current understanding is that the Crown's has meaningfully and adequately fulfilled the duty to consult and, where appropriate, accommodate Indigenous Peoples as recorded in the consultation record. The information below provides a summary of consultation activities to date, of procedural considerations, and of how well the Crown worked to understand and solve the concerns raised by Indigenous communities. This section will be updated in the final IA Report.

### 4.2.1 Adequacy of federal Crown consultation

IAAC's approach to consultation was guided by Indigenous communities, respecting the preferred approaches and means for consultation expressed by Indigenous communities throughout the IA process, as outlined in the IEPP and in Section 4.1.1 of this report. Sections 4.3.1, 4.3.2, 4.3.3, and 4.4 provide detailed descriptions regarding IAAC's understanding and conclusions on residual adverse effects and impacts to rights, considering recommended mitigation measures regarding effects on Indigenous Peoples' current use of lands and resources for traditional purposes; structures, sites or things of historical, archaeological, or architectural significance to Indigenous Peoples and physical and cultural heritage; and health, social and economic conditions; and with respect to adverse impacts on the exercise of rights. Further mitigation measures could be established throughout the remaining assessment period.

To inform federal decision making on the project, Indigenous communities may provide input directly to decision makers, including expressions of consent, non-objection, or non-consent with regarding the conclusions of this IA Report and IAAC's draft recommendations.

Throughout the IA process and leading up to the comment period on the draft IA Report, Indigenous communities provided perspectives on the Crown's consultation process for the project, including regarding its adequacy in responding to issues raised and outstanding concerns. To help validate and accurately reflect the issues of importance identified by communities, IAAC provided written summaries on December 19, 2019, February 24, 2020, October 19, 2022, and December 2 and 3, 2025, to each of the communities of what had been heard.

#### 4.2.1.1 Perspectives of Indigenous communities regarding the Crown's consultation process

IAAC was made aware that Weenusk First Nation, Webequie First Nation, Eabametoong First Nation, Long Lake First Nation, Aroland First Nation, Neskantaga First Nation, Fort Albany First Nation, Attawapiskat First Nation, Kasabonika Lake First Nation, Marten Falls First Nation, Nibinamik First Nation, Kitchenuhmaykoosib Inninuwug First Nation, Constance Lake First Nation, and Ginoogaming First Nation had raised concerns regarding the regulatory process in general and/or the Crown's consultation conduct, including:

- Concerns regarding expedited, strict, compressed, or overwhelming timelines described as unworkable and limiting meaningful participation and community-led engagement.
- Concerns regarding lack of capacity, limited staff and expertise, insufficient or inadequate participant funding, and high costs associated with meaningful participation
- Concerns regarding project splitting, separate and overlapping assessment processes, and a significant consultation burden, including large volumes of documentation.
- Concerns regarding a one-sided Crown regulatory process and unilateral decision-making, including that the process does not reflect a Treaty relationship or government-to-government consultation, and concerns regarding the Crown's ability to meet its duty to consult, the Honour of the Crown, and free, prior and informed consent (FPIC).

IAAC acknowledges the views of Indigenous communities regarding timelines associated with the IA process for this project. IAAC started consulting and engaging communities in August 2019, early in the process and throughout the IA process to support informed participation. This included structured and ongoing opportunities for participation and continuous availability for additional discussions as needed. Indigenous communities were provided opportunities to identify issues of concern, potential impacts on their section 35 rights and interests, and any concerns they considered outstanding or unaddressed.

IAAC recognizes that communities are participating in overlapping consultation processes and may face capacity constraints. In response, IAAC sought to minimize consultation fatigue and burden by ensuring that meetings provided a space to discuss the project as well as the concurrently occurring impact assessment processes for the proposed Marten Falls Community Access Road and Northern Road Link projects. Materials on potential project effects within federal jurisdiction incorporated information about all three projects to the extent possible. IAAC met with communities in their preferred locations and formats, including travelling to communities to reduce time and cost burdens.

A total of approximately $1.27 million dollars in participant funding was made available to potentially impacted Indigenous communities for participation in the IA process for this project, and, since 2019, a total of approximately $8.6 million dollars in Indigenous Capacity Support Funding was made available to Aroland First Nation, Attawapiskat First Nation, Constance Lake First Nation, Eabametoong First Nation, Fort Albany First Nation, Ginoogaming First Nation, Long Lake First Nation #58, Marten Falls First Nation, Métis Nation of Ontario, Neskantaga First Nation, Nibinamik First Nation, and Webequie First Nation to support meaningful engagement and leadership of Indigenous Peoples in consultations on assessments, including building organizational capacity, and documenting Indigenous knowledge and land use.

With regards to the Crown's consultation obligations, IAAC works to advance the Government of Canada's commitment to the United Nations Declaration on the Rights of Indigenous Peoples by meaningfully involving and partnering with Indigenous Peoples during all phases of federal assessments through methods such as providing participant funding, keeping communities informed of process steps and timelines, seeking opportunities for dialogue on potential impacts and how they could be addressed, including in person meetings, and providing summaries of what IAAC heard during consultations regarding potential impacts on Indigenous communities and their rights. IAAC is committed to implementing the objectives of the UN Declaration through the IAA, which was written with the implementation of the Declaration and supporting policies and procedures in mind. The UN Declaration references FPIC in relation to a range of specific and general circumstances, particularly in article 32(2) relating to the approval of any project affecting Indigenous Peoples' lands, or territories, or other resources. Principle 6 of the Government of Canada's Principles respecting the Government of Canada's relationship with Indigenous Peoples (Principles) recognizes that meaningful engagement with Indigenous Peoples seeks to secure their FPIC when Canada proposes to take actions that impact them and their rights. This principle reflects the commitment to new relationships that build on and go beyond the legal duty to consult. IAAC understands the FPIC standard in the UN Declaration as requiring a robust process of consultation.

IAAC consulted with Indigenous communities in a manner consistent with meeting the Crown's obligations under section 35 of the *Constitution Act, 1982*, and sought to understand and be responsive to potential project-related impacts on Indigenous rights and interests. IAAC began its consultations early and continuously shared information with communities to support their informed participation in the process. IAAC provided notice that FPIC was a goal of consultation and has provided each community with an opportunity to explicitly state their FPIC or lack thereof regarding the project and the IA process. IAAC recognizes that Indigenous communities may have different views regarding what FPIC means for the project's assessment and/or what IAAC's approach to consultation should have been. IAAC appreciates the feedback provided and sees opportunity to collaboratively further develop approaches to FPIC.

## 4.3 Effects on Indigenous Peoples

The project is likely to cause adverse effects to Indigenous Peoples, as set out in the definition of adverse effects within federal jurisdiction in section 2 of the IAA, as well as positive effects. Sections 4.2.1 through 4.2.4 assess these effects, which were informed by concerns and aspirations shared by the Indigenous communities identified in Section 4.1.1 of this report.

### 4.3.1 Effects on current use of lands and resources for traditional purposes

The project is likely to cause residual and cumulative adverse effects on the current use of lands and resources for traditional purposes by Indigenous Peoples through alterations to the practice of traditional activities including fishing, hunting, trapping, and plant harvesting due to changes in resource availability, safe access and quality of experience. With the implementation of the recommended mitigation measures identified in Table 8, IAAC is of the view that residual adverse effects on current use of lands and resources for traditional purposes by Indigenous Peoples are likely to be significant to a low extent and cumulative effects of the project, in combination with other physical activities, also are likely to be significant to a low extent for traditional activities except for hunting of caribou and other ungulates, for which the effect would be significant to a moderate extent.

IAAC's assessment of effects on current use of lands and resources for traditional purposes by Indigenous Peoples focused on alterations to the practice of traditional activities (fishing, hunting, trapping, and plant harvesting) due to changes in resource availability, safe access and quality of experience. IAAC considered information from the proponent's Impact Statement and concerns raised by Indigenous communities identified in the IEPP about the potential effects of the project on their traditional practices.

The eastern portion of the road would pass through broad peatland areas where wetland-associated wildlife species and plant communities are common. The extensive wetlands provide diverse habitats for waterfowl, shorebirds, beaver, muskrat, amphibians, and wetland songbirds such as rusty blackbird, and they also support caribou movement and calving areas within the larger peatland complexes that form part of the boreal caribou range, and eastern migratory caribou winter range.

The western portion of the road would follow higher, better-drained terrain with upland-associated wildlife species and forest communities, including continuous coniferous, deciduous, and mixed forests. In the west, sections of the road would be constructed on dry, stable landforms such as eskers to improve constructability. Upland habitats with mature coniferous and mixed stands provide important cover, forage, and travel

corridors for a range of wildlife, including large mammals such as moose and caribou and certain furbearers like the American marten.

Climate change is expected to bring warmer temperatures and more frequent extreme weather events over time, which may affect the timing, distribution, and health of plants and wildlife important to the traditional activities of Indigenous Peoples.

IAAC considered effects within the project footprint and within LSAs and RSAs defined for each traditional activity as described in the fishing, hunting and trapping, and plant harvesting subsections below.

#### 4.3.1.1 Assessment of effects

##### Fishing

Kasabonika Lake First Nation, Long Lake #58 First Nation, Webequie First Nation and Weenusk First Nation, expressed concern regarding the impact of project activities during the construction and operation phase causing a loss or alteration to fish habitat. IAAC is of the view that the project could result in changes to traditional fishing in waterbodies identified by the proponent and Indigenous communities (i.e., Winisk Lake, Winiskisis Channel, Muketei River and Ekwan River) through construction and operation activities. Project activities that would cause changes to traditional fishing include clearing of aquatic and riparian vegetation to prepare the terrain for project components (e.g., road right-of-way, access roads and construction staging areas); installation of temporary flow isolation structures; blasting near waterbodies for in-water work; construction and maintenance of water crossing structures; and noise from traffic as well as from equipment and machinery operation. These project activities could cause localized reductions or concerns about reductions in fish availability; temporarily reduce access to fishing locations due to restricted navigability during in-water work activities; and reduce the quality of the fishing experience through sensory disturbances and the presence of non-Indigenous persons. Aroland First Nation, Attawapiskat First Nation, Constance Lake First Nation, Eabametoong First Nation, Fort Albany First Nation, Kasabonika Lake First Nation, Long Lake #58 First Nation, Marten Falls First Nation, Nibinamik First Nation, Webequie First Nation, and Weenusk First Nation, have identified fishing as an important traditional activity and have notably expressed concerns regarding potential changes to fish availability and access to harvesting areas.

IAAC considered effects to traditional fishing within the project footprint as well as within the fish and fish habitat LSA and RSA described in Section 2.1.

###### Change in fish availability

As described in Section 2.1, construction and maintenance activities could have residual effects on fish and fish habitat leading to localized reductions in fish availability within the project footprint. IAAC is of the view that the recommended mitigation measures and follow-up program included in Table 4 of Section 2.1 would maintain the

fish available to support fishing in the LSA and RSA. Further, IAAC understands that fishing licences issued by the Ontario Ministry of Natural Resources under Ontario's *Fish and Wildlife Conservation Act* regulates licensed fishing in Ontario for non-rights-based harvest, once conservation goals regarding fish and fish habitat are met.

#### Change in access to fishing locations and fishing experience

Nibinamik First Nation raised concerns regarding the potential loss or restriction of access to preferred sites for fishing; IAAC understands that in-water work to construct and maintain the water crossings would temporarily constrain navigation resulting in continued but reduced safe access to fishing locations until completion of the work. To mitigate effects on navigation, the proponent committed to establish a restricted work zones accessible for project workers only and protect the safety of waterway users during in-water work; notify Indigenous communities when in-water works would occur; post notices and signage in advance of starting work; and provide safe detours and direction to waterway users.

Sensory disturbances caused by project activities would change the visual landscape, reduce air quality (through emissions of air contaminants such as dust, particulate matter, sulphur dioxide, nitrogen dioxide, acrolein, benzene, benzo(a)pyrene, hexavalent chromium, iron, and nickel) and elevate noise levels, disrupting the fishing experience and the sense of connection to the surroundings. To mitigate visual disturbances, the proponent committed to retain vegetation and landforms to block the view of the project from Indigenous users. To mitigate effects from elevated noise and reduced air quality, the proponent committed to implement speed limits on project vehicles; require routine equipment maintenance; limit vehicle and equipment idling; use dust suppression systems at aggregate sites; adhere to the construction specifications for dust suppressants under the Ontario Ministry of Transportations Ontario Provincial Standard Specification 506; use noise-reducing equipment components; and apply best practices for blasting and other noise sources to meet Ontario's NPC-119 (for blasting) and NPC-300 (for stationary and transportation sources of noise emissions) guidelines. Further, IAAC recommends that the proponent halt or limit construction and maintenance activities during dry and high-wind conditions to reduce fugitive dust generation, schedule disruptive activities based on input from nearby Indigenous communities, monitor air quality and noise levels, and notify communities of when and where reduced air quality and elevated noise levels are expected to avoid or minimize exposure.

The presence of non-Indigenous persons potentially fishing in traditional locations used by Indigenous communities would also alter the fishing experience for Indigenous communities through a change in ambiance and a perceived reduction in harvest success. To mitigate effects from the presence of non-Indigenous persons, the proponent would prohibit fishing by on-site visitors and project workers; deter stopping on the roadway through the design of the road corridor; and install restrictive fencing and/or barricades near water crossings, including on bridge structures to deter fishing during construction and maintenance periods.

The project could result in vehicular accidents at locations that intersect with routes to fishing sites, as well as accidental spills of hazardous materials into the surrounding environment. These accidents are emergency situations that could reduce safe access to harvesting sites and degrade the quality of harvesting experience in their vicinity. The mitigation measures for malfunctions and accidents described in Table 4 of Section 2.1 would also support the management of potential adverse effects on wildlife that support traditional harvesting activities, through control or containment of spill-related effects on aquatic and riparian environments where species of importance to Indigenous communities could be present. These measures would also address concerns from Indigenous communities about adverse effects to the quality of fish and quality of the traditional fishing experience (e.g., fish availability, access to fishing locations, and fishing experience) through fear of project-related water contamination.

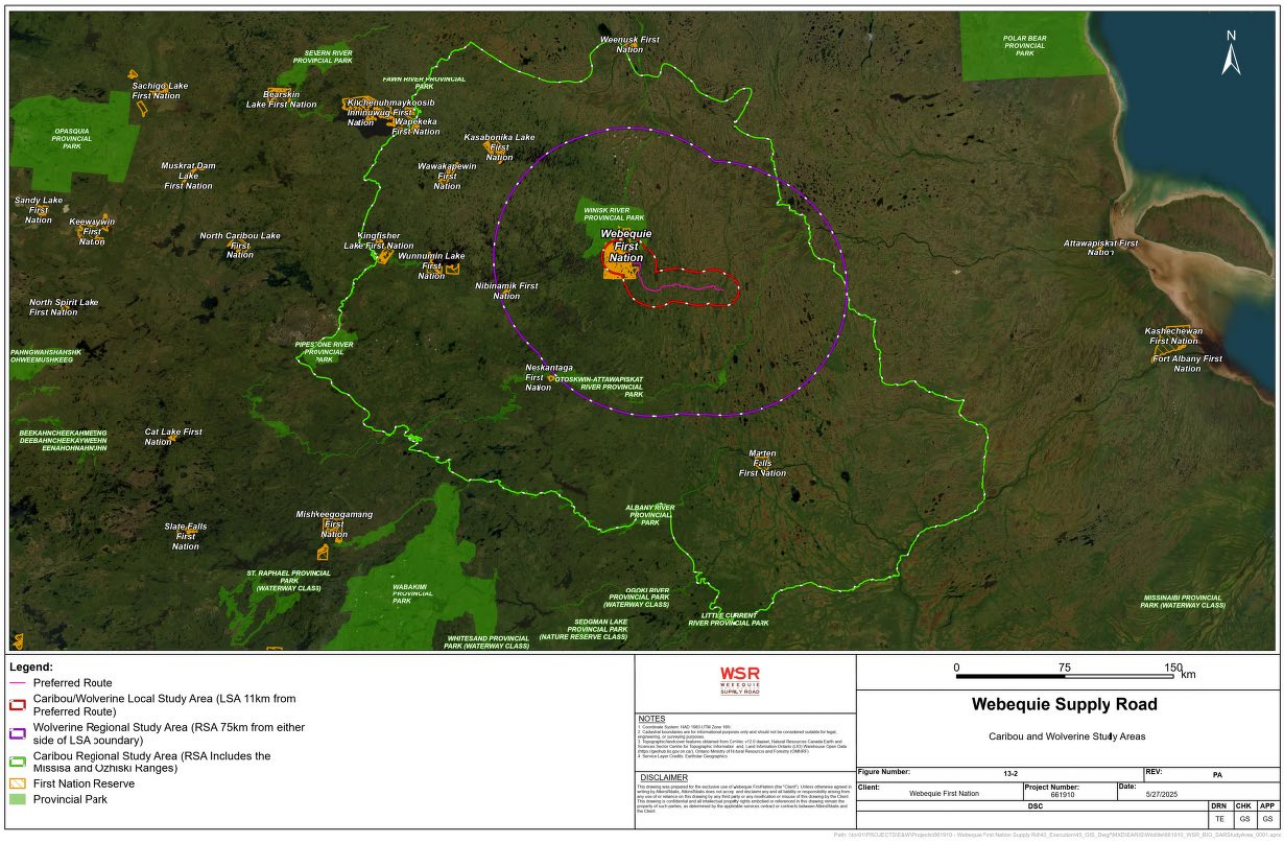
For fishing, IAAC is of the view that, with the implementation of these mitigation measures, the project would cause limited residual effects through localized reductions or perceived reductions in fish availability, temporary localized reductions in access to fishing locations, as well as altered sensory experience and ambiance when fishing. Fish would remain abundant in the LSA and RSA, and Indigenous communities would continue to have access to sites used for fishing.

### Hunting and Trapping

The project would result in changes to traditional hunting and trapping by reducing, or being perceived to reduce, the availability of caribou, wolverine, and other wildlife as a result of habitat loss within the project footprint and sensory disturbance such as increased noise, which could displace wildlife. Construction and operational activities (sight clearing, grubbing, aggregate quarrying) would limit access to preferred areas for traditional practices and may diminish the overall quality of those experiences. Attawapiskat, Constance Lake, Fort Albany, Eabametoong, Ginoogaming, Kasabonika Lake, Kashechewan, Kitchenuhmaykoosib Inninuwug, Long Lake #58, Marten Falls, Neskantaga, Nibinamik, Webequie, and Weenusk First Nations have expressed concerns about potential impacts on hunting and trapping. The concerns include reduced opportunities due to wildlife displacement, effects on wildlife populations and health from sensory disturbance, and a potential increase in recreational hunting pressure.

IAAC considered effects on boreal and eastern migratory caribou, other ungulate species and wolverine in the project footprint; the caribou LSA, defined as the area that extends 11 kilometres from the centreline on both sides of the proposed route plus a 500-metre buffer around each of the other project components where project effects may extend; and the caribou RSA, defined as the Missisa and Ozhiski caribou ranges (Figure 6).

**Figure 6: LSA and RSA for caribou, other ungulates and wolverine**




**Source: Webequie Supply Road Project Environmental Assessment Report/Impact Statement, Section 1 Figure 13-2**

IAAC considered effects on game birds and furbearers (except wolverine for which the above caribou LSA and RSA were considered) in the project footprint; the other wildlife LSA, defined as the area that extends one kilometre from the centreline on both sides of the proposed route plus a 500-metre buffer around each of the other project components where project effects may extend; and the other wildlife RSA, defined as the area that includes the other wildlife LSA and extends five kilometres beyond it where cumulative effects may occur (Figure 3 in Section 2.2).

### Change in availability of caribou and other wildlife

Constance Lake and Webequie First Nation raised concerns regarding loss or fragmentation of habitat that is important to traditional hunting practices during the construction phase. Aroland First Nation is concerned about their ability to continue trapping beaver near Webequie First Nations reserve land. Attawapiskat First Nation and Kasabonika First Nation raised concerns about the impact the project would have on the distribution of wildlife in the area and Nibinamik First Nation raised concerns about the availability of wildlife due to impacts from displacement, caused by the project activities.

With respect to caribou, the project would result in the loss, fragmentation and degradation of boreal and eastern migratory caribou habitat within the LSA, including high-use habitat that could be used for calving/nursery areas, winter-use areas and as travel corridors (see Figure 6). The project would also alter, disrupt and restrict caribou movement as caribou are known to avoid areas of high anthropogenic activity and sensory disturbance (noise, vibration), which in turn would reduce traditional caribou harvesting areas. As a linear structure, the road corridor would also increase predation of caribou, notably by wolf. Together, these effects in the project footprint and LSA would displace caribou further into the RSA, and based on information from ECCC and MECP, these effects would also reduce connectivity between important habitats and may alter movement and migration patterns within and between ranges and seasonal habitats. ECCC and MECP expressed that these changes may decrease availability of caribou within the LSA, and change movement patterns across the RSA (Missisa and Ozhiski caribou ranges).

The proponent indicated that the selected route corridor, compared to alternatives routes, reduced its overlap with high-use caribou habitat such as calving/nursery areas and travel corridors. To further mitigate effects from habitat loss, the proponent committed to minimize overlap between project components and high-use caribou habitat where feasible; reduce vegetation clearing and undertake re-vegetation where feasible; and establish buffer zones around identified or confirmed key ecological features of high-use to caribou (e.g., known nursery areas). To mitigate effects from sensory disturbances, the proponent committed to avoid high-disturbance activities during sensitive periods; implement noise, air emission, and equipment controls; and posting speed limits to reduce traffic-related disturbances during construction and maintenance activities.

IAAC also notes that the proponent would be subject to federal requirements, which would include permitting under SARA for adverse effects to caribou that may occur within the Webequie First Nation reserve, and expectations of Ontario's *Species Conservation Act, 2025* would apply on provincial land. ECCC and MECP both indicated that the proponent should consider offsetting measures for caribou. MECP further noted the potential to restore habitats within the Missisa and/or Ozhiski ranges would be considered as part of the provincial environmental assessment and decision-making process. Based on information provided by ECCC and MECP, IAAC is of the view that changes in the distribution and movement patterns of caribou would result from the project.

With respect to other wildlife, the project would result in the direct loss of habitat for game birds, furbearers (including wolverine a species of concern under SARA), moose, and deer within the cleared right-of-way and in associated construction areas. This includes some forested upland habitat used by moose and American marten, wetland and riparian habitats used by beaver, muskrat, and other semi-aquatic furbearers, and mixed upland–wetland habitats used by game birds. In addition, habitat may become less suitable due to sensory disturbance (e.g., noise, vehicle activity, and lighting) during both the construction and operation phases, which may cause certain species to

avoid areas immediately adjacent to the project footprint. However, the proponent's modelling shows that, despite local losses, suitable habitat for these species remains abundant across the other wildlife RSA.

To mitigate effects on game birds, furbearers, moose, deer and other harvested wildlife the proponent committed to avoid sensitive and high-use sites where feasible; limit vegetation clearing outside sensitive breeding periods; apply buffer zones around wetlands, riparian habitats, and known wildlife features where feasible; re-vegetation of cleared areas where appropriate; and implement speed limits, signage, and worker wildlife awareness training in areas where wildlife would be frequently observed.

The proponent also committed to implement monitoring programs, including remote camera along the right-of-way and at reference sites to monitor disruptions to wildlife from the start of the construction phase through the operation phase of the project; and monitoring of species at risk. IAAC recommends that the proponent provides opportunities for Indigenous participation in its wildlife monitoring programs and share the results with Indigenous communities to inform how their hunting practices may need to be adjusted.

#### Change in access to hunting and trapping sites and quality of experience

The project would result in reduced access to traditional hunting and trapping sites due to changes to terrain and the installation of barriers (e.g. fences and gates). Five trapline tenures are partially overlapping with the project footprint. To mitigate effects from reduced access, the proponent committed to keeping access routes to traditional harvesting areas open and unobstructed by creating temporary access roads or detours where possible to facilitate continued harvesting. The proponent also committed to scheduling of construction activities to avoid peak harvesting periods.

The presence of non-resident project workers that may practice hunting and trapping would affect the quality of experience for Indigenous persons. To mitigate these effects, the proponent committed to implement a firearms ban, prevent the use of recreational all-terrain vehicles within the other wildlife LSA, and prohibit hunting and harvesting of wildlife by on-site visitors and workers during the construction phase and maintenance work. IAAC also notes that the mitigation measures for sensory disturbances described above would also mitigate the changes in the quality of hunting and trapping experience due to project-related sensory disturbances.

Vehicular collisions with caribou and other ungulate species that use the project footprint could result in their harm or death, while vehicular accidents at locations that intersect with hunting and trapping routes could reduce safe access to harvesting sites and degrade the quality of harvesting experience in the vicinity of the accident site. Vehicular collisions would be largely prevented through project design and operation (e.g., guardrails, line of sight visibility, posted speed limits, regular maintenance of project equipment and vehicles), and employee safety training (including defensive driving, wildlife passage safety procedures).

IAAC also understands that Ontario's wildlife management framework, administered by the Ontario Ministry of Natural Resources, manages fish and wildlife harvest at a landscape level (e.g., fisheries management zones and wildlife management units). Also, there may be quotas issued for some species.

For hunting and trapping, IAAC is of the view that, with the implementation of these mitigation measures, the project would cause residual effects through lowered wildlife availability, changes to experience at preferred locations of caribou and other wildlife that would be displaced within the caribou and other wildlife LSAs, as well as through low disruptions to safe access and limited presence of non-Indigenous hunters and trappers. Regional habitat availability for all wildlife would be maintained, with changes in distribution and movement patterns for wildlife that have larger ranges (caribou and wolverine), such that traditional hunting and trapping could continue within the caribou and other wildlife RSAs.

### Plant Harvesting

The project would result in changes to plant harvesting through clearing and grubbing activities to prepare the terrain for project components, drilling, blasting, and installing culverts. These project activities would potentially cause a reduction, or perceived reduction, in harvest success from vegetation degradation or removal and from the concerns about the quality of plants within the project footprint, less safe access to harvesting sites, and reduced quality of experience due to elevated noise levels from traffic and operating equipment. Attawapiskat First Nation, Kashechewan First Nation, Long Lake #58 First Nation, Marten Falls First Nation, Neskantaga First Nation, Nibinamik First Nation, and Webequie First Nation have expressed concerns regarding potential effects to plant harvesting, including reduced quality of plants for harvesting, less safe access to harvesting locations, and reduced opportunities to gather plants.

IAAC considered effects to plant harvesting in the project footprint; the plant harvesting LSA, defined as the area that extends one kilometre from the centreline on both sides of the proposed route plus a 500-metre buffer around each of the other project components; and the plant harvesting RSA, defined as the area that includes the plant harvesting LSA and further extends five kilometres beyond the LSA boundary and within which cumulative effects may occur. The areas that represent the LSA and RSA are depicted in Figure 3 in Section 2.2.

#### Change in plant availability

The project is expected to require vegetation clearing within the 35-metre right-of-way and associated ancillary features, resulting in permanent loss of a portion of upland forest, peatlands, and riparian vegetation communities where plants of Indigenous importance occur. Although some disturbed areas would be allowed to naturally re-vegetate following construction, much of the cleared corridor would remain in an altered state due to ongoing road use and maintenance.

The proponent proposed mitigation measures to reduce adverse effects on vegetation, including limit clearing to the project footprint; minimize disturbance to sensitive ecosystems, such as wetlands and riparian areas; implement vegetation clearing and grubbing practices that support natural revegetation and progressive reclamation of temporary disturbance areas to allow disturbed areas to naturally revegetate over time; and conduct vegetation clearing in winter months where feasible to reduce soil disturbance and protect root systems.

#### Change in safe access and quality of plant harvesting experience

Site preparation (e.g., land clearing, grubbing and grading) would reduce access to plant harvesting sites near the project footprint and cause sensory disturbances that would reduce the quality of plant harvesting experience. IAAC notes that the mitigation measures proposed to address changes in access to hunting and trapping areas, would be appropriate to mitigate effects from changes to safe access to plant harvesting areas.

IAAC also recognizes that Indigenous Peoples may perceive plants located near or within the project footprint as no longer being of harvesting quality which may result in plant harvesting activities moved to locations away from the project footprint and further into the plant harvesting LSA. To mitigate effects from changes in the quality of experience to plant harvesting, the approach to access control mentioned above would apply. The measures described above to address change in quality of fishing experience from sensory disturbance would be appropriate for plant harvesting as well. The proponent also committed to provide opportunities for Indigenous Peoples to harvest plants within the project footprint prior to the commencement of construction activities.

Vehicular accidents at locations that intersect with routes to plant harvesting sites could reduce safe access to harvesting sites and degrade the quality of harvesting experience in the vicinity of the accident site. The mitigation measures described in Table 4 of Section 2.1 and Table 5 of Section 2.2 would support the management of potential adverse effects on plants that support traditional harvesting activities, through control or containment of spill-related effects on aquatic and riparian environments where plant species of importance to Indigenous communities could be present.

For plant harvesting, IAAC is of the view that, with the implementation of these mitigation measures, the project would result in a localized reduction, or perceived reduction, in harvest success through vegetation loss in the project footprint and changes to how Indigenous Peoples could access plant harvesting locations near the project footprint. Harvesting activities would continue as the vegetation communities would remain abundant in the LSA and RSA.

#### 4.3.1.2 Residual effects

Based on the above assessment, IAAC is of the view that the project would likely result in residual adverse effects on the current use of lands and resources for traditional purposes by Indigenous Peoples. The route corridor would intersect with fishing, hunting, trapping and plant harvesting locations, which would cause changes to resource availability or perceived availability, safe access and quality of experience for the Indigenous persons who practice traditional activities near or within the project footprint.

The residual effects, taking into account the mitigation measures described above, would be low in magnitude, and moderate in geographic extent and timing, as wildlife displacement, sensory disturbance and decreased harvest success or quality in proximity to the project footprint would displace traditional activities from the project footprint into the respective LSAs or beyond, notably for hunting, throughout the harvesting seasons. The effects would be high in duration and frequency as well as irreversible. The effects would occasionally interact with the social context of communities, depending on success and enjoyment during instances of traditional practices. The level of uncertainty would be moderate, as the cause-and-effect relationship between the project and traditional activities are not fully understood. Further, input on specific sites of importance for traditional use was not available for all Indigenous communities. Despite this, traditional activities are expected to continue.

IAAC concludes that the residual adverse effects on the current use of lands and resources for traditional purposes by Indigenous Peoples is likely to be significant to a low extent.

#### 4.3.1.3 Cumulative effects

The residual adverse effects of the project on the current use of lands and resources for traditional purposes by Indigenous Peoples, in combination with other past, present, and reasonably foreseeable projects, are likely to have cumulative effects through changes to resource availability, safe access to traditional harvesting sites, quality of experience and pressures from increased access by non-Indigenous persons.

To assess the cumulative effects on resource availability for smaller wildlife availability, IAAC used the spatial boundary defined for fish and fish habitat (Section 2.1). For cumulative effects on resource availability for larger wildlife, including caribou, the spatial boundary focuses on projects that could lead to habitat loss and degradation, as well as changes in movement patterns and predator dynamics. These include other proposed road projects, as well as operating and proposed mineral exploration and mining activities. To assess cumulative effects to access and quality of experience, the same spatial boundary is used as for resource availability for larger wildlife. This approach captures potential effects related to sensory disturbance, increased traffic, and changes to safe access to harvesting sites. The cumulative effects of these projects may interact with the project's residual adverse effects, potentially increasing access to

the area and enabling additional future infrastructure development. Together, these changes could further increase pressures on resources and reduce quality of experience when practicing traditional activities.

IAAC notes that federal and provincial legislative frameworks would apply to manage the effects of the projects on fish and terrestrial wildlife. For example, IAAC notes that the Agreement for the Conservation of Caribou, Boreal Population in Ontario provides a framework for Canada and Ontario to work together, in collaboration with Indigenous and non-Indigenous partners, to sustain or improve the environmental conditions necessary for recovery of the boreal caribou at the range scale, informed by the best available science. IAAC considers that existing applicable frameworks as well at the mitigation measures recommended in Table 8 would be appropriate to address the cumulative effects of the project on current use of lands and resources for traditional purposes.

IAAC is of the view that, taking into account mitigation measures, cumulative effects on fishing, plant harvesting as well as hunting and trapping of small terrestrial wildlife would be limited, while effects on hunting of larger wildlife from the other projects are likely to be additive with the residual effects from the proposed project. Cumulative effects on hunting of caribou and other ungulates would be moderate in magnitude, primarily through changes in movement patterns affecting their availability for hunting, particularly caribou, as ECCC and MECP noted that effects from the projects would further alter movement patterns through the RSA. The timing, frequency and duration for the cumulative adverse effects would be of a high extent as a reduced harvesting success is expected to occur throughout the harvesting periods from the project with a further reduction as more development occurs within the Ring Fire area. The effects would be irreversible. Despite this, the traditional activities could continue within the respective RSAs. The project's contribution to cumulative effects on traditional caribou hunting is expected to be of a similar extent as that of other proposed projects in the region, with ECCC noting that cumulative effects to caribou and caribou habitat may be significant despite mitigation, and MECP, noting that, although cumulative disturbance within the Missisa Range would increase, overall disturbance is expected to remain below the 35% threshold identified in the federal recovery strategy.

IAAC concludes that cumulative effects to the current use of lands and resources for traditional purposes by Indigenous Peoples by the project in combination with other projects is likely to be significant to a low extent for traditional harvesting activities, except for hunting of ungulates, particularly caribou, which is likely to be significant to a moderate extent due to changes in species movement patterns which would result in changes to resource availability at preferred locations, that would result from the project and other foreseeable projects, together, altering movement patterns and range areas.

**Table 8: Summary of IAAC's recommended mitigation measures and follow-up program measures pertaining to effects to the current use of lands and resources for traditional purposes by Indigenous Peoples**

| **Recommended mitigation measures that would be potentially included as a condition in the impact assessment decision statement** |
|---|
| Reduce sensory disturbance, and where feasible minimize terrestrial vegetation clearing and undertake re-vegetation, during project construction and maintenance, specifically:<br>• halt or restrict project activities during periods of dry and high-wind conditions;<br>• schedule project activities expected to reduce air quality and elevate noise levels in consideration of input from Indigenous communities;<br>• notify Indigenous communities when and where reduced air quality and elevated noise levels are expected to occur to avoid or minimize exposure;<br>• limit vegetation clearing and conduct this project activity outside sensitive breeding periods (i.e. winter months) for game birds, furbearers, moose, and other harvested wildlife; and<br>• conduct progressive reclamation of areas temporarily disturbed by the project to progressively return them to a state as close as possible to, or better than, baseline once they are no longer required for the project, including identify plant species of interest in consultation with Indigenous communities for use in establishing self-sustaining vegetation communities. |
| Establish and delineate, under the direction of qualified individuals, setbacks and buffer zones around wetlands, riparian habitats, and known wildlife features and seasonal habitats (e.g., nursing areas) for game birds, furbearers, moose, and other harvested wildlife. |
| Provide opportunities for Webequie First Nation and Indigenous communities to harvest plants prior to the commencement of construction activities on Webequie First Nation reserve and on provincial lands, respectively. |
| Ensure project employees and contractors are trained on wildlife awareness. |
| Refer to measures in Table 4 of Section 2.1 related to collisions and accidental spills and Table 10 in Section 4.3.3 of this report related to vehicle speed limits |
| **Recommended follow-up program measures that would be potentially included as a condition in the impact assessment decision statement** |
| Monitor and report on air contaminants emitted during project construction, as well as during maintenance activities in relation to aggregate quarrying during project operation, including levels of dust, particulate matter 10, particulate matter 2.5, diesel particulate matter, sulphur dioxide, nitrogen dioxide, acrolein, benzene, benzo(a)pyrene, hexavalent chromium, iron, and nickel, as well as noise levels, at locations on Webequie First Nation reserve and implement additional or modified mitigation measures if monitoring shows an increase in air contaminants or noise levels based on relevant indicators and thresholds as well as notify Indigenous communities, and make the monitoring results available to Indigenous communities. |
| Monitor effects to wildlife species of importance to Indigenous communities for traditional purposes, in consultation with Webequie First Nation for monitoring on |

| |
|---|
| Webequie First Nation reserve and with Indigenous communities and relevant authorities for monitoring on provincial lands, including relevant predator-prey dynamics, the monitoring methods, indicators and thresholds to guide adaptive management, including the implementation of any additional or modified mitigation measures and make the monitoring results available to Indigenous communities. |
| **Recommended mitigation measures that would be potentially ensured by the Government of Ontario** |
| Prohibit project employees and contractors while on shift or at construction camps, from:<br>• fishing, hunting, trapping, and plant gathering;<br>• keeping and using firearms; and<br>• using recreational all-terrain vehicles, with the exception of project-related activities. |
| Restrict access to project employees and contractors on provincial lands, in consultation with relevant provincial authorities, to the LSA to mitigate adverse federal effects on the current use of lands and resources for traditional purposes. |
| Minimize interruption to waterway navigation by:<br>• establishing a restricted work zone that would be accessible only by project workers to protect the safety of waterway users from the in-water construction and maintenance work;<br>• notifying Webequie First Nation and Indigenous communities when in-water works would occur on Webequie First Nation reserve and on provincial lands respectively;<br>• posting notices and signage in advance; and<br>• providing safe detours and direction to waterway users. |
| Install restrictive fencing and/or barricades near waterbody crossing sites, including on bridge structures, to deter fishing during the construction phase and periods of maintenance work during the operation phase. |
| Maintain equipment in an operating condition that prevents unnecessary noise, including but not limited to non-defective muffler systems, properly secured components, and the lubrication of moving parts. Restrict idling of equipment to the minimum necessary to perform the specified work. Implement best practices for blasting during construction and maintenance activities. |

### 4.3.2 Effects on Structures, sites or things of historical, archaeological, or architectural significance to Indigenous Peoples, and effects on physical and cultural heritage

The project is likely to cause residual and cumulative adverse effects on structures, sites or things of historical, archaeological, or architectural significance to Indigenous Peoples through physical damage or degradation of sites of importance (i.e., travel routes; harvesting sites; cultural, spiritual, and ceremonial sites; and burial sites), and change to safe access to portions of some sites of importance (i.e., travel routes). Additionally, the project is likely to cause residual and cumulative adverse effects on physical and cultural heritage from changes in the quality of experience of Indigenous Peoples due to sensory disturbances when at, or enroute to, the sites. With the implementation of the mitigation measures identified in Table 9, IAAC is of the view that residual adverse effects on structures, sites or things of historical, archaeological, or architectural significance to Indigenous Peoples, as well as the residual adverse effects on physical and cultural heritage, are likely to be significant to a low extent, while the cumulative effects of the project in combination with other physical activities are also likely to be significant to a low extent.

IAAC's assessment of effects to structures, sites or things of historical, archaeological or architectural significance to Indigenous Peoples focused on damage or degradation to sites of importance and change in safe access to those sites. The assessment of effects to physical and cultural heritage focused on change in experience from sensory disturbances perceived by Indigenous persons when at or near the sites of importance. IAAC considered information from the proponent's Impact Statement and concerns raised by Aroland First Nation, Eabametoong First Nation, Fort Albany First Nation, Ginoogaming First Nation, Kasabonika Lake First Nation, Marten Falls First Nation, Métis Nation of Ontario, Neskantaga First Nation, Webequie First Nation, and Weenusk First Nation about potential damage or loss of access to important sites and archaeological resources.

Sites of importance identified include travel routes; hunting, fishing, trapping and plant harvesting sites; habitation sites, cultural, spiritual and ceremonial sites; burial sites; areas of archaeological potential; and other sites of importance where a 250-metre zone around the site intersects with the project footprint.

IAAC considered effects to structures, sites or things of historical, archaeological, or architectural significance to Indigenous Peoples and effects to physical and cultural heritage from the project that would occur within the project footprint, LSA and RSA. The LSA extends one kilometre from the centerline on both sides of the proposed route plus a 500-metre buffer around each of the other project components while the RSA extends five kilometres from the boundary of the LSA. IAAC's effects assessment focuses on the LSA as effects are expected to be localized.

#### 4.3.2.1 Assessment of effects

### Sites of importance

#### Damage or degradation to sites of importance

Fort Albany First Nation, Kasabonika Lake First Nation, Marten Falls First Nation, Webequie First Nation, Weenusk First Nation, raised concerns about the impact the project may have on sensitive sites that are culturally important. Also, Métis Nation of Ontario expressed an interest in Métis archaeology and an expectation that archaeological findings of importance to Indigenous Peoples are protected. Project activities during the construction and operation phases, such as clearing and grubbing to prepare the terrain for project components (e.g., road right-of-way, access roads and construction staging areas), installing temporary supportive infrastructure such as access roads and water crossings (e.g., culverts and bridges), and developing and operating aggregate sites would cause environmental changes that could damage or degrade harvesting sites and areas of archaeological potential.

Mitigation to address the environmental effects to harvesting sites are described in Section 4.3.1 of this report and would be adequate to mitigate the potential damage or degradation of harvesting sites of importance to Indigenous Peoples.

Regarding areas of archaeological potential, the proponent identified, through the review of Land Use Plans and Indigenous Knowledge Studies from Marten Falls First Nation, Webequie First Nation and Weenusk First Nation, 39 features of cultural importance which indicate archaeological potential within the LSA that would require a Stage 2 Archaeological Assessment under the *Ontario Heritage Act* to identify archaeological resources situated within the study area. The Ontario Ministry of Citizenship and Multiculturalism indicated that if an archaeological site is found during the Stage 2 Assessment, the report would recommend a Stage 3 Archaeological Assessment to determine the extent and status of the site, and to make recommendations for mitigation, which would be carried out through a Stage 4 Archaeological Assessment. Stage 2 Archaeological Assessment (and any further stages of archaeological assessment, if recommended) would be undertaken by a licensed consultant archaeologist as early as possible during detailed design and prior to any ground disturbing activities.

The ministry further indicated that if previously undocumented archaeological resources are discovered during construction, the resources may be a new archaeological site and therefore subject to section 48(1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and contact a licensed archaeologist to carry out an archaeological assessment as required under the *Ontario Heritage Act*.

To mitigate effects to areas of archaeological potential, the proponent committed to creating a Cultural Heritage Resources Management Plan which would provide guidelines for appropriate procedures to be implemented if heritage or archaeological

resources are discovered during construction and maintenance activities. Further, the proponent has committed to train project personnel about any identified archaeological resource locations within the LSA.

Accidental spills during storage, transportation, handling and dispensing of hazardous materials, from vehicle accidents or mechanical malfunctions during the construction and operation phases could degrade sites of importance and archaeological resources at or near the accident site. In addition, accidental collisions with machinery or vehicles could cause damage to archaeological resources within the project footprint and LSA. Mitigation measures proposed by the proponent that would be applicable are described in Sections 2.1 and 2.2. IAAC further recommends that the proponent create and put in place an Indigenous Communities Communication Plan for malfunctions and accidents, prior to the start of construction, and maintain the plan throughout the life of the project. The plan would describe the types of malfunctions and accidents requiring notification of Indigenous communities, and how Indigenous communities would be notified of malfunctions and accidents and the actions taken to respond.

IAAC is of the view that, with the implementation of these mitigation measures, residual adverse effects of the project on sites of importance through partial damage or degradation would be limited, while archaeological resources would be preserved.

#### Safe access to sites of importance

Indigenous Knowledge collected by the proponent identified nine land-based travel routes utilized by Webequie First Nation and one identified by Marten Falls First Nation that would intersect with the project footprint, potentially disturbing safe access. Webequie First Nation raised concerns regarding changes to access of sites of importance and the impact these changes could have on cultural continuity. In addition, Neskantaga First Nation expressed concerns regarding the project's intersections with trails used by the community. To mitigate this effect and provide continued use of these routes, the proponent committed to design the road to meet provincial roadside safety standards to protect people and to seek and incorporate input from Indigenous communities on traffic safety measures to enhance the safety of on-foot route users.

The proponent also identified existing waterway travel routes that would be intersected by the project footprint based on Indigenous Knowledge. Water crossings labelled as WB-1, WC-1A, WC-2, WC-2A, WC-3, WC-6, WC-7, WC-8, WC-10, WC-11, WC-13, WC-21, WC-26, and WC-27 would intersect waterway travel routes used by Webequie First Nation, while water crossings labeled as WB-1, WC-1A, and WC-1B would intersect waterway travel routes used by Weenusk First Nation (see Figure 2 in Section 2.1 for the locations of the water crossings). Mitigation measures in Section 2.1 to manage effects from water crossings would be appropriate for maintaining continued use of the waterway travel routes by the Indigenous communities.Webequie First Nation identified an area (see ARA-4 in Figure 2) near an aggregate resource located at the southeast area of the reserve land, where community members collect spring water and harvest plants. Mitigation measures in Section 4.3.1 and the implementation of a

recommendation from a Webequie First Nation Elder to have spiritual monitors that are trained by community Elders on which sites or areas to avoid and monitor would be appropriate to manage effects from safe access to sites of importance.

Road accidents could involve Indigenous persons accessing sites of importance near the road and appropriate mitigation measures are described in Sections 2.1 and 2.2.

IAAC is of the view that, with the implementation of these mitigation measures, residual adverse effects of the project on safe access to sites of importance would occur where the road intersects with travel routes used to access sites of importance. While Indigenous communities would still be able to access sites of importance using the travel routes, they would be required to cross the road, reducing safe access.

#### Physical and cultural heritage

Sensory disturbance from project activities, including reduced air quality and elevated noise levels at previously undisturbed culturally important sites (burial, ceremonial and sacred sites, as well as harvesting sites) during project construction and maintenance work, and visual changes to the landscape would disrupt or impede cultural practices at these sites, particularly burial, ceremonial and sacred sites and, as such, would adversely affect intangible cultural heritage, including cultural identity and continuity of experience of Indigenous Peoples using the land. Mitigation measures for changes to the quality of fishing experience and visual changes to the landscape in Section 4.2.1 would be appropriate to mitigate effects on physical and cultural heritage.

With respect to physical and cultural heritage, IAAC is of the view that, with the implementation of these mitigation measures, residual adverse effects of the project on cultural activities carried out within and near the project footprint would remain. While Indigenous communities would still be able to experience the land, and cultural identity and practices could be maintained, the project would create a less tranquil experience for Indigenous persons on the land.

### 4.3.2.2 Residual effects

Based on the above assessment, IAAC is of the view that the project may result in residual adverse effects on structures, sites or things of historical, archaeological, or architectural significance to Indigenous Peoples and physical and cultural heritage as the proposed route corridor would intersect with sites of importance and would damage or degrade segments of these sites, reduce safe access to the impacted areas and degrade the experience at locations where the sites of importance would intersect with the road or where sensory disturbance would be noticed.

#### Structures, sites, or things of historical, archaeological, or architectural significance

The residual effects on structures, sites, or things of historical, archaeological, or architectural significance, taking into account the mitigation measures described above, would be low in magnitude as partial damage or degradation of sites of importance would occur but appreciation and use of the sites and any encountered archaeological resources would be maintained. Geographic extent, timing and frequency would be low to moderate, as the physical damage would occur within the project footprint while degradation of the quality of experience at sites within the LSA may occur during site visits. Duration and reversibility would be high as changes to access at points of intersection with the road would be permanent. Uncertainty is low as the cause-and-effect relationships and the recommended mitigation measures are well understood. The effects would have limited interactions with cultural practices, social values and ecological systems since Indigenous Peoples would not lose access to the sites or any encountered archaeological resources.

IAAC concludes that the residual adverse effects of the project on structures, sites or things of historical, archaeological, or architectural significance to Indigenous Peoples are likely to be significant to a low extent.

#### Physical and cultural heritage

With the implementation of the proposed mitigation measures, the residual adverse effects to physical and cultural heritage would be low in magnitude and moderate in geographic extent as partial degradation of sites of importance would change the experience of Indigenous persons visiting those sites within the LSA. In addition, timing and frequency are expected to be moderate as changes to sensory experience are expected to happen for Indigenous Peoples who access partially degraded sites of importance. Duration would be high as the degradation of the sensory experience from the partial degradation of sites would ongoing and irreversible. Effects to sites of importance would have a limited impact on the resilience of Indigenous communities and their ability to experience the sites of importance could continue. The level of uncertainty would be low as the cause-and–effect relationship and mitigation measures are well understood. Though the required mitigation measures would not eliminate the effects on experience due to sensory disturbances, the value of the sites of importance to the Indigenous communities should remain.

IAAC concludes that the residual adverse effects of the project on physical and cultural heritage are likely to be significant to a low extent.

### 4.3.2.3 Cumulative effects

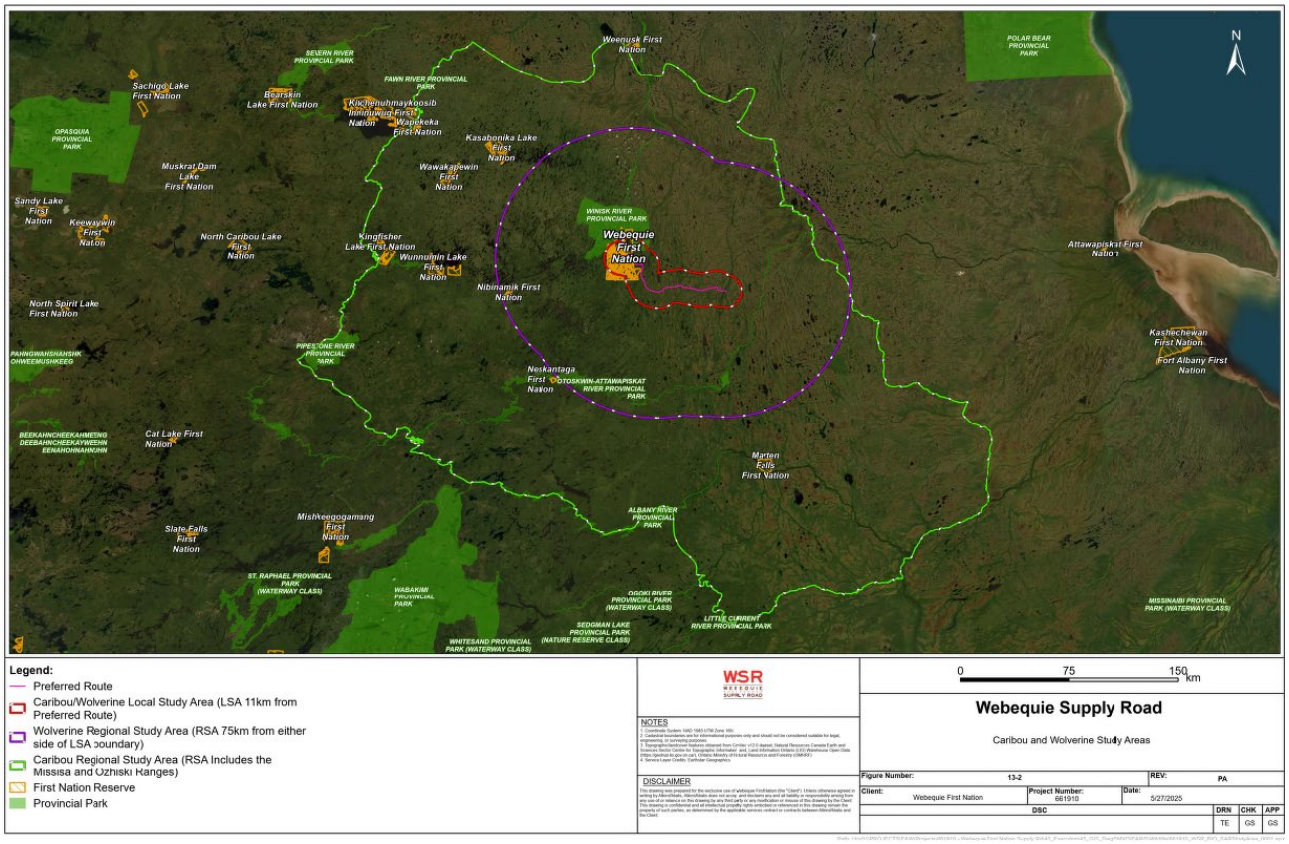
The residual adverse effects of the project on structures, sites, or things of historical, archaeological, or architectural significance, as well as on physical and cultural heritage, in combination with other past, present, and reasonably foreseeable projects, are likely to have cumulative effects. IAAC considered a spatial area similar to the proponent's caribou and wolverine RSA (see Figure 6), which captures where the likely residual effects of the project would interact with the likely effects of the proposed Marten Falls

Community Access Road, Northern Road Link, and Eagle's Nest projects, including through site clearing and grubbing activities conducted during their construction and operation phases. These effects would include the partial damage or degradation of sites of importance and changes to the quality of experience of Indigenous Peoples engaging in traditional practices at sites of importance in the area through sensory disturbances from operating equipment and traffic, but the ability to carry out traditional activities and the heritage value of sites of importance would be maintained.

The same legislative mechanisms that would mitigate effects from the project on structures, sites, or things of historical, archaeological, or architectural significance, as well as on physical and cultural heritage, would apply to these other projects and would limit potential changes to the aquatic environment and terrain that would cause adverse effects to sites of importance to Indigenous Peoples and any encountered archaeological resources, as well as sensory disturbances that would affect the quality of experience, such that temporal and spatial overlaps in effects would also be limited.

Interaction of project effects with the effects from other projects would be limited in terms of timing and locations, such that IAAC does not recommend further mitigation measures or follow-up program related to cumulative effects.

**Figure 7: Approximate study area (the outermost boundary) used for the cumulative effects assessment**



**Source: Webequie Supply Road Project Environmental Assessment Report/Impact Statement, Section 13, Figure 13-2**

### Structures, sites, or things of historical, archaeological, or architectural significance

Taking into consideration the recommended mitigation measures in Table 9 below, the likely cumulative effects on structures, sites, or things of historical, archaeological, or architectural significance would be low in magnitude as partial degradation of sites could occur. The geographic extent, timing and frequency of cumulative effects would be low to moderate as changes to sites of importance would be limited to the disturbed areas near each project, except for interactions during periods of maintenance work. Duration would be high as partial degradation to sites of importance would be continuous and irreversible. Indigenous communities would continue to have access to sites of importance. Uncertainty is low as the cause-and-effect relationships and mitigation measures under applicable legislative mechanisms are well understood. The project's contribution to these cumulative effects on sites of importance would be small relative to the contributions of other foreseeable projects.

IAAC concludes that cumulative effects to structures, sites, or things of historical, archaeological, architectural significance to Indigenous Peoples would be significant to a low extent as the project, along with other projects, would contribute to the partial degradation and reduced safe access of sites of importance to Indigenous communities.

### Physical and cultural heritage

Taking into consideration the recommended mitigation measures in Table 9 below, the likely cumulative effects on physical and cultural heritage would be low in magnitude as the quality of experience would be altered by visual changes resulting from physical degradation of travel routes and other sensory disturbances from operating equipment and any nearby traffic that may disturb persons visiting culturally important sites, while heritage resource value would be maintained. The geographic extent would be moderate as effects from each project are expected to be localized to the respective projects. Timing and frequency would be moderate as sensory changes are expected to occur on occasion when Indigenous persons would access the sites of importance. Duration would be high as changes would be continuous and irreversible. The effect would have limited interactions with the social values of the Indigenous communities and the existing ecological systems as Indigenous communities' ability to visit and experience the sites would be maintained. The level of uncertainty would be low as the cause-and-effect relationships and mitigation measures are well understood. The project's contribution to these cumulative effects on physical and cultural heritage would be small relative to the contributions of other foreseeable projects.

IAAC concludes that cumulative effects on physical and cultural heritage is likely to be significant to a low extent as the project, along with other projects, would change the experience of heritage value at culturally important site to Indigenous communities.

**Table 9: Summary of IAAC's recommended mitigation measures pertaining to structures, sites, and things of importance**

| **Recommended mitigation measures that would be potentially included as conditions in the impact assessment decision statement** |
|---|
| Plan and undertake construction activities to avoid impacts by informing project personnel of the locations of potential archaeological resources. |
| Determine the sites and areas of importance where work shall not be conducted. In doing so:<br>• Provide the opportunity for Indigenous communities to provide information on the sites and areas of importance; and<br>• Within Webequie First Nation reserve, retain the services of spiritual monitors who were trained by Elders from Webequie First Nation to provide information on the locations of sites and areas of importance. |
| Implement the following mitigation measures to protect and manage chance finds for any previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance discovered within the project footprint:<br>• Immediately halt work at the location of a discovery;<br>• Delineate an area around a discovery as a no-work zone;<br>• Notify Indigenous communities and IAAC within 24 hours of a discovery and allow Indigenous communities to monitor archaeological works; and<br>• Develop mandatory training on chance finds, which includes the identification of sensitive locations within the project footprint and the implementation of the above measures, and deliver this training to all employees and contractors associated with the project. |
| Implement an Indigenous Communities Communication Plan that :<br>• Includes the types of malfunctions and accidents requiring notification of Indigenous communities and how they will be notified; and<br>• Provides opportunities for Indigenous communities to assist in the response to malfunctions and accidents. |

### 4.3.3 Effects on the health, social and economic conditions of Indigenous Peoples

The project is likely to cause residual and cumulative adverse effects on the health, social and economic conditions of Indigenous Peoples, mainly through the strain placed on social infrastructure and the ability to pass on Indigenous Knowledge. With the implementation of the mitigation measures identified in Table 10, IAAC is of the view that residual adverse effects on the health, social and economic conditions of Indigenous Peoples would likely be significant to a

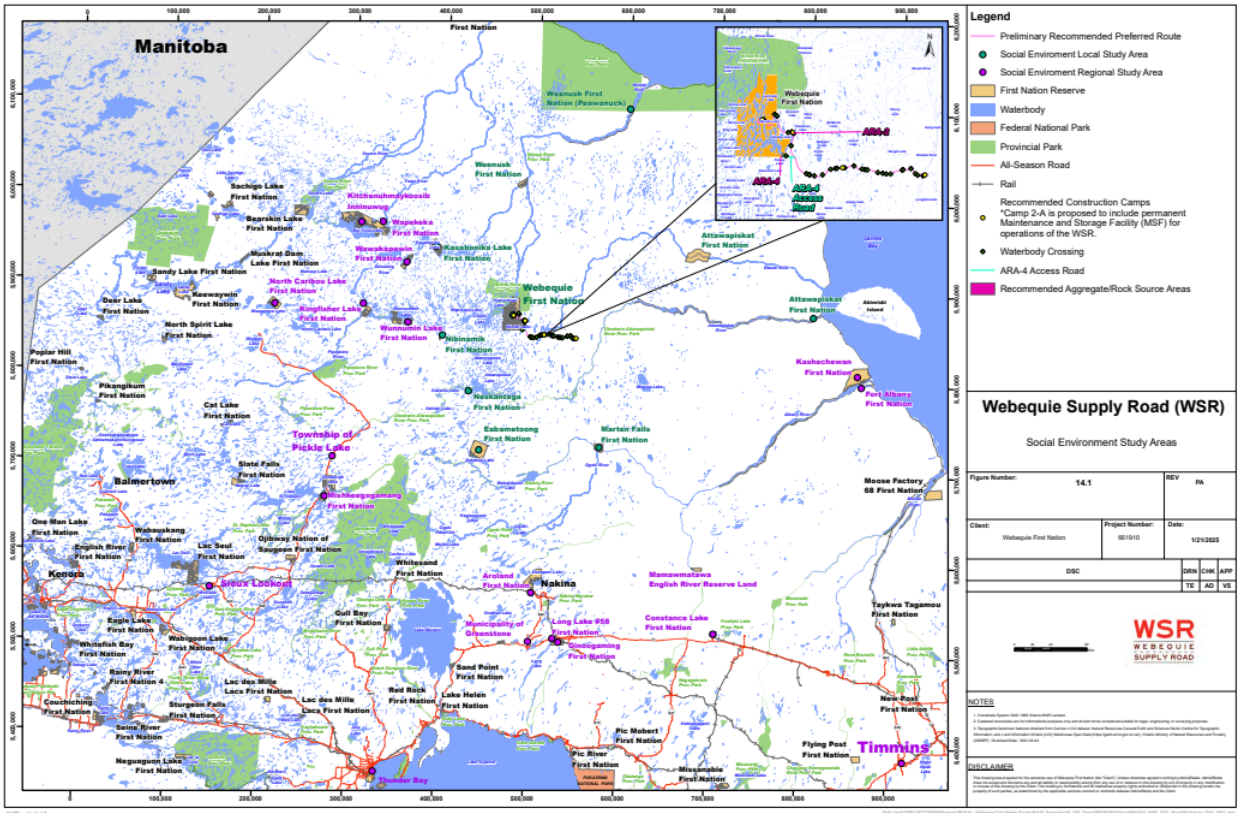
low extent as existing infrastructure of Indigenous communities would be further strained and the cumulative effects of the project in combination with other physical activities are likely to be significant to a moderate extent given the considerable interactions with the effects of future projects.

IAAC assessed the effects on Indigenous Peoples' health from the project's air emissions, noise, risk from road traffic, and from consumption of potentially contaminated country foods. IAAC also assessed effects to social infrastructure, which serves as the backbone for social capital, trust, and resilience within a society, including education, health care, and justice that support a community's quality of life and overall community well-being. In its assessment, IAAC considered the unique identity and cultural needs of Indigenous communities.

Webequie First Nation and other Indigenous communities in the area face challenges in maintaining adequate social infrastructure due to being a remote fly-in community and the impacts of colonialism. IAAC focused its assessment on how the project could further strain Webequie First Nation and neighbouring communities overburdened social infrastructure, as well as the unique pressures on emergency response services and traditional practices. Elements considered as contributing to the added strain include the influx of a transient workforce, increased risk of illegal or prohibited substances entering the community, concerns regarding public and road safety, and potential effects on cultural continuity and traditional practices.

IAAC considered effects from the project that would occur in the LSA and the RSA; see Figure 7. The LSA is the area where changes to community health and socio-economic conditions due to the project are likely to occur and includes Webequie First Nation and the following communities identified in the IEPP as they asserted to have shared territory with Webequie First Nation: Attawapiskat First Nation, Eabametoong First Nation, Kasabonika Lake First Nation, Marten Falls First Nation, Neskantaga First Nation, Nibinamik First Nation, and Weenusk First Nation. The RSA includes the remaining Indigenous communities identified in the IEPP, namely Aroland First Nation, Constance Lake First Nation, Fort Albany First Nation, Ginoogaming First Nation, Kashechewan First Nation, Kitchenuhmaykoosib Inninuwug, Long Lake #58 First Nation, and Métis Nation of Ontario Region 2. IAAC's assessment relies on the limited community-specific information that was available at the time this report was prepared.

**Figure 8: Local and Regional study areas of social development**




**Source: Webequie Supply Road Project, Draft Impact Statement, Section 14, Figure 14-1**

### 4.3.3.1 Assessment of effects

#### Changes to health condition

##### Health risk from project-related air emissions and noise

As raised by Webequie First Nation, project activities during the construction and operation phases, such as operating heavy machinery and vehicles, drilling and blasting on or near the reserve land of Webequie First Nation, as well as everyday road traffic and handling of aggregate material, could expose community members to air contaminants (e.g., exhaust and particulate dust emissions) and increased noise levels. The proponent's assessment predicts that fugitive particulate emissions may pose a health risk to Webequie community members.

The measures described to address change in quality of fishing experience in Section 4.3.1 would be appropriate to mitigate health risk from air emissions and noise.

IAAC is of the view that, with the implementation of these mitigation measures, residual effects of the project on human health risk from exposure to air contaminants and noise are not likely.

### Health risk from road traffic

As raised by Ginoogaming First Nation and Webequie First Nation, traffic poses a risk to personal safety throughout the life of the project. During project construction, the proponent anticipates an increase in winter road traffic as contractors drop off supplies and personnel, which could increase stress levels for commuters and pose road safety risk. The proponent has proposed to develop and implement a Construction Traffic Management Plan with the contractor to mitigate the adverse project-related changes to traffic safety.

During the operation phase, traffic could impact personal safety of Indigenous community members through potential road accidents, whether they are traveling in a vehicle or accessing nearby sites for traditional practices. The proponent anticipates no more than 500 vehicles using the road per day and committed to comply with the Ontario Ministry of Transportation's Roadside Design Manual and to include adequate roadside safety elements, as well as post speed limits. In addition, IAAC understands that the Ontario Ministry of Transportation would require the project to meet the relevant standard specifications for roads of the Ontario Provincial Standards organization, to help reduce accident risks.

IAAC is of the view that, with the implementation of these mitigation measures and applicable design standards and guidance, health risk from road traffic would be limited.

### Risk of consuming potentially contaminated country foods

Aroland First Nation, Attawapiskat First Nation, Constance Lake First Nation, Eabametoong First Nation, Fort Albany First Nation, Long Lake #58 First Nation, Nibinamik First Nation, and Weenusk First Nation expressed concern about potential risks to health from impacts on traditional food sources resulting from project activities, such as in-water works. Specifically, methylmercury was identified as a concern by Fort Albany First Nation and Nibinamik First Nation. Contaminants, including methylmercury, may bioaccumulate in fish presenting a risk to safe consumption of fish or reluctance to consume fish.

The eastern half of the road, which is about 56 kilometres, would be constructed as a floating road over peatland, where changes to hydrology during construction or operation — especially following extreme rainfall — could cause groundwater impoundment or periodic surface flooding. These anoxic conditions could enhance methylmercury generation and increase its release into groundwater or surface water. In-water works could resuspend sediments or introduce contaminants from surface aggregate, increasing the microbial formation and downstream transport of methylmercury.

Changes in water quality resulting from the project, including recommended mitigation measures, are described in Section 2.1. The proponent stated that the floating road design, including equalization culverts, would not change the hydrological conditions of

the peatlands. However, ECCC and Wildlife Conservation Society (WCS) Canada, Constance Lake First Nation, and Nibinamik First Nation expressed uncertainty that the floating road design would maintain hydrological conditions of the peatland. IAAC acknowledges that this uncertainty may lead to a reluctance to harvest and consume country foods, possibly leading to food insecurity and reduced community health, even if water quality does not change as a result of the project. As such, IAAC recommends that long-term water quality monitoring in areas where country foods are harvested include methylmercury until a three-year trend analysis demonstrates the project is unlikely to generate or transport methylmercury, in consideration of the views from Indigenous communities on monitoring design and analysis. Further, IAAC recommends that the monitoring results are shared with the Indigenous communities in a manner that shows any change from baseline conditions (see Table 4 in Section 2.1).

In addition, the Fish Contaminant Monitoring Program, run by MECP, collects information on contaminants in fish from various testing locations and uses this information to produce fish consumption advisories. This program aims to reduce the potential risk or concerns related to human health. Fish consumption advisories are available at Guide to Eating Ontario Fish | ontario.ca and Guide to Eating Ontario Fish: Advisory Database - Dataset - Ontario Data Catalogue, and data on contaminant levels in fish are available at Fish Contaminants - Dataset - Ontario Data Catalogue. IAAC understands that the program has some testing locations in the Far North, with the testing location nearest to the project located at Winisk Lake, within the fish and fish habitat RSA.

IAAC is of the view that, given the project design and with the implementation of the mitigation measures described in Table 4 of Section 2.1, residual effects from changes to health conditions from risk exposure to air contaminants, noise, or contaminated country foods would be managed, but reluctance to consume fish in waters understood to be hydrologically connected to the project may remain.

## Changes to socio-economic condition

### Added strain to social infrastructure

Aroland First Nation, Eabametoong First Nation, Fort Albany First Nation, Kasabonika Lake First Nation, Kashechewan First Nation, Marten Falls First Nation, Nibinamik First Nation, Neskantaga First Nation, Webequie First Nation, and Weenusk First Nation raised concerns regarding the availability and quality of social infrastructure on reserves (e.g. health, education, and emergency response services), and the strain the project could place on the infrastructure as a result of non-Indigenous persons interacting with Indigenous community members while working on the project or accessing the land, which would have impacts on the mental and physical health, and overall wellbeing of Indigenous communities.

An influx of non-Indigenous persons, including workers, is anticipated during the construction and operation of the road. This would increase interactions between Indigenous and non-Indigenous persons, including through training programs off

reserve and/or at the project work sites as Indigenous persons from Webequie First Nation and other Indigenous communities take up project-related employment. Non-Indigenous workers often come from southern, urban centres with different values and western influences. This demographic shift within, or proximate to, an Indigenous community can create tensions and social conflict. Non-Indigenous workers may also introduce substances that are prohibited on many reserves in northern Ontario. For community members that may spend time away from the community for project-related work or training, that time away can also interfere with traditional practices and Indigenous language use by those members and possibly their families. Together, these changes could lead to feeling disconnected and isolated and potentially increase instances of violence and substance use. In turn, it could lead to higher demand for health and social services on reserves (e.g. nursing stations, addiction and mental health services, child and family services, and emergency response services), adding to the existing strain.

To bolster the social infrastructure within Webequie First Nation, the proponent proposed measures that include a designated space for mental health services with counselling and programming; completion of a land-based camp as a healing and teaching space; and a community kitchen for teaching and helping to alleviate food insecurity. The proposed additional social infrastructure could provide spaces to address the potential adverse changes in social conditions in a positive manner and minimize feelings of isolation or disconnect from their community. This could further reduce instances of substance use and violence, which could minimize the pressures on the existing social infrastructure of the community.

Additionally, the proponent proposed to install construction camps with all required ancillary facilities for the workers and locate temporary housing accommodations in a manner that would minimize workforce interactions with the social infrastructure of Webequie First Nation. The proponent also proposed to provide culturally relevant training and counselling for Indigenous employees who work on rotational schedules. This support would help them and their families manage long periods away from home. It could also benefit Indigenous communities to support members who pursue training or jobs related to the project.

As part of the Community Readiness Plan, the proponent also committed to make sure there are training and policies in place to ensure that when interactions happen the experience would be positive for Indigenous persons. For example, the proponent committed to hosting community events so non-Indigenous workers can interact with the Webequie First Nation community to facilitate connection and reduce potential social tensions. Other proposed mitigation measures include the following: provide cultural and environmental awareness training to employees; provide training programs for employees that focus on the safety of Indigenous women and girls; and establish procedures and plans regarding drug and alcohol use during project work.

IAAC is of the view that, with the implementation of these mitigation measures, there would be residual effects from increased pressures on social infrastructure, in part due

to western influences from community members' interactions with non-Indigenous workers disrupting Indigenous Knowledge transfer and higher demand for services on reserve to address issues related to substance use and violence. However, IAAC acknowledges that it is difficult to predict the project interactions with social infrastructure due to the limited information regarding existing availability and quality of infrastructure within Indigenous communities.

#### Added pressures on emergency response services

Indigenous communities could face added pressures on their public safety services, including policing. Webequie First Nation and most other communities have either Nishnawbe Aski Police Service or Anishinabek Police Service detachments on reserve that work in conjunction with the Ontario Provincial Police. These detachments are small and any change in community safety and crime, such as potential conflict that may arise between workers and community members or inflow of illegal or prohibited substances on reserve, would add pressure to these services. Furthermore, Women and Gender Equality Canada conducted a Gender Based Analysis Plus assessment to understand how diverse population groups may experience project effects differently when applied to the health, social, and economic conditions of impact assessment and advised IAAC that an influx of workers may increase physical and sexual violence towards Indigenous women and girls, and raise the risk of human trafficking. IAAC notes that Webequie First Nation would be the community primarily impacted by these risks.

As part of the Community Readiness Plan, the proponent would establish community liaison officers during the construction phase of the project to act as an initial point of contact on sensitive issues that arise between community members and project workers to reduce tension and deescalate conflicts. There would also be a grievance mechanism for community concerns and issues, inclusive of issues regarding racism, sexism, and gender-based violence. The Community Readiness Plan would be expected to reduce the number of issues that would need police intervention.

To maintain road safety, policing services would be needed to monitor road usage and to ensure the road safety standards are followed. IAAC understands that the Ontario Ministry of Transportation would implement road conditions patrols during the project's operation phase, including in relation to maintenance activities. The proponent did not propose additional measures that would implement patrols of the road, notably within Webequie First Nation reserve land, so pressure could be placed on existing police services in Webequie First Nation, the closest detachment to respond to incidents on the road.

In the event of an accident or natural disaster, there are no emergency medical services or adequately equipped firefighting services available at Webequie First Nation. Although traffic accidents are expected to be limited by minimal vehicle interactions that could result in collisions and that natural disasters are expected to be infrequent, the proponent proposed to develop an emergency response plan. IAAC expects that the

emergency response plan would detail how the proponent would address the need for policing the road, and emergency medical and firefighting services in the event of a traffic accident or natural disaster.

IAAC is of the view that, with the implementation of these mitigation measures, increased pressures on emergency response services for traffic accidents or other incidents on the road would be infrequent while acknowledging it is difficult to predict human behaviour in relation to substance use, human trafficking and violence, which can influence the need for emergency intervention as well as impacts on the health and safety of Indigenous women and girls.

#### Decreased community well-being through pressures on traditional practices

Aroland First Nation, Attawapiskat First Nation, Marten Falls First Nation, Kashechewan First Nation, Neskantaga First Nation, Nibinamik First Nation, and Weenusk First Nation expressed that being on the land has a positive influence on community well-being. IAAC understands that community well-being could be impacted by pressures on traditional practices of passing on the unique Indigenous culture of Webequie First Nation and other communities. The pressures may stem from the likely adverse effects on the current use of lands and resources (described in Section 4.3.1), as well as adjustments in conduct to minimize health risk exposure related to the adverse effects on health condition (described above), and visual changes to the landscape due to project components and road use. If the barrier to practice cultural activities is magnified, issues related to mental and emotional health and behaviours like substance use that may exist within an Indigenous community could worsen.

Community well-being could also be impacted through changes in the visual landscape. The proponent indicated that the Winisk Lake water crossing is the single location where the project could cause visual effects to the enjoyment of land as the crossing would be seen nearly two kilometres from the north and from the south while on the water. To mitigate the impacts on cultural continuity, the proponent proposed to create a land-based camp as a safe space to pass on Indigenous Knowledge.

IAAC is of the view that, with the implementation of these mitigation measures, community well-being through traditional practices on the land would be largely preserved.

### 4.3.3.2 Residual effects

Based on the above assessment, IAAC is of the view that the project would likely result in residual effects that include changes to health conditions that are not significant, as well as effects on infrastructure and cultural continuity stemming from an influx of workers and disruptions to the ability to pass on Indigenous Knowledge.

The residual effects, taking into account the mitigation measures described above, would be up to moderate in magnitude and geographic extent, specifically for social

effects, as the project would strain the existing infrastructure (e.g., police, substance use and victims' services) and cultural continuity, primarily for Webequie First Nation, through exposure to new stressors and pressures. Timing, frequency, duration and reversibility would be high as the need for and access to quality and culturally relevant social services by Indigenous persons could occur at any time, be continuous and the strain on services would persist for an undetermined period and collectively have longer term ramifications on community well-being due to influx of western influences. Webequie First Nation, who would experience the largest social effects from the project, has demonstrated its resilience and willingness to withstand those stressors to benefit from the positive effects of the project. Despite this, there is a high level of uncertainty regarding the effectiveness of the socio-economic mitigation measures given it is difficult to predict human behaviour and needs.

IAAC concludes that the residual adverse effect of the project on the health, social and economic conditions of Indigenous Peoples is likely to be significant to a low extent.

#### 4.3.3.3 Cumulative Effects

The residual effects of the project on the health, social, and economic conditions of Indigenous Peoples, in combination with other proposed road projects and mining activity in the Ring of Fire area – namely, the proposed Marten Falls Community Access Road Project, the proposed Northern Road Link Project, and mineral exploration followed by mining at the proposed Eagle's Nest site – are likely to have cumulative effects. If these other road projects and mining activity become operational, their cumulative effects on health, social, and economic conditions of Indigenous Peoples would be amplified beyond the LSA of the proposed project and impact Indigenous communities within the LSA and RSA.

Combined, these proposed projects would increase road traffic, raising safety risks for Indigenous community members. An influx of non-Indigenous workers would also strain social infrastructure (e.g. policing, substance use treatment, victim services), introduce western influences, and provide greater access to alcohol and drugs that may conflict with Indigenous ways of life, and may also pose additional safety risks to Indigenous women and girls. Noise and other sensory changes from construction and operation of the proposed projects would also affect traditional land-based practices and cultural continuity.

IAAC notes that the proponent has proposed measures to limit interactions between non-Indigenous workers and nearby Indigenous communities' social infrastructure, as well as measures to support positive social interactions. IAAC does not recommend further mitigation measures or follow-up program related to cumulative effects.

Taking into consideration the recommended mitigation measures in Table 10 below, the likely cumulative effects on Indigenous Peoples' health, social and economic conditions would be moderate in magnitude, since already strained social infrastructure would be further strained by the project in combination with other foreseeable projects.

Geographic extent, timing, frequency and duration would be high as the need for and access to quality and culturally relevant services by Indigenous Peoples is continuous, and the strain on services would persist for an undetermined period, extend into the RSA (i.e. Municipality of Greenstone) and be irreversible. IAAC understands that anticipated changes brought on by the project in combination with future projects would cause considerable interactions with the social infrastructure of Indigenous communities. Uncertainty is high due to incomplete information about Indigenous communities' health, social and economic conditions.

IAAC notes that the long-term adverse effects could be managed from a regional context through leveraging government programs in collaboration with affected Indigenous communities and the province of Ontario. IAAC also notes there is variability, as well as uncertainty, about the resiliency and willingness of Indigenous communities across the Far North of Ontario to absorb the additional stressors to their communities, as well as benefit from any socio-economic opportunities, from the project in the context of the other foreseeable projects. The project would contribute to these cumulative social effects by facilitating or amplifying effects from other foreseeable projects.

IAAC concludes that cumulative effects on the health, social and economic conditions of Indigenous Peoples is likely to be significant to a moderate extent primarily through strain on social infrastructure as project, in combination with other foreseeable projects, would facilitate access and means of influence to remote Indigenous communities adding up to uncertain, but likely fundamental social changes for Indigenous Peoples in the region.

**Table 10: Summary of IAAC's recommended mitigation measures for implementation by the proponent pertaining to effects on the health, social and economic conditions of Indigenous Peoples**

| **Recommended mitigation measures that would be potentially included as conditions in the impact assessment decision statement** |
|---|
| Develop and implement a Community Readiness Plan, including on-duty community liaison officers during the construction phase that can be contacted by community members and workers for conflict resolution, within four months of commencing construction. |
| Implement the following mitigation measures to promote safe, respectful and inclusive conduct in the workplace and community, as appropriate, within four months of commencing construction:<br>• implement a workplace anti-harassment, anti-bullying, anti-discrimination and anti-violence policy that incorporates gender-appropriate, gender-specific, and culturally appropriate policies and processes, including sexual harassment and assault counselling as well as confidential and culturally sensitive care; |

| |
|---|
| • implement a workplace policy on the use and possession of prohibited drugs and alcohol, which prohibits the use of, or being under the influence of, prohibited drugs or alcohol during work hours; and<br>• establish a worker code of conduct that outlines expectations and requirements in relation to the measures developed to promote safe, respectful and inclusive conduct in the workplace and the community while incorporating above policies. |
| Refer to measures in Table 8 of Section 4.3.1 related to sensory disturbance (air quality and noise); Table 9 of Section 4.3.2; and Table 4 of Section 2.1, for water quality monitoring. |
| **Recommended mitigation measures that would be potentially ensured by by the Government of Ontario** |
| Implement, at a minimum, the following mitigation measures to control fugitive dust emissions from the project, as appropriate, to mitigate adverse effects on the health of Indigenous Peoples:<br>• use water or an environmentally acceptable alternative to stabilize the surface of Project roads and areas that may generate dust; and<br>• cover or enclose material that may become a source of fugitive dust in stockpiles, moved on conveyors or transported within and outside the project footprint. |
| Establish speed limits on project roads. |
| Implement, the following mitigation measures to control fugitive particulate emissions from mobile equipment and vehicles operating in the project footprint, as appropriate, to mitigate adverse effects on the health of Indigenous Peoples:<br>• establish and enforce a policy to prohibit unnecessary idling, except when required for health, safety, or operational reasons; and<br>• ensure regular inspection, servicing, and maintenance of engines and exhaust systems on all mobile equipment and vehicles. |
| Develop mandatory cross-cultural awareness training and deliver it to all employees and contractors involved in the project. |

### 4.3.4 Positive effects on Indigenous Peoples

The project would have positive effects on Indigenous Peoples through increase in employment, training, business opportunities, and on-reserve population levels, at least for the community of Webequie First Nation.

The proponent intends to hire, where possible, Indigenous persons for the construction and operation phases of the project. The hires would most likely reside in Webequie First Nation and possibly other Indigenous communities near the project.

The proponent proposed measures to reduce the existing on-reserve education and skills gap, especially for youth and women, resulting from the lack of existing quality education and training. Proposed measures include partnering with training programs

like Kiikenomaga Kikenjigewen Employment and Training Services (KKETS), Oshki-Wenjack, and Matawa First Nations to help Webequie members obtain their high school equivalency and pursue skills training for project-related employment. Other measures include building a new high school and/or training centre in Webequie First Nation to reduce barriers to accessing education and training; bringing project-related training to the reserve to avoid members having to fly off reserve; and providing training opportunities for members of other Indigenous communities. To address barriers for Indigenous women, who are often the primary caregivers, the proponent would build a daycare or expand onto the existing primary school within Webequie First Nation.

The proponent proposed measures to help Indigenous businesses facing existing challenges due to the high costs and logistics of doing business in remote locations, and to maximize their ability to take advantage of opportunities for participation in the project. Specific measures include providing clear notices of procurement opportunities; establishing joint ventures with Indigenous-owned entities, which could entail providing financial and human resource support; setting-aside an allotment for procurement contracts that are designated for local and Indigenous business; and providing opportunities for scalable contracts that could include options for training to develop skills and build capacity of Indigenous businesses.

The proponent also indicated that an increase in employment and economic activity could have a positive impact on local incomes and stimulate local Indigenous economies, which would create a better environment for community members to return to on-reserve living and reduce the number of community members wanting to leave reserves to pursue education and economic opportunities elsewhere. Returning family members could help strengthen community ties, and the proponent noted that increased population levels may encourage home construction and improvement activities on Webequie First Nation's reserve.

IAAC is of the view that the project would likely have positive effects on Indigenous Peoples' employment and economic opportunities, provided the proponent ensures that the above enhancement measures would be implemented effectively and community members are receptive and successful in exploiting the measures. The project may also strengthen community cohesion through a positive effect on the population level of Webequie First Nation reserve and, to a lesser extent, nearby Indigenous communities. IAAC notes that these positive effects are uncertain, as the likelihood for the employment and economic opportunities, and subsequent socio-economic benefits for the communities, would be dependent on external, market influences.

## 4.4 Impacts on the rights of the Indigenous Peoples of Canada

The IAA requires that potential impacts on the exercise of section 35 rights of Indigenous Peoples be considered as part of a federal impact assessment of a designated project. The adverse federal effects to Indigenous Peoples described in

Section 4.3 of this report inform the assessment of impacts on the exercise of section 35 rights.

This section summarizes how the project may potentially impact the exercise of section 35 rights. The final IA report will contain an appendix with a summary of the issues of concern shared by Indigenous communities with IAAC throughout the Impact Assessment.

### 4.4.1 Methodology

The federal government has a legal duty to consult and, where appropriate, accommodate Indigenous communities, when the Crown contemplates conduct that may adversely affect the exercise of Aboriginal and/or treaty rights that are recognized and affirmed in section 35 of the *Constitution Act, 1982*. In conducting the assessment of impacts on the exercise of rights, IAAC considered how non-negligible adverse changes to the environment on Indigenous Peoples' current use of lands and resources for traditional purposes (Section 4.3.1), sites of importance and physical and cultural heritage (Section 4.3.2), and non-negligible adverse changes to Indigenous Peoples' health, social and economic conditions (Section 4.3.3) would impact the exercise of each community's section 35 rights. IAAC's methodology for assessing impacts on the exercise of section 35 rights involved identifying existing rights and identifying key values that support the exercise of rights and understanding the pathways from project-related activities to changes to the environment that may result in changes to the exercise of rights ('impact pathways'). In its assessment, IAAC considered the potential for reasonably foreseeable activities to cumulatively affect the conditions that could limit the meaningful exercise of Indigenous communities' section 35 rights. IAAC used the proponent's caribou RSA as the spatial boundary (see Figure 7), which captures the outermost boundary where the likely residual effects of the project would interact with the likely effects of reasonably foreseeable activities (the proposed Marten Falls Community Access Road Project, the proposed Northern Road Link Project, and mineral exploration followed by mining at the proposed Eagle's Nest site).

IAAC sought information as well as Indigenous Knowledge from all potentially impacted Indigenous communities about the nature and extent of their section 35 rights and how the project may affect the exercise of their rights. For the purposes of the assessment of impacts on the exercise of section 35 rights, IAAC considered the potential impacts of the project on section 35 rights as articulated by Indigenous communities directly, as well as other information available to IAAC, including from the proponent's Impact Statement. IAAC considered the likelihood of impacts, geographic extent, frequency, duration, and reversibility, as well as how impacts on rights could be informed by additional factors, such as community health and well-being. IAAC also considered the impact of cumulative effects and historic context on the current ability to exercise rights, as well as cumulative impacts from reasonably foreseeable development, and the proposed mitigation measures designed to minimize or avoid impacts.

Impact pathways are organized into three categories: effects to resources, access, and experience. Effects to resources considered Indigenous communities' right to sufficient quantity and quality resources in culturally important areas, as well as their right to connect to resources in a way that supports cultural continuity and intergenerational transfer of cultural practices and knowledge. Effects to access considered Indigenous communities' right to access important areas throughout their traditional territory without difficulty or health and safety risks, and to use preferred modes of travel and visit areas at preferred times. Effects to experience considered Indigenous communities' right to spend time on the land in peace and quiet, in physical and mental safety, and free from sensory disturbance.

Table 11 provides the definition of each assessment criterion to assign the severity of impact on section 35 rights.

### 4.4.2 Existing section 35 Rights

The project is located in northern Ontario, within the area of Treaty 9 (1905-1906) (also known as the James Bay Treaty). Together with the area acquired by adhesions in 1929-1930, Treaty 9 spans almost two-thirds of what is currently the province of Ontario and defines the right to hunt, fish, and trap throughout the treaty territory. Aboriginal rights asserted by the potentially impacted Indigenous communities include the *right to continued way of life*, which involves the ability to practice their culture and share it with future generations. IAAC assessed potential impacts of the project on harvesting rights, which include the treaty rights to hunt, fish, and trap, and potential impacts on the Aboriginal right to a continued way of life. In this section, they were grouped and assessed as follows: hunting and trapping rights, rights to fishing and water, and right to a continued way of life.

The project is also located entirely within the Matawa traditional territory which is shared by nine Indigenous communities: Aroland First Nation, Constance Lake First Nation, Eabametoong First Nation, Ginoogaming First Nation, Long Lake #58 First Nation, Marten Falls First Nation, Neskantaga First Nation, Nibinamik First Nation, and Webequie First Nation.

The project is also located on the traditional lands of the Webequie First Nation and Marten Falls First Nation. Attawapiskat First Nation's and Kasabonika Lake First Nation's respective land use planning area maps indicate an overlap with Webequie First Nation's area of interest for planning, as well as with the project footprint. Weenusk First Nation's mapped area of interest for planning indicates overlap with Webequie First Nation's area of interest for planning, but does not intersect with the project footprint; however, Weenusk First Nation indicated use in the project LSA.

The Métis Nation of Ontario holds section 35 rights, including the right to hunt, trap, fish, and gather material that are important to Métis culture. This includes being able to practice its culture and share it with future generations. The project is located outside Métis Nation of Ontario's Nipigon and James Bay harvesting areas. IAAC understands

that Métis Nation of Ontario does not assert section 35 rights in the area where project effects are anticipated, and that Métis Nation of Ontario's interests in the project relate to archaeology, Métis history, and culture.

## 4.4.3 Harvesting Rights

The assessment of impacts on harvesting rights considered the project's residual adverse effects to the availability, quality, and ability to access resources. The assessment also considered contextual factors including pre-existing impacts and current socio-economic conditions that inform the exercise of each right. Table 11 provides the definition of each assessment criterion used to assign the severity of impact.

### 4.4.3.1 Hunting and Trapping Rights

A brief summary of the potential interactions and impact pathways on hunting and trapping rights are outlined below. For a more comprehensive overview of the predicted effects of the project on migratory birds, the current use of lands and resources by Indigenous Peoples for traditional purposes, physical and cultural heritage, and health, social, and economic conditions see Sections 2.2, 4.3.1, 4.3.2, and 4.3.3, respectively.

#### Context in which impacts on hunting and trapping rights would occur

All potentially impacted Indigenous communities described the importance of the exercise of hunting and trapping rights for sustenance and food security, and as a cornerstone of their culture and identity. Aroland First Nation, Attawapiskat First Nation, Eabametoong First Nation, Fort Albany First Nation, Kasabonika Lake First Nation, Kashechewan First Nation, Marten Falls First Nation, Neskantaga First Nation, Nibinamik First Nation, Webequie First Nation, and Weenusk First Nation noted the importance of both caribou and moose, while Kitchenuhmaykoosib Inninuwug First Nation indicated the specific importance of caribou to the community. Most Indigenous communities indicated that they rely on moose as a key component of a traditional diet with caribou hunted less frequently, however Kitchenuhmaykoosib Inninuwug First Nation and Weenusk First Nation shared that they continue to rely on caribou for sustenance. All Indigenous communities describe caribou as a species of great cultural importance.

Aroland First Nation, Attawapiskat First Nation, Fort Albany First Nation, Kasabonika Lake First Nation, Marten Falls First Nation, Nibinamik First Nation, Webequie First Nation, and Weenusk First Nation also indicated the importance of goose hunting as an expression of the communities' hunting rights. Kitchenuhmaykoosib Inninuwug First Nation shared that the spring goose hunt provides an opportunity for community members to gather and harvest food that will be shared with the community, strengthen community bonds, and reinforce cultural traditions.

For many potentially impacted Indigenous communities, reliance on hunting and trapping, and country foods in general, has decreased compared to previous generations. Participation in trapping has declined due to low fur prices, high costs associated with trapping (e.g., equipment, fuel, and maintenance), and reduced abundance of furbearers. However, Webequie First Nation has noted that reliance on country foods is increasing within the community, due to the high price of fresh fruits and vegetables.

Eabametoong First Nation, Nibinamik First Nation, Webequie First Nation, and Weenusk First Nation also indicated that the ability of Indigenous communities to exercise hunting rights has already been impacted by existing development in the region. In particular, caribou and moose distribution has been altered by sensory disturbance from industrial development including mineral exploration and helicopter activity, resulting in decreased availability of resources in preferred hunting locations. Indigenous communities also indicated that the ability to hunt and access the land has been altered as a result of climate change. One Indigenous community noted confidentially that the distribution of caribou has shifted further inland, away from the Hudson Bay coast. Webequie First Nation shared that thinner ice and changes to snow composition makes travel on the land more challenging, while earlier thaws have affected goose hunt. A Webequie First Nation member observed that moose are now exposed to parasites and that they must travel further from the community to hunt moose. Weenusk First Nation noted that changes to water levels have made it harder for community members to navigate waterbodies to access preferred harvesting areas.

### Pathways of impact from the project on hunting and trapping rights informed by consultations with Indigenous communities

#### Changes to Wildlife Availability and Wildlife Habitat

Based on IAAC's assessment of effects (Sections 2.2, 4.3.1 and 4.3.3), no residual adverse effects are anticipated on the quality of wildlife. IAAC anticipates that the project would result in changes to the availability of wildlife, and changes to Indigenous communities' ability to successfully hunt and trap, due to wildlife displacement from sensory disturbance, degradation and loss of habitat, wildlife mortality from increased predation and increased hunting by non-Indigenous persons, and changes to access to hunting and trapping sites.

Aroland First Nation, Attawapiskat First Nation, Eabametoong First Nation, Fort Albany First Nation, Kashechewan First Nation, Kitchenuhmaykoosib Inninuwug First Nation, Marten Falls First Nation, Neskantaga First Nation, Nibinamik First Nation, Webequie First Nation, and Weenusk First Nation raised concerns that project-related sensory disturbance (e.g., noise, vibrations) during the construction and operation phases of the project would result in alteration of movement patterns and avoidance of the project area by of caribou, moose, birds, and furbearers. Attawapiskat First Nation, Eabametoong First Nation, Kashechewan First Nation, Kitchenuhmaykoosib Inninuwug First Nation, Nibinamik First Nation, and Weenusk First Nation indicated that impacts

would be particularly serious for caribou who are sensitive to industrial disturbance. Indigenous communities also indicated that a caribou migratory route would be directly overprinted by the road (IAAC uses the term 'Indigenous communities' to reference communities who provided information in confidence). Nibinamik First Nation noted that the presence of the road may alter the movement patterns of migratory birds, with waterfowl choosing to follow the path of the roads for increased safety, reducing the availability of waterfowl in Nibinamik First Nation's Homelands, and therefore impacting the community's ability to exercise hunting rights.

Aroland First Nation, Attawapiskat First Nation, Marten Falls First Nation, and Webequie First Nation also expressed concern that project construction and operation could result in wildlife mortality and adverse impacts to wildlife health. Of particular concern was the possibility that wildlife would be struck and killed by vehicles, and subject to greater predation risk.

Aroland First Nation, Attawapiskat First Nation, Eabametoong First Nation, Marten Falls First Nation, Neskantaga First Nation, and Webequie First Nation also raised concerns that the project would increase hunting pressure on wildlife during the construction and operation phases, reducing wildlife availability for Indigenous land-users.

Aroland First Nation, Attawapiskat First Nation, Fort Albany First Nation, Kashechewan First Nation, Neskantaga First Nation, Nibinamik First Nation, and Webequie First Nation noted that the project would result in the loss, fragmentation, and degradation of available habitat for ungulates, furbearers, birds, and other wildlife, which could reduce their abundance locally, making it more difficult to exercise harvesting rights within the vicinity of the project. Attawapiskat First Nation, Neskantaga First Nation, and Nibinamik First Nation expressed concern about the potential for irreversible damage to eskers, which provide important wildlife habitat and function as movement corridors for caribou and other species.

Aroland First Nation, Attawapiskat First Nation, Constance Lake First Nation, Eabametoong First Nation, Fort Albany First Nation, Kitchenuhmaykoosib Inninuwug First Nation, Long Lake #58 First Nation, Marten Falls First Nation, and Nibinamik First Nation expressed concern that adverse cumulative impacts on the seasonal ranges, habitat, and calving areas of caribou due to the Webequie Supply Road, the proposed Northern Road Link, and the proposed Marten Falls Community Access Road would adversely affect hunting rights. Fort Albany First Nation expressed particular concern about the cumulative impacts to the Albany river system, the health of which is key to Fort Albany First Nation's expression of rights.

#### Loss of Preferred Hunting and Trapping Sites and Change in Access

IAAC anticipates that the project would result in the irreversible loss of preferred hunting and trapping areas within the project footprint and changes to safe access to hunting sites in the vicinity of the project.

Attawapiskat First Nation, Nibinamik First Nation, Webequie First Nation and Weenusk First Nation indicated that their community members hunt for ungulates within the project footprint and in the caribou LSA (defined as the area that extends 11 kilometres from the centreline on both sides of the proposed route plus a 500-metre buffer around each of the other project components where project effects may extend). Marten Falls First Nation indicated that the eastern portion of the project overlaps with significant hunting areas located within their traditional territory. While Marten Falls First Nation did not share site-specific information, the community noted that the information shared with the proponent for this project does not represent the full extent of Marten Falls First Nation's knowledge and presence in the region. Eabametoong First Nation noted the use of a trail to access harvesting areas that passes through the eastern portion of the project's caribou LSA. Attawapiskat First Nation also expressed concerns about potential downstream effects of the project on the Ekwan and Attawapiskat Rivers, which are heavily used by land-users and hold cultural and spiritual importance to the community. Kasabonika Lake First Nation's identified land use planning area overlaps with the project footprint, however, IAAC is not aware of Kasabonika Lake First Nation harvesting sites within the footprint or LSA. Webequie First Nation shared that they harvest migratory birds within the vicinity of the right of way.

Weenusk First Nation indicated that the project would overprint a community-held trapline tenures. Aroland First Nation, Fort Albany First Nation, Neskantaga First Nation, and Webequie First Nation indicated that the project would adversely affect trapping, although IAAC is not aware of the location of all affected traplines tenures. Indigenous communities expressed concern that, for trapline tenures bisected by the road, the presence of the road could make travel from one side of the trapline to the other difficult.

### IAAC's Assessment of Impact to Hunting and Trapping Rights

IAAC is of the view that, after taking into account the implementation of mitigation measures, the project would result in residual effects to current use of lands and resources for traditional purposes by Indigenous Peoples likely to be significant to a low extent as described in Section 4.3.1 due to decreased resource availability or concerns thereof, safe access and quality of experience. IAAC finds that cumulative effects to the current use of lands and resources for traditional purposes by Indigenous Peoples are likely to be significant to a low extent for traditional harvesting activities, except for hunting of ungulates (particularly caribou), which is likely to be significant to a moderate extent due to changes in resource availability that would result from the project and other foreseeable projects, together, altering movement patterns and range areas. The changes to distribution and movement of the caribou could affect availability at known or preferred reliable harvesting areas. These effects to current use directly impact Indigenous communities' hunting and trapping rights.

IAAC acknowledges the importance of the Albany River system to First Nation communities and their concerns regarding cumulative effects impacting the river system. IAAC is of the view that cumulative effects from reasonably foreseeable projects within the Albany River system would be additive with the residual effects from

the proposed project, having the potential to affect wildlife availability (in particular, caribou) as well as safe access to harvesting sites, and the quality of experience while harvesting. However, IAAC is of the view that the ability to hunt will be maintained within respective project RSAs.

IAAC understands that the project may result in impacts on Indigenous communities' ability to practice hunting and trapping rights in their preferred manner as the project footprint would intersect with harvesting, hunting and trapping areas and reduce safe access, reduce the availability of wildlife and wildlife habitat, contribute to concerns about the quality of wildlife, as well as change the experience of hunting and trapping practices due visual landscape changes, elevated noise levels and reduced air quality. Changes to Indigenous Peoples' experience of the land and traditional practices are discussed in greater detail in Section 4.4.4 (see subsection titled Changes to Tangible and Intangible Cultural Heritage).

IAAC understands that for Indigenous communities including Attawapiskat First Nation, Nibinamik First Nation, Marten Falls First Nation, Webequie First Nation, and Weenusk First Nation, the project may result in the irreversible loss of portions of preferred hunting and trapping areas that are overprinted by the project footprint; however some uncertainty remains as to the specific locations of the preferred harvesting sites of these Indigenous communities. Changes to the ability to safely access preferred hunting or trapping areas would be temporary (i.e., during the construction phase), intermittent and reversible, however changes to the ability to safely traverse traplines bisected by the road would persist through the operation phase The proponent committed to mitigate impacts on safe access to harvesting sites by creating temporary access roads or detours to facilitate harvesting during the construction phase, to schedule construction activities outside of peak harvesting periods, and by ensuring that sight distance on the road is sufficient to ensure drivers have time to identify and react to all elements of the road environment. In addition, the proponent anticipates that the traffic volume on the road will be low (fewer than 500 vehicles per day, on average) and comprised primarily of light to medium personal and commercial vehicles.

As outlined in Section 4.3.3, the proponent indicated that the project would not change hydrological conditions (and that, as a result, water quality would be maintained), while ECCC, WCS, and multiple Indigenous communities expressed uncertainty that hydrological conditions would be unchanged. IAAC acknowledges that uncertainty about potential contamination of water and country foods due to changes in hydrological conditions or due to spills may result in avoidance of hunting and consumption of wildlife from areas understood to be impacted. IAAC notes that the inclusion of Indigenous monitors in a wildlife management and monitoring plan described in Table 8 in Section 4.3.1 is critical to enable the continued exercise of hunting and trapping rights.

Changes to caribou availability from project construction and operation, including due to loss and degradation of caribou habitat, sensory disturbance, and increased predation are expected to displace caribou away from the project footprint and LSA and further into the caribou RSA (defined as the Missisa and Ozhiski caribou ranges). Changes to

the availability of moose, furbearers, and game birds due to habitat loss, alteration of movement patterns and increased wildlife mortality would be limited to the areas immediately adjacent to the project footprint. The proponent proposed multiple mitigation measures to address effects on the availability of wildlife due to increased hunting pressure and increased predation, including prohibiting hunting and harvesting by construction and maintenance workers and on-site visitors (see additional details in Section 4.3.1).

IAAC is of the view that a project-related reduction in the availability of caribou, and interference with the ability to harvest caribou in preferred locations may reduce harvesting success, which in turn would require land-users to shift harvesting activities away from the project LSA. IAAC recognizes that, given the high cost of fuel in remote communities, harvesting success is an important factor that influences the likelihood of land-users engaging in land-based activities. Together, these impacts may result in adverse impacts on the exercise of hunting rights. IAAC recognizes the importance of involving Indigenous Peoples in wildlife monitoring programs and the timely sharing of monitoring results.

IAAC is of the view that the project would result in localized reductions in the abundance of other wildlife, including moose, waterfowl and furbearers, and changes to the experience of hunting and trapping activities that could result in the displacement of harvesting activities by Indigenous Peoples away from the project footprint and other wildlife LSA (defined as the area that extends one kilometre from the centreline on both sides of the proposed route plus a 500-metre buffer around each of the other project components where project effects may extend). As moose, waterfowl and furbearers are expected to remain abundant within the other wildlife RSA (defined as the area that includes the other wildlife LSA and extends five kilometres beyond it where cumulative effects may occur), IAAC expects that impacts on hunting and trapping rights for moose, waterfowl and furbearers would be limited.

IAAC is of the view that the project, in combination with the proposed Marten Falls Community Access Road, Northern Road Link, and Eagle’s Nest projects is likely to reduce the availability of caribou within the respective project LSAs and alter movement patterns and range areas within the project RSA. These changes, in addition to the project-related changes discussed above, may further reduce harvesting success throughout the RSA, diminishing the ability to exercise hunting rights.

IAAC recognizes that the severity of project-related impacts on hunting and trapping rights would vary by Indigenous community. Table 11 provides the definition of the assessment criteria used to assign the level of impact for each rating criterion, and Table 12 and 13 provide IAAC’s preliminary conclusions on the severity of impact for each criterion. IAAC is of the view that the mitigation and monitoring measures identified in Sections 2.2 and 4.3.1 may support Indigenous communities’ continued ability to exercise hunting and trapping rights, through inviting Indigenous community members to participate in project-related environmental monitoring activities and promptly sharing

monitoring results, minimizing sensory disturbance, and limiting the loss of sensitive habitats.

#### 4.4.3.2 Rights to Fishing and Water

A brief summary of the potential pathways of project's effects on the physical and biological conditions that support the right to harvest fish and use water resources is outlined below. Additional information about the predicted effects of the project on fish and water may be found in the fish and fish habitat, current use of lands and resources by Indigenous Peoples for traditional uses, and health, social, and economic sections (Sections 2.1, 4.3.1, and 4.3.3 respectively).

##### Context in which impacts on fishing rights would occur

Aroland First Nation, Eabametoong First Nation, Fort Albany First Nation, Kasabonika Lake First Nation, Kashechewan First Nation, Marten Falls First Nation, Nibinamik First Nation, and Weenusk First Nation indicated the importance of fishing rights, stressing that fishing is not only a means of sustenance but also integral to cultural practices and the communities' way of life, and that consumption of country foods, including fish, is an expression of rights that directly impacts community health and well-being. Attawapiskat First Nation and Fort Albany First Nation noted that access to clean drinking water is essential to traditional activities and spending time on the land and engaging in their traditions, customs, and ceremonies. Weenusk First Nation also shared that protecting clean water for future generations is important to the community and that waterways have an important intrinsic value to their identity.

Aroland First Nation, Kasabonika Lake First Nation, Marten Falls First Nation, and Webequie First Nation indicated that Indigenous communities have seen changes over the past few decades to their ability to practice fishing rights. Aroland First Nation, Kasabonika Lake First Nation, and Webequie First Nation indicated that development, including forestry, mining and mineral exploration, has altered fish habitat, impaired water quality and fish health, and led to declines in fish populations, depleting the resources that support the practice of rights. Aroland First Nation, Kashechewan First Nation, Marten Falls First Nation, Nibinamik First Nation, Weenusk First Nation noted that changes to water levels as a result of climate change, as well as existing water diversion dams within the Albany River system have resulted in reduced fish abundance and adversely affected fish habitat, which has undermined the Indigenous communities' ability to exercise their right to fish and access their territory. Webequie First Nation has experienced thinner ice in recent years, making it more difficult to set up winter nets for fishing.

Indigenous communities also indicated they have experienced a decline in the walleye population and a decline in the availability of fish generally over their lifetime as a result of changes to water levels in the nearby river systems but noted that fish can still be found and harvested. Indigenous communities also indicated that mercury levels in certain harvested fish in the community's traditional areas have been rising, leading to

avoidance of fish species perceived to be already contaminated, resulting in impacts on the practice of fishing rights.

## Pathways of impact from the project on fishing and water rights informed by consultations with Indigenous communities

### Changes to the Availability and Quality of Fish, Fish Habitat, and Water

Based on IAAC's assessment of effects (Sections 2.1, 4.3.1 and 4.3.3), no residual adverse effects are anticipated on the quality of fish. IAAC anticipates that, considering the implementation of mitigation measures, the project would result in localized changes to fish and fish habitat availability, and localized changes to fishing success due to project-related residual adverse effects including degradation and loss of fish habitat, death or harm to fish, and increased recreational fishing pressure, reducing the availability of fish for land-users and making the practice of fishing rights more difficult in locations within and near the project footprint.

Attawapiskat First Nation, Kasabonika Lake First Nation, Kashechewan First Nation, Marten Falls First Nation, Neskantaga First Nation, and Webequie First Nation identified concerns that changes to water quality and water levels, fish habitat, and fish spawning sites would occur from increased suspended sediments introduced by vegetation clearing and the construction of waterbody crossings and aggregate pits. Attawapiskat First Nation and Marten Falls First Nation specifically raised concerns about potential impacts on lake sturgeon populations from in-water works at lake sturgeon spawning sites. Attawapiskat First Nation indicated that potential decline in sturgeon populations could impact downstream fishing opportunities and community well-being.

Fort Albany First Nation shared that potential loss of fish due to in-water works, including blasting, would adversely impact their ability to exercise fishing rights. A Fort Albany First Nation Elder explained that reductions in fish populations near the project footprint could ultimately affect fish populations around Fort Albany First Nation and the ability of Fort Albany First Nation to practice fishing rights, as fish found in the project area travel down the Attawapiskat River, into the James Bay and south to estuaries and rivers closer to Fort Albany First Nation, including the Albany River system.

Aroland First Nation, Eabametoong First Nation, Marten Falls First Nation, Nibinamik First Nation, Neskantaga First Nation, Webequie First Nation, and Weenusk First Nation raised concerns that increased fishing by non-Treaty 9 rights-holders, including project workers, could increase pressure on preferred fish species, including trout and lake sturgeon.

Indigenous communities, including Attawapiskat First Nation, Eabametoong First Nation, Kasabonika Lake First Nation, Kashechewan First Nation, Marten Falls First Nation, Nibinamik First Nation, Webequie First Nation, and Weenusk First Nation, also raised concerns that the project would adversely impact fish health and water quality through potential leaks and spills of hazardous materials, the deposition of materials that may occur from the construction and operation of the road (e.g., dust, salt, sand),

and hydrological changes that may result in potential generation and bioaccumulation of methylmercury. Indigenous communities shared that contamination, or fears of contamination of water and fish, due to the project and due to future developments, would have wide-ranging impacts on the exercise of fishing rights and on community health and well being. Indigenous communities stressed that impacts on fishing rights and community health and well-being resulting from contamination would be irreversible, that there is no safe distance from project-related contamination, and that the project has the potential to impact water quality both upstream and downstream of the project due to the interconnectivity of the water systems within the area. Eabametoong First Nation and Weenusk First Nation also stressed that the fear of project related contamination would be enough to result in the avoidance of consumption of fish by community members, impeding their ability to practice fishing rights.

Aroland First Nation, Attawapiskat First Nation, Kasabonika Lake First Nation, and Nibinamik First Nation expressed concern that the project, in combination with future developments including the proposed Marten Falls Community Access Road and the proposed Northern Road Link, will increase pressure on fish populations and harm fish habitat and water quality due sedimentation, dust, and leaks and spills, which would adversely affect the ability to exercise the right to fish.

#### Loss of and change in access to preferred fishing sites and change in fishing experience

IAAC understands that the project would involve the construction or installation of 31 water crossing structures and that in-water work to construct and maintain the water crossings would temporarily limit but not prevent navigation at locations of in-water works during construction and maintenance activities. IAAC also understands that the project would result in impacts on the experience of traditional activities, including fishing, as described in subsection 4.4.4 below (see subsection titled Changes to Tangible and Intangible Cultural Heritage).

Weenusk First Nation reported fishing within the project footprint, the LSA (which extends one kilometre from the centreline on both sides of the proposed route plus a 500-metre buffer around each of the other project components) and RSA (which encompasses the area of the tertiary watersheds crossed by the proposed route), and noted the particular importance of the Winisk River as a preferred fishing location. The proponent identified that water crossings that overlap with the Weenusk First Nation area for fishing include WB-1, WC-1A, and WC-1B. Marten Falls First Nation indicated that the eastern portion of the project route overlaps with areas identified as important for fishing. Neskantaga First Nation indicated that the project could affect their ability to fish along the Muketai River. Nibinamik First Nation indicated that they fish along the project corridor and that in-water works would reduce safe access to fishing locations, though specific fishing sites were not identified by the community. Attawapiskat First Nation shared concern about potential impacts on their ability to fish on the Ekwan River and Attawapiskat River.

### IAAC's Assessment of Impact on Rights to Fishing and Water

IAAC is of the view that, after taking into account the implementation of mitigation measures, the project would result in residual and cumulative adverse effects on fish and fish habitat likely to be significant to a low extent (see Section 2.1 for additional details). The residual and cumulative adverse effects to current use of lands and resources for traditional purposes by Indigenous Peoples, as it relates to fishing, is likely to be significant to a low extent (see Section 4.3.1 for additional details) due to decreased availability and concerns with respect to the quality of resources, safe access for current use and quality of experience. Effects to current use directly impact Indigenous communities' fishing rights.

IAAC understands that the project may result in impacts on Indigenous communities' ability to practice fishing rights as the project would result in adverse effects to fish and fish habitat, reduce Indigenous Peoples' safe access to preferred fishing areas due to in-water works, and change the experience of fishing practices (the latter is described in further detail in Section 4.4.4). IAAC also notes that for certain Indigenous communities, including Marten Falls First Nation, Neskantaga First Nation, Nibinamik First Nation, and Weenusk First Nation, the project may result in temporary restriction of access to preferred fishing areas near the project footprint, though uncertainty remains about the specific locations of preferred fishing areas for these Indigenous communities. Changes to Indigenous Peoples' safe access would be temporary and reversible with the implementation of mitigation measures, which include notifying Indigenous communities when in-water works would occur, posting notices and signage in advance of starting work, and providing safe detours and direction to waterway users.

Degradation and loss of fish habitat and harm to fish populations from project components and activities, as well as increased recreational fishing pressure would change the availability of fish used for fishing. Changes in fish availability are expected to be localized to within the project footprint. Although limited to no long-term change in population dynamics are expected, following the implementation of mitigation measures described in Section 2.1, fishing opportunities may be reduced. IAAC is of the view that the project would result in localized reductions in the abundance of fish and changes to the experience of Indigenous Peoples' fishing activities by displacing them away from the project footprint into the fish and fish habitat LSA and RSA. However, as fish are expected to remain abundant within the LSA and RSA, overall impacts on fishing rights from reduced access, reduced availability of fish and changes to the experience of fishing would be limited.

IAAC acknowledges that project activities may result in changes to water quality and fish health. Mitigation measures described in Table 4 in Section 2.1 would support the management of potential adverse effects on water quality and fish health, by monitoring water quality parameters starting during construction until a three-year trend analysis indicates the project may not change water quality, and through control or containment of spill-related effects on aquatic and riparian environments where species of importance to Indigenous communities could be present. Additionally, the proponent

notes that project design features, including planned water crossings, drainage blankets and/or subdrains, are expected to maintain local and downstream hydrology, minimizing the likelihood of formation and bioaccumulation of methylmercury. Nonetheless, IAAC acknowledges that, even with the implementation of mitigation measures, fear of contamination may persist among land users, which may result in avoidance of fishing practices in waters understood to be hydrologically connected to the project footprint.

IAAC is of the view that the project, in combination with the proposed Marten Falls Community Access Road, Northern Road Link, and Eagle's Nest projects, is likely to contribute to fish habitat loss and habitat degradation within the respective project footprints, which are located in presently undisturbed areas. The cumulative effects of these projects would additively contribute to a reduced ability of Indigenous communities to exercise rights to fishing and water, particularly if these projects overprint preferred harvesting sites. IAAC is of the view that the cumulative effects would be relatively short term and partially reversible.

IAAC recognizes that the severity of project impacts on the right to harvest fish and use water resources vary by Indigenous community. See Table 12 and 13 for IAAC's preliminary conclusions related to severity of impacts on rights. IAAC notes the importance of the implementation of proponent's proposed mitigation and follow-up program measures, and the recommended mitigation measures discussed in Sections 2.1, 4.3.1, and 4.3.2 (Fish and Fish Habitat, Current Use, and Physical and Cultural Heritage, respectively). Some of these measures are particularly critical to support Indigenous Peoples' continued ability to practice fishing rights, such as the implementation of a follow-up program to verify the accuracy of the impact assessment and determine the effectiveness of mitigation measures with respect to effects to fish and fish habitat from changes in water quality in consultation with Webequie First Nation and other potentially impacted Indigenous communities, DFO, and ECCC; implementation of the Indigenous Communities Communication Plan for accidents and malfunctions in relation to the project, controlling sedimentation, run off and erosion; prevention of accidental spills; and maintenance of hydrological connectivity.

### 4.4.4 Right to a *Continued Way of Life*

As supported under section 35 of the *Constitution Act, 1982*, Aboriginal rights include a range of cultural, social, political, and economic rights. Indigenous communities identified "way of life" rights as rights in respect of cultural continuity, i.e. the persistence of their culture and land-based way of life through rights-based activities and practices for safeguarding cultural identity and language, maintaining spiritual connections to the land and sense of place, promoting community well-being, fostering the intergenerational transferring of knowledge within their traditional territories, and stewarding the lands of their traditional territories in the communities' preferred manner. IAAC acknowledges that the evaluation of potential adverse impacts on the exercise of rights should consider the interconnected nature of Indigenous harvesting practices and Indigenous cultural continuity, even when these are individually assessed.

Marten Falls First Nation and Weenusk First Nation shared that the condition of the land and the environment is critical to maintaining the communities' connection to and relationship with the land and the ability to retain and transmit Indigenous Knowledge, customs and cultural teachings, which together in turn are foundational to the communities' sense of healing and well-being.

The assessment of impacts on cultural continuity is below. The assessment considered contextual factors including pre-existing impacts and current socio-economic conditions that inform the exercise of the *right to continued way of life*. Table 11 provides the definition of each assessment criterion used to assign the severity of impact.

A brief summary of the potential interactions and pathways of the project's effects to the conditions that support the right of Indigenous communities to continue their way of life are outlined below. For a more comprehensive overview of the predicted effects of the project on Indigenous Peoples' current use of lands and resources, physical and cultural heritage, and health, social, and economic conditions, see Sections 4.3.1, 4.3.2, and 4.3.3, respectively.

#### 4.4.4.1 Context in which impacts on the *right to continued way of life* would occur

All potentially impacted Indigenous communities shared that connecting to the land through traditional ceremony and land-based activities including hunting, fishing and spending time in nature are essential components of their right to a continued way of life. The land holds deep cultural, spiritual and practical significance for all potentially impacted Indigenous communities. Attawapiskat First Nation, Marten Falls First Nation and Weenusk First Nation have described their traditional territories as a "paradise" where community members are able to experience freedom, tranquility, silence, and a sense of being in tune with nature. Weenusk First Nation described this isolation and freedom as key aspects of Weenuski Inninowuk (Weenusk First Nation members) identity. The expansive, remote, and isolated nature of Weenusk First Nation's traditional areas means that Weenuski Inninowuk have the freedom to travel and practice their way of life without interference or disturbance.

All potentially impacted Indigenous communities described how stewardship of lands, waters, and resources is fundamental to identity, cultural continuity, and community wellbeing. Aroland First Nation, Attawapiskat First Nation, Marten Falls First Nation, Kashechewan First Nation, Neskantaga First Nation, Nibinamik First Nation, Webequie First Nation, and Weenusk First Nation indicated that stewardship, conservation, and preservation are all critical to maintaining their community members' connection to the land and spirituality and ensuring that culturally significant resources are available to support future generations. Nibinamik First Nation emphasized that stewardship is not just a responsibility, but a sacred obligation to protect the land. Attawapiskat First Nation shared that protection of water, and of the traditional way of life are primary interests for the Attawapiskat First Nation People. Weenusk First Nation shared that the community's histories and stories are directly tied to the lands and waters, and that the

condition of the land and water directly facilitates Weenusk First Nation's way of life and the sharing of Knowledge. Aroland First Nation has noted that it is committed to the conservation of their traditional territory, including practicing sustainable management of natural resources and protecting culturally significant sites, which are crucial to maintaining the community's cultural practices so that future generations can continue to live in harmony with the land.

All potentially impacted Indigenous communities have shared that the system of colonial rules, laws, and institutions imposed upon their communities has resulted in health, social and infrastructure crises. Lack of access to clean drinking water, high cost of living, housing shortages, low educational outcomes, high unemployment rates, high rates of addictions, and mental health struggles together have resulted in intergenerational trauma, the loss of language, culture, and traditional knowledge, and a weakened connection to the land that has deeply impacted the communities' ability to exercise rights and practice the traditional way of life. In this context, protecting the land, and maintaining a connection to the land and to the traditional way of life is regarded as critical for healing from past and present traumas. Webequie First Nation members have observed a recent decline in the transmission of traditional knowledge to youth owing to youth interest in technology and internet. They also noted that by spending more time connecting to the land, youth physical and mental well-being could be improved.

#### 4.4.4.2 Pathways of impact on the right to a continued way of life informed by consultations with Indigenous communities

##### Changes to the Availability and Quality of, and Access to Resources

IAAC anticipates that the project would decrease resource availability, contribute to concerns about the decrease in the quality of resources for current use such as culturally important plant and fish species that Indigenous communities harvest to maintain their way of life, and reduce safe access to lands and waters, as described in Section 4.3.1 (Current Use), Section 4.3.2 (Physical and Cultural Heritage) and above in Section 4.4.3 (Harvesting Rights). Project components would also alter access to preferred sites for hunting, trapping, fishing, and gathering plants, which are important for maintaining the right to a continued way of life through the persistence of Indigenous communities' culture and land-based practices.

Indigenous communities noted the importance of harvested plants, which are used for food, as medicines, and for ceremonial purposes. The ability to harvest plants supports food security and the overall health and well-being of Indigenous communities and creates opportunities to be on the land and share Indigenous Knowledge.

The proponent indicated that potential impacts on plant harvesting could occur as a result of project effects to plants and plant communities. Vegetation clearing associated with construction and operation would result in the loss of plants available for harvesting, as well as the loss of, or loss of access to, sites used for plant harvesting

within or near the project footprint. Project activities may also reduce Indigenous communities' trust in the quality of plants located near the project footprint.

Fort Albany First Nation, Nibinamik First Nation, and Weenusk First Nation indicated that dust from construction and operation, as well as spills and leaks, would reduce the quality of plant resources. Attawapiskat First Nation raised concerns that the project's effects on peatland hydrology could harm plant communities and reduce the availability of culturally important plants. Nibinamik First Nation and Aroland First Nation expressed concern that the presence of the road could lead to the introduction of invasive plant species that could displace native plant species of importance to Indigenous communities. Nibinamik First Nation and Eabametoong First Nation also noted that the project would result in an increased presence of workers and visitors to the area, and increase harvesting pressure on plants, reducing availability for Indigenous land-users.

Nibinamik First Nation, Marten Falls First Nation, and Webequie First Nation expressed concern that the construction and operation of the road may affect access to plant and medicine harvesting sites. Marten Falls First Nation indicated that the eastern portion of the project overlaps with areas identified as important for plant gathering, although specific harvesting sites were not mapped. However, Marten Falls First Nation noted that the information shared for this project does not represent the full extent of Marten Falls First Nation's knowledge and presence in the region. Neskantaga First Nation indicated that the project may disturb sites important for plant gathering on the Muketai River and on eskers, which were noted by the community as important for gathering medicines. Weenusk First Nation indicated that the Winisk River is an important area for harvesting wild plants but also indicated that Weenusk First Nation's preferred areas for gathering plants are outside of both the plant harvesting LSA (defined as the area that extends one kilometre from the centreline on both sides of the proposed route plus a 500-metre buffer around each of the other project components) and the plant harvesting RSA (defined as the area that includes the plant harvesting LSA and further extends five kilometres beyond the LSA boundary).

### Changes to Physical and Cultural Heritage and Sites of Importance

As described in Section 4.3.2, IAAC anticipates that the project could result in damage to physical and cultural heritage resources within the project footprint, and within the LSA, degradation (through sensory disturbance) of sites of importance (i.e., travel routes; harvesting sites; cultural, spiritual, and ceremonial sites; and burial sites) and change in access to sites of importance.

Attawapiskat First Nation, Eabametoong First Nation, Kasabonika Lake First Nation, Marten Falls First Nation, Neskantaga First Nation, Webequie First Nation, and Weenusk First Nation expressed concern that the project could adversely impact important physical and cultural heritage resources and sites of importance. Marten Falls First Nation expressed concern regarding potential destruction of sites of importance (burial, ceremonial, and sacred sites) and important landscape features during project construction activities such as aggregate extraction and blasting of rock, as well as

concern about potential impacts on a historical trail in the LSA (which extends one kilometre from the centerline on both sides of the proposed route plus a 500-meter buffer around each of the other project components) and an important travel route in the RSA (which extends five kilometres from the boundary of the LSA). Weenusk First Nation raised concerns about potential impacts of the project on burial and ceremonial grounds near the project's western terminus, as well as sacred sites along the Winisk and Winiskisis waterways. Eabametoong First Nation indicated that an important trail is located near the eastern terminus of the project but outside of the RSA. Attawapiskat First Nation also indicated that river systems provide the community with transportation routes, water sources, and temporary camp sites which may be impacted by the project. Webequie First Nation shared that the project could damage, reduce access to and/or alter the experience at culturally important sites, which would result in a loss of cultural continuity, weaken the ability to steward the land, and harm spiritual and community well-being.

### Changes to Tangible and Intangible Cultural Heritage

IAAC anticipates that the project would result in changes to tangible and intangible cultural heritage by diminishing opportunities to share and strengthen Indigenous Knowledge for the safe and effective exercise of rights, and diminishing the ability to exercise stewardship responsibilities, due changes to the availability and quality of resources and changes to access and loss of sites of importance. The project would also result in changes to Indigenous communities' quality of experience, resulting in changes to cultural traditions, sense of place, mental well-being, and ability to transfer Indigenous Knowledge.

Aroland First Nation, Attawapiskat First Nation, Fort Albany First Nation, Kasabonika Lake First Nation, Kashechewan First Nation, Kitchenuhmaykoosib Inninuwug First Nation, Marten Falls First Nation, Neskantaga First Nation, Nibinamik First Nation, Webequie First Nation, and Weenusk First Nation expressed concerns that changes to wildlife habitat, mortality, health, and movement, and reduced access to or loss of harvesting sites would affect the communities' ability to steward the lands, waters, and resources in their preferred manner, in turn affecting cultural continuity, the transmission of place-based Indigenous Knowledge, and community-health and well-being. Constance Lake First Nation, Fort Albany First Nation, Kasabonika First Nation, Kashechewan First Nation, Kitchenuhmaykoosib Inninuwug First Nation, Marten Falls First Nation, and Weenusk First Nation stated that a reduction in the ability to harvest resources, especially moose, caribou, waterfowl and fish, would limit the ability to share country foods among community members and would reduce opportunities to teach younger generations how to harvest these species, increasing reliance on store-bought food and diminishing community connectedness and well-being, all of which would limit the ability to exercise harvesting rights and steward the lands in the communities' preferred manner. Furthermore, project-related effects to caribou would result in reduced ability to harvest and steward caribou as a culturally important species and could therefore affect the cultural and spiritual relationship between Indigenous communities and caribou. Kashechewan First Nation and Neskantaga First Nation

indicated that project-related changes to their ability to steward the lands, waters, and resources that are required for the exercise of rights could be long-lasting and could adversely affect community well-being. Weenusk First Nation indicated changes to the ability to steward the land interfere with Weenusk First Nation's ability to govern and exercise authority over the environment and natural resources in Weenusk First Nation's traditional territory.

Aroland First Nation, Attawapiskat First Nation, Constance Lake First Nation, Eabametoong First Nation, Fort Albany First Nation, Ginoogaming First Nation, Kasabonika Lake First Nation, Kitchenuhmaykoosib Inninuwug First Nation, Long Lake #58 First Nation, Nibinamik First Nation, and Weenusk First Nation also raised concerns about the potential cumulative impacts of future development that may be enabled by the presence of the three roads including future mining in the Ring of Fire area, potential increased settlement and potential forestry and hydroelectric development on the exercise of section 35 rights. Aroland First Nation, Attawapiskat First Nation, Constance Lake First Nation, Eabametoong First Nation, Kitchenuhmaykoosib Inninuwug First Nation, and Nibinamik First Nation expressed concern that the cumulative impacts of the three proposed road projects would affect the ability to steward caribou due to potential adverse impacts on the seasonal ranges, habitat, and calving areas of caribou, which are central to the history, culture, and way of life of the Indigenous People in the region.

Attawapiskat First Nation raised concerns that the proposed construction of road access into the Ring of Fire and the induced mining activity would set in motion a series of irreversible and cascading impacts that could permanently change Attawapiskat First Nation's way of life and exercise of rights. Eabametoong First Nation shared that the three proposed road projects, in combination with future development, represent the greatest range of opportunities and possible impacts to Eabametoong First Nation people and way of life since the making of Treaty 9. Nibinamik First Nation indicated that the three road projects are forever projects that represent the first wave of an industrial revolution of the north that will have far reaching environmental, economic, and social impacts on Nibinamik First Nation.

Indigenous communities shared that health of lands and waters underpins the ability to hunt, fish, trap, and gather, which in turn supports other cultural practices. Attawapiskat First Nation, Aroland First Nation, Eabametoong First Nation, Fort Albany First Nation, Kasabonika Lake First Nation, Kashechewan First Nation, Marten Falls First Nation, Neskantaga First Nation, Nibinamik First Nation, Webequie First Nation, and Weenusk First Nation expressed concerns that project-related contamination of land, water and fish and wildlife may lead to avoidance of traditional activities, which would diminish the ability to sustain the spiritual and cultural connection to the land and water, sustain ceremony, and share customs, traditions, and Knowledge across generations.

Attawapiskat First Nation, Fort Albany First Nation, Kashechewan First Nation, Marten Falls First Nation, Neskantaga First Nation, Nibinamik First Nation, Webequie First Nation, and Weenusk First Nation raised concerns that project construction and

operation would adversely impact their experience on the land through sensory disturbance, visual landscape changes, and through fear of surveillance and enforcement. Indigenous communities indicated that exercising harvesting and cultural rights in their preferred manner means experiencing peace, quiet, solitude and freedom while out on the land, and that the majority of land users would actively avoid areas with access restrictions, including fencing or signage, visible development, and sensory disturbance. Indigenous communities also raised concerns that operation of the project would be associated with additional regulations and government control, and that the enforcement of those regulations and the resulting loss of freedom would be akin to the trauma of residential school.

Aroland First Nation, Eabametoong First Nation, Fort Albany First Nation, Kasabonika Lake First Nation, Kashechewan First Nation, Marten Falls First Nation, Neskantaga First Nation, Nibinamik First Nation, Webequie First Nation, and Weenusk First Nation expressed concern that the increased presence of outsiders, increased access to drugs and alcohol, and elevated risk of harm to vulnerable populations, including women, children and youth, Elders, and 2SLGBTQ+ individuals, associated with road development and the presence of workers would deter community members from engaging in harvesting activities and cultural practices, and thus decrease opportunities to be on the land and share Indigenous Knowledge. Webequie First Nation noted that training for the project would require that individuals spend time away from the community, and that the project would prioritize the use of the English language, which could adversely impact intergenerational knowledge transfer and the ability to carry out cultural traditions.

#### 4.4.4.3 IAAC's Assessment of Impact on the Right to a Continued Way of Life

IAAC is of the view that, after taking into account the implementation of mitigation measures, the project would likely result in residual and cumulative adverse effects on current use, physical and cultural heritage, and health, social, and economic conditions through changes to the availability of resources, in particular of caribou, the quality of experience on the land, the ability to safely access resources, physical damage or degradation to sites of importance, and increased strain on social infrastructure and the ability to pass on Indigenous Knowledge (see Sections 4.3.1 through 4.3.3).

These changes would primarily affect communities that may exercise harvesting rights within the footprint and LSA, where wildlife availability is likely to be affected (see Section 4.3.1). These changes would also affect communities who harvest caribou within the caribou RSA, where their movement and distribution is likely to be altered, which may affect caribou availability at preferred harvesting sites. These effects impact Indigenous communities' rights to a continued way of life, including the ability to share harvesting-related Indigenous Knowledge, and to experience and steward the land in the preferred manner.

IAAC acknowledges that the aforementioned project effects would also contribute the loss of inter-generational teaching of traditional practices and language through changes to the way in which Indigenous communities can practice their rights.

IAAC acknowledges that adverse impacts to culturally important practices, including those tied to caribou harvesting, cannot be substituted with other aspects of Indigenous culture. The Far North of Ontario region and the established locations of sites for caribou harvesting are integral to the potentially impacted Indigenous communities' ability to share knowledge and experience, and steward the land in their preferred manner.

IAAC recognizes that project construction and operation could result in damage or degradation of important physical and cultural heritage resources and sites of importance to Indigenous communities. IAAC also recognizes that, should unidentified sites of physical, cultural, and historical importance to Indigenous communities overlap with project infrastructure, these sites could be permanently lost or damaged once construction begins. IAAC understands that, in the event of chance finds, the proponent would be required to comply with Ontario's *Ontario Heritage Act*, in addition to the other mitigation measures identified in Table 9 in Section 4.3.2, to preserve the heritage value of archeological resources and minimize impacts on sites of importance.

IAAC acknowledges that the project would affect the quality of experience for Indigenous persons who practice traditional activities near or within the project footprint. These changes are likely to interfere with Indigenous Peoples' sense of connection to the land and waters and their ability to enjoy traditional practices in the preferred manner. IAAC also recognizes that the construction and operation of the road would lead to an influx of non-Indigenous workers and land-users, which are likely to result in adverse impacts on community health, well-being, and the ability to practice harvesting and cultural rights in the preferred manner.

IAAC is of the view that the project, in combination with the proposed Marten Falls Community Access Road, Northern Road Link, and Eagle's Nest projects would modify the availability of caribou within the respective project LSAs and alter movement patterns and range areas within the project RSA. These changes may further diminish Indigenous communities' ability and share knowledge and cultural practices related to caribou harvest, and the ability to steward the land, as described above. IAAC is also of the view that the project, in combination with reasonably foreseeable development, would facilitate access to remote Indigenous communities, raising safety risks for Indigenous community members (e.g., from violence towards Indigenous women and girls, and increased alcohol and drugs) which may deter community members from engaging in cultural practices, including the sharing of Indigenous Knowledge.

IAAC notes that through the ongoing Regional Assessment in the Ring of Fire Area, Indigenous communities would have access to information on current and future conditions within their traditional territory, which would be available to support and inform future decision-making in the Ring of Fire area. The Regional Assessment in the

Ring of Fire Area aims to provide recommendations on how potential cumulative impacts on rights that cannot be fully addressed by project-specific mitigations could be accommodated through a suite of measures including funding, research, and data platforms, and other initiatives.

IAAC recognizes that the severity of project impacts on Indigenous communities' right to continue their way of life vary by Indigenous community. Table 11 provides the definition of the assessment criteria used to assign the level of impact for each rating criterion, and Table 12 and 13 provide IAAC's conclusions related to the severity of impact for each criterion. IAAC recognizes that a strong Community Readiness Plan and the implementation of mitigation and follow-up program measures described in Sections 4.3.1, 4.3.2 and 4.3.3 (e.g., scheduling project activities expected to reduce air quality and elevate noise levels in consideration of input from nearby Indigenous communities) are critical to supporting cultural continuity and the right to a continued way of life. These measures will minimize interactions with the project's adverse effects that prevent Indigenous community members from conducting cultural practices in their preferred manner. IAAC notes that the proponent plans to conduct further engagement with Indigenous communities to understand their cultural practices and needs, with the goal of developing and implementing further mitigation measures, as needed.

### 4.4.5 Governance and Stewardship

Attawapiskat First Nation, Eabametoong First Nation, Fort Albany First Nation, Kasabonika Lake First Nation, Kashechewan First Nation, Nibinamik First Nation, and Weenusk First Nation raised concerns about potential impacts on the communities' ability to exercise decision-making and governance over their territories. Attawapiskat First Nation expressed concerns that the Crown and the regulatory process for the project is imposing unilateral decision making over the Attawapiskat First Nation people. Eabametoong First Nation shared that the federal and provincial Crown regulatory processes are not reflective of the Treaty relationship and may result in unilateral decisions taken by the Crown that may have an impact on ability of Eabametoong First Nation to exercise control over decision making in its territory. Fort Albany First Nation expressed concern that the project, in combination with future development that it may enable, may affect Fort Albany First Nation's ability to maintain long-term control over its territory. Kasabonika Lake First Nation expressed concerns about the potential imposition of provincial frameworks, which Kasabonika Lake First Nation does not recognize as applicable to its territory. This includes concern that community members may eventually be required to obtain licences to hunt or fish on their own lands after the project is constructed, which would undermine governance responsibilities. Kashechewan First Nation expressed concern about the project, in combination with future development that it may enable, would interfere with the community's stewardship and governance. Nibinamik First Nation indicated that the community holds inherent rights of self-determination and self-government, and the right to participate in decisions that have the potential to affect Nibinamik First Nation and the lands, waters, or resources of its Homeland. Weenusk First Nation indicated that stewardship of the environment is closely connected to Weenusk First Nation's governance. Changes to

stewardship, or ability to practice it, interfere with Weenusk First Nation's ability to govern and exercise stewardship over the environment and natural resources in Weenusk First Nation's traditional territory.

IAAC acknowledges concerns expressed by Indigenous communities regarding potential impacts of increased access from the Project, in combination with the proposed Marten Falls Community Access Road and Northern Road Link projects, as well as associated future development could affect their ability to maintain their stewardship and governance role in their territories. IAAC notes that the federal decisions on the assessment under the IAA is limited to the project and does not alter Indigenous governance systems. Future developments would be subject to separate legislative frameworks, assessment processes, and consultation requirements, including opportunities for Indigenous participation.

As part of the federal projects decision-making process under the IAA, the Crown seeks to avoid or minimize adverse impacts on the exercise of Indigenous rights, and provides opportunities for Indigenous communities to participate in and inform decision-making through various methods. This can include providing participant funding, keeping communities informed of process steps and timelines, seeking opportunities for dialogue on potential impacts and how they could be addressed, including in person meetings, and providing individualized summaries regarding potential impacts to Indigenous communities.

IAAC also notes that the Regional Assessment in the Ring of Fire area is being conducted under the IAA and is co-led by First Nations and the Government of Canada, recognizing the importance of stewardship and the desire of First Nation Partners' communities to influence future activities within their territory. Through the Regional Assessment, Indigenous communities would have access to information on current and future conditions within their traditional territory, which would be available to support and inform future decision-making in the Ring of Fire area.

Based on the scope of the project and the evidence on the record, IAAC concludes that the project is not likely to result in adverse impacts on potentially impacted Indigenous communities' existing governing structures. Furthermore, potentially impacted Indigenous communities will be consulted on the follow-up program for water quality monitoring and on the monitoring of the effects to wildlife species of importance for traditional purposes (as described in Table 4 in Section 2.1 and in Table 8 in Section 4.2.1), which will continue to provide opportunities for Indigenous communities to participate.

### 4.4.6 Conclusion on impacts on *Indigenous Peoples' rights*

The tables below outline the IAAC's understanding of what would constitute a low, moderate, or high impact on rights (Table 11), and provide a summary of IAAC's conclusions related to likelihood, geographical extent, frequency, duration, and reversibility, and community health and wellbeing, and cumulative impacts on hunting

and trapping rights, rights to fishing and water, and right to a continued way of life (Table 12 and 13).

Should the project proceed, IAAC acknowledges that the project is likely to cause changes to the exercise of Aboriginal and treaty rights.

IAAC notes that the project, as well as potential future projects in the region, are located on provincial Crown land and would be subject to applicable provincial legislative and regulatory frameworks. Such projects would also be subject to relevant federal and provincial processes, including requirements for consultation with Indigenous communities.

IAAC further notes that future decisions would be informed by information and knowledge, including Indigenous Knowledge, as well as regional initiatives such as the Regional Assessment in the Ring of Fire Area. Through the ongoing Regional Assessment in the Ring of Fire Area, Indigenous communities would have access to information on current and future conditions within their traditional territory, which would be available to support and inform future decision-making in the Ring of Fire area. As such, the Regional Assessment is also intended to inform and improve the effectiveness and efficiency of future impact assessments conducted under the IAA and support other decision-making processes in a way that helps to:

- preserve Indigenous ways of life, traditions, laws, customs and oral history.
- protect and improve the environmental, health, social, cultural and economic conditions of potentially affected communities.
- protect and advance Aboriginal and Treaty rights, claims and interests within the assessment area.
- create opportunities for community and regional economic equity and sustainable development.

These processes provide opportunities for continued engagement with Indigenous communities and for the consideration of potential impacts on the exercise of rights in future decision-making.

With regards to the potential impacts on rights due to the project, IAAC concludes:

- Low to moderate severity of impacts on the right to hunt and trap, low severity of impacts on the right to fish, and low to moderate severity impacts on the right to a continued way of life for Indigenous communities that would be most directly impacted or reported some uses in the project footprint: Attawapiskat First Nation, Marten Falls First Nation, Neskantaga First Nation, Nibinamik First Nation, Webequie First Nation and Weenusk First Nation.
- Negligible to moderate severity of impacts on the right to hunt and trap, and negligible to low severity of impacts on the right to fish and the right to a continued way of life for Indigenous communities whose preferred areas for the exercise of

harvesting and cultural rights have limited overlap with the geographic scope of anticipated project effects: Aroland First Nation, Eabametoong First Nation, Fort Albany First Nation, Kasabonika Lake First Nation, Kashechewan First Nation, and Kitchenuhmaykoosib Inninuwug First Nation.

**Table 11: Degree of Severity for adverse impacts on rights of Indigenous Peoples**

| Severity Level | Rationale |
|---|---|
| Low | Factors influencing a finding of low level of severity include:<br>• A resilient context;<br>• Potential impact is unlikely but could occur;<br>• Potential project effects have limited, or no overlap with areas of preferred use;<br>• Potential project impacts are infrequent, fully or largely reversible by the operation phase, and impact duration is limited to the construction phase;<br>• There is limited reasonably foreseeable development in the community's territory;<br>• Indigenous communities have minor to no concerns about impacts from the project on health, including on country foods and drinking water; and<br>• Mitigation should allow for the practice of the right to continue in the same or similar manner. |
| Moderate | Factors influencing a finding of moderate level of severity include:<br>• A moderately sensitive context;<br>• Potential impact is likely but may not occur;<br>• Potential project impacts overlap with known areas of preferred use,<br>• Potential project impacts have intermittent frequency (several times per month), are partially reversible by the operation phase, and impact duration may last up to one generation;<br>• There is some reasonably foreseeable development in the community's territory;<br>• There may be impacts on health due to environmental effects or concerns about environmental effects of the project that are tied to species of importance to traditional diets, food security and drinking water, and socio-economic effects and which alter the exercise of rights; and<br>• Mitigation may not fully address impacts but should enable the Indigenous community to continue exercising its rights in a modified way. |
| High | Factors influencing a finding of high level of severity include: |

| Severity Level | Rationale |
|---|---|
| | • A highly sensitive context,<br>• Potential project impact is highly likely or certain to occur,<br>• Potential project impact has a regional scale of overlap with high value areas of preferred use;<br>• Potential project impacts occur daily or are continuous and irreversible, with indefinite duration;<br>• There are many proposed developments in the community's territory and a high level of existing disturbance;<br>• The Indigenous community has serious concerns about impacts on holistic and/or traditional models of health, there may be serious impacts on health on a community-wide level due to environmental effects or concerns about environmental effects from the project that are tied to species of importance to traditional diets, food security and drinking water, and socio-economic effects;<br>• Concerns about effects to health interferes with, alters, or stops the meaningful exercise of rights;<br>• Mitigation is unable to fully address impacts such that the practice of the right is substantively diminished or lost. |

**Table 12: The Severity of Potential Impacts of the Project on the Exercise of Rights ranges from low to moderate for Indigenous communities that would be most directly impacted or reported some uses in the project footprint: Attawapiskat First Nation, Marten Falls First Nation, Neskantaga First Nation, Nibinamik First Nation, Webequie First Nation, and Weenusk First Nation**

| Criteria | Values | | |
|---|---|---|---|
| **Historical context and cumulative impacts:** Identification and understanding of the degree to which the existing exercise of rights may be vulnerable to project effects when the effects are added to, and interact with, the existing conditions, including existing cumulative effects from other sources | **Moderately sensitive context** Attawapiskat First Nation, Marten Falls First Nation, Neskantaga First Nation, Nibinamik First Nation, Webequie First Nation, and Weenusk First Nation indicate being heavily impacted by the system of colonial rules, laws, and institutions imposed upon their communities, which has resulted in health, social and infrastructure crises, including lack of access to clean drinking water, high cost of living, housing shortages, low educational outcomes, high unemployment rates, high rates of addictions, and mental health struggles. As a consequence, the communities have identified intergenerational trauma, the loss of language, culture, and traditional knowledge, and a weakened connection to the land as having impacted the communities' ability to exercise rights and practice the traditional way of life. As remote, fly-in only communities, these Indigenous communities are highly reliant on the land for food security as a source of traditional diet. These Indigenous communities have already been impacted by development, including mining and mineral exploration, and climate change, resulting in reduced quantity and quality of harvesting resources, which has impacted their ability to practice hunting, trapping, and fishing rights. Despite this, these Indigenous communities also indicate that they consider their environment pristine, where resources continue to be abundant, and the expression of harvesting and cultural rights continues. | | |
| | **Hunting and Trapping** | **Fishing and Water** | **Continued Way of Life** |
| **Likelihood:** an estimation of the likelihood the impact would occur. | **Potentially low** Project activities would have a low likelihood of impacting the exercise of hunting rights due to a reduction in the availability of wildlife for hunting (in particular, for | **Potentially low** Project activities would have a low likelihood of impacting the exercise of fishing rights due to changes in the availability of fish for fishing, and changes to the Indigenous communities' ability to access | **Potentially low** Project activities would have a low likelihood of adversely impacting the continued practice of cultural and spiritual traditions and stewardship of lands and resources; specifically the |

| Criteria | Values | | |
|---|---|---|---|
| | caribou, due to altered movement patterns, predator-prey dynamics, and habitat loss). Project activities are unlikely to reduce the Indigenous communities' ability to access to preferred hunting areas outside of the project footprint. | preferred fishing areas in the project footprint. Impacts on fishing rights due to concerns about contamination would be mitigated by a proposed environmental monitoring program. | project would potentially adversely impact species, sites or resources of cultural significance (e.g, caribou, caribou harvesting sites) and the experience on the land as a result of adverse effects due to changes in resource availability due to altered movement patterns and range areas. This in turn adversely impacts irreplaceable and integral aspects of Indigenous cultural heritage. |
| **Geographic Extent**: includes the consideration of the geographic extent of the impacts in relation to the geographic extent of the right, as practiced. | **Potentially low**<br>Project impacts on moose and caribou availability would overlap with areas identified as important for caribou hunting in the project footprint, LSA and RSA for Weenusk First Nation. For the other Indigenous communities, impacts may overlap with areas within the LSA where hunting practices may occur, but specific locations of preferred hunting areas are not known; the extent of overlap of project | **Potentially low**<br>Residual effects on fish and fish habitat and changes to access are expected to be limited to the project footprint, overlapping with Weenusk First Nation fishing areas; for other Indigenous communities, fishing practices may occur within the footprint, but specific locations of use are not known and the degree of overlap of project effects with traditional territories is limited. The Indigenous communities can continue to utilize areas for fishing in the RSA and beyond. Potential | **Potentially low**<br>The project may result in disturbance to the experience of the land and change in access to areas of cultural significance in the project footprint, although site-specific areas of cultural significance in the project footprint are not known. The project may also alter the ability to steward culturally significant resources within the LSA and extending into the RSA (particularly caribou). |

| Criteria | Values | | |
|---|---|---|---|
| | effects with traditional territories varies by community. | impacts on fishing rights due to concerns of downstream contamination would be mitigated by a proposed environmental monitoring program. | |
| **Frequency, Duration, Reversibility:** Includes the consideration of how often the impact may occur within a given period of time, the length of time that an impact may be discernible, and whether the exercise of rights is expected to recover from the impact. | **Potentially low**<br>Access restrictions to preferred hunting areas would be temporary, fully reversible and constrained to the construction phase. Impacts on the exercise of hunting rights from project related changes to the availability of ungulates are expected to be intermittent and extend beyond the construction phase but are not expected to extend beyond one generation. | **Potentially low**<br>Project effects on fish and fish habitat that would limit the availability of fish for fishing are expected to occur infrequently, primarily during project construction and be partially reversible. Changes to the Indigenous communities' access to fishing sites would be temporary and reversible. Contamination of fish is unlikely, and concerns of contamination would be mitigated by a proposed environmental monitoring program that would conclude only when a three-year trend analysis indicates that the project may not change water quality. | **Potentially low**<br>Use and sense of connection to a portion of the Indigenous communities' traditional territories that overlap with the project footprint and LSA has the potential to be continuous and irreversible, while effects within the RSA would be reversible. Reduced access to culturally significant sites would be short term and reversible. Project impacts on cultural continuity (including intergenerational transmission of Indigenous Knowledge) and ability to steward the land within the project footprint would be indefinite |
| **Community Health and Wellbeing:** Includes the consideration of physical, mental, emotional and spiritual | **Potentially low**<br>The Indigenous communities expressed some concern about potential impacts of the project on health. Project- | **Potentially low**<br>The Indigenous communities expressed concern about potential project-related contamination of water, affecting food security, | **Potentially low**<br>The Indigenous communities identified potential impacts on health and well-being due to diminished safety of vulnerable |

| Criteria | Values | | |
|---|---|---|---|
| health, including Indigenous views of health. | related effects to caribou and moose, which are species of importance to food security would have a low likelihood of resulting in community-wide impacts on community health and well-being. | physical, mental, and spiritual health; however, these concerns would be mitigated by a proposed environmental monitoring program. | populations, decreased food security, changes to experience on the land, but the exercise of the right to a continued way of life is unlikely to be meaningfully altered in the communities' traditional territories. |
| **Cumulative Impact:**<br>Includes the understanding of the degree to which the meaningful exercise of rights may be impacted when project effects are added to and/or interact with effects from reasonably foreseeable activities | **Potentially low to moderate**<br>The project is located in an undisturbed area. Cumulative impacts are anticipated on woodland caribou (boreal population), within the Missisa and Ozhiski ranges, which are listed as "threatened" under Ontario and Federal species at risk legislation.<br>The project, in combination with other proposed projects, is likely to lead to potentially low impacts for Neskantaga First Nation, for whom IAAC does not have information about caribou harvesting.<br>Cumulative effects to caribou are likely to be significant to a moderate extent. Cumulative impacts are potentially low to | **Potentially low**<br>The project is located in an undisturbed area. The project, in combination with other proposed projects, would contribute to fish habitat loss and degradation in a pristine region. However, IAAC anticipates that traditional fishing activities could continue within the respective proposed project RSAs. | **Potentially low to moderate**<br>The project is located in an undisturbed area. Impact severity is potentially low for Neskantaga First Nation and Nibinamik First Nation due to a reduced ability to exercise way of life rights that are reliant on abundant wildlife.<br>Impact severity is potentially low to moderate for Attawapiskat First Nation and Weenusk First Nation due to a reduced ability to maintain and share cultural practices and knowledge associated with caribou harvest.<br>Cumulative effects to social infrastructure (including substance use treatment, policing, and victim services) are likely to be significant to a moderate extent. Cultural |

| Criteria | Values | | |
|---|---|---|---|
| | moderate for Nibinamik First Nation and Weenusk First Nation, for whom caribou are culturally important, as other reasonably foreseeable activities are not anticipated within their territories.<br>Reasonably foreseeable projects that have the potential to impact the practice of rights (particularly for caribou) are located in Attawapiskat First Nation, Marten Falls First Nation, and Webequie First Nation's territories, leading to moderate impacts. | | continuity may be interrupted due to reduced capacity of social infrastructure to manage adverse effects of reasonably foreseeable development including increased risk of gender-based violence and access to drugs and alcohol for Marten Falls First Nation and Webequie First Nation, leading to moderate impacts. |
| **Overall conclusions on impacts on rights.** | **Potentially low to moderate**<br>Moderately sensitive context, low to moderate likelihood of impacts on hunting rights, extent of effects concentrated within project footprint to the LSA, impact duration up to one generation, intermittent frequency, partially reversible, low impacts on community health and well-being, and low to moderate | **Potentially low**<br>Moderately sensitive context, low likelihood of impacts on fishing rights, extent of effects limited to project footprint, duration limited to construction phase, partially reversible, infrequent, low impacts on community health and well-being, and low cumulative impacts. Mitigation should allow for the practice of the right to continue in a similar manner. | **Potentially low to moderate**<br>Moderately sensitive context, low likelihood of impacts on rights, impacts extending into the local and RSA, partially reversible to irreversible, low impacts on health and wellbeing, and low to moderate cumulative impacts. Mitigation should allow for the practice of the right to continue in a similar or modified way. |

| Criteria | Values | | |
|---|---|---|---|
| | cumulative impacts. Mitigation should allow for the practice of the right to continue in a similar or modified way. | | |

**Table 13: The Severity of Impacts of the Project on the Exercise of Rights ranges from low to low-to-moderate for Indigenous communities whose preferred areas for the exercise of harvesting and cultural rights have limited overlap with the geographic scope of anticipated project effects: Aroland First Nation, Eabametoong First Nation, Fort Albany First Nation, Kasabonika Lake First Nation, Kashechewan First Nation, and Kitchenuhmaykoosib Inninuwug First Nation**

| Criteria | Values |
|---|---|
| **Historical context and cumulative impacts:** Identification and understanding of the degree to which the existing exercise of rights may be vulnerable to project effects when the effects are added to, and interact with, the existing conditions, | **Moderately sensitive context** Aroland First Nation, Eabametoong First Nation, Fort Albany First Nation, Kasabonika Lake First Nation, Kashechewan First Nation, and Kitchenuhmaykoosib Inninuwug First Nation indicate being heavily impacted by the system of colonial rules, laws, and institutions imposed upon their communities, which has resulted in health, social and infrastructure crises, including lack of access to clean drinking water, high cost of living, housing shortages, low educational outcomes, high unemployment rates, high rates of addictions, and mental health struggles. As a consequence, the communities have identified intergenerational trauma, the loss of language, culture, and traditional knowledge, and a weakened connection to the land that has impacted the communities' ability to exercise rights and practice the traditional way of life. As most of these Indigenous communities are remote, fly-in only, these Indigenous communities are reliant on the land for food security as a source of traditional diet. These Indigenous communities have already been impacted by development, such as mining and mineral exploration, forestry, dams, and development of the road network, and climate change, resulting in reduced quantity and quality of harvesting resources, which has impacted their ability to practice hunting, trapping, and fishing rights. Despite this, these Indigenous communities also indicate that they consider their environment pristine, where resources continue to be abundant, and the expression of harvesting and cultural rights continues. |

| Criteria | Values | | |
|---|---|---|---|
| including existing cumulative effects from other sources | | | |
| | **Hunting and Trapping** | **Fishing and Water** | **Continued Way of Life** |
| **Likelihood:** an estimation of the likelihood the impact would occur. | **Potentially negligible to low**<br>Project activities are unlikely to reduce the availability of wildlife available for hunting and trapping in the Indigenous communities' traditional territories and are unlikely to change the Indigenous communities' ability to access preferred hunting and trapping areas. | **Potentially negligible to low**<br>Project activities are unlikely to reduce the availability of fish available for fishing and are unlikely to change the Indigenous communities' ability to access preferred fishing areas in their traditional territories. Impacts on fishing rights due to concerns about contamination of fish and water would be mitigated by a proposed environmental monitoring program. | **Potentially negligible to low**<br>Project activities are unlikely to disturb and disrupt the continued practice of cultural and spiritual traditions and stewardship of lands and resources within the communities' traditional territories. |
| **Geographic Extent, Frequency, Duration, Reversibility:** includes the consideration of the geographic extent of the impacts in relation to the | **Potentially negligible to low**<br>The project effects are not anticipated to extend into areas identified as preferred areas for hunting and trapping by the Indigenous communities, though some hunting and trapping within the caribou | **Potentially negligible to low**<br>Residual effects on fish and fish habitat that would limit the availability of fish overlap with Kasabonika Lake First Nation's area of interest for planning. Effects are not expected to extend into other Indigenous communities' territories or areas identified as preferred for fishing. | **Potentially negligible to low**<br>Project effects are not anticipated to overlap with areas or sites identified as culturally significant by the Indigenous communities. The project may alter the ability to maintain cultural practices associated with harvesting within the RSA (due to changes in caribou distribution and movement, which would likely be reversed within one generation), and within the LSA, for communities that |

| Criteria | Values | | |
|---|---|---|---|
| geographic extent of the right, as practiced, how often the impact may occur within a given period of time, the length of time that an impact may be discernible, and whether the exercise of rights is expected to recover from the impact. | LSA may occur by Aroland First Nation, Eabametoong First Nation, and Kasabonika Lake First Nation. | Impacts on fishing rights due to fear of project related contamination of fish and water would be mitigated by a proposed environmental monitoring program. | have indicated use within, or whose territories overlap the LSA: Aroland First Nation, Eabametoong First Nation, and Kasabonika Lake First Nation. |
| **Community Health and Wellbeing:** Includes the consideration of physical, mental, emotional and spiritual health, including Indigenous views of health. | **Potentially negligible to low**<br>The Indigenous communities expressed some concern about potential impacts of the project on health. Project-related effects on food security due to reduced availability of moose, caribou, birds and furbearers in the | **Potentially negligible to low**<br>The Indigenous communities expressed concern about potential project-related contamination of water, but the exercise of fishing rights in the communities' traditional territories is unlikely to be altered in a meaningful way. | **Potentially negligible to low**<br>The Indigenous communities identified potential impacts on health and well-being from sensory disturbance and diminished safety of vulnerable populations, but the exercise of the right to a continued way of life is unlikely to be altered in the communities' traditional territories in a meaningful way. |

| Criteria | Values | | |
|---|---|---|---|
| | communities' traditional territories are unlikely. | | |
| **Cumulative Impact:**<br>Includes the understanding of the degree to which the meaningful exercise of rights may be impacted when project effects are added to and/or interact with effects from reasonably foreseeable activities | **Potentially low to moderate**<br>The project is located in an undisturbed area. The project, in combination with other proposed projects, is likely to lead to potentially low impacts for Indigenous communities that do not, or minimally harvest caribou within the RSA, Eabametoong First Nation, Fort Albany First Nation, Kashechewan First Nation, and Kitchenuhmaykoosib Inninuwug First Nation.<br>Cumulative effects to caribou are likely to be significant to a low to moderate extent. Woodland Caribou are culturally important to, and are harvested by Aroland First Nation and Kasabonika Lake First Nation, and listed as | **Potentially low**<br>The project is located in an area with few existing impacts. The project, in combination with other proposed projects, is likely to contribute to fish habitat loss and degradation in a pristine region. However, IAAC anticipates that traditional fishing activities could continue within the respective proposed project RSAs. | **Potentially low**<br>The project is located in an area with few existing impacts. The project, in combination with other proposed projects, is likely to contribute to reduced ability to exercise way of life rights that are reliant on abundant wildlife; and is likely to reduce the ability of social infrastructure to manage adverse effects of reasonably foreseeable development including increased risk of gender-based violence and access to drugs and alcohol, which may decrease opportunities to engage in cultural practices. |

| Criteria | Values | | |
|---|---|---|---|
| | ”threatened“ within the Missisa and Ozhiski ranges under Ontario and Federal species at risk legislation, leading to low to moderate impacts. | | |
| **Overall conclusions on impacts on rights**. | **Potentially negligible to moderate**<br>Moderately sensitive context. Negligible to low impacts related to residual project effects: unlikely impacts on hunting rights, project effects on wildlife are not anticipated to extend into areas identified as preferred areas for hunting and trapping, low impacts on community health and well-being. Low to moderate cumulative impacts. Mitigation should allow for the practice of the right to continue in a similar or somewhat modified manner. | **Potentially negligible to low**<br>Moderately sensitive context, unlikely impacts on fishing rights, effects are not anticipated to extend into areas identified as preferred areas for fishing, low impacts on community health and well-being, and low cumulative impacts. Mitigation should allow for the practice of the right to continue in the same or similar manner. | **Potentially negligible to low**<br>Moderately sensitive context, unlikely impacts on the right to a continued way of life, effects are not anticipated to extend into areas identified as culturally significant, low impacts on community health and well-being, and low cumulative impacts. Mitigation should allow for the practice of the right to continue in the same or similar manner. |

Based on the analysis of effects within federal jurisdiction and impacts on rights and the related mitigation measures identified in Sections 2.1 (Fish and Fish Habitat), 2.2 (Migratory Birds), 4.3.1 (Current Use), 4.3.2 (Structures, Sites and Things of Importance and Physical and Cultural Heritage) and 4.3.3 (Health and Socio-economic Conditions), IAAC is of the view that the potential impacts of the project on the exercise of section 35 rights of the above noted Indigenous communities have been adequately identified and appropriately mitigated or accommodated.

IAAC notes the importance of the proponent's ongoing and meaningful engagement to continue to understand and address the project's potential impacts on rights. The proponent committed to continued engagement with Indigenous communities to identify and develop further mitigation measures that are needed to address these impacts.

IAAC recognizes that consultation is ongoing. Input from Indigenous communities on the draft IA Report will be considered and will assist IAAC in finalizing its conclusions regarding potential impacts from the project on the exercise of section 35 rights.

# 5 Extent to which project effects contribute to Canada's environmental obligations

IAAC is of the view that the project effects would not contribute to Canada's environmental obligations due to its likely residual adverse effects on fish, migratory birds, and terrestrial wildlife, including some species at risk, as well as to wetlands.

IAAC conducted an analysis of the extent to which the likely effects of the project would contribute to Canada's ability to meet the following environmental obligations and identified the following biodiversity obligations as relevant:

- The Convention on Biological Diversity and Kunming-Montreal Global Biodiversity Framework and its domestic framework: Canada's 2030 Nature Strategy, as well as legislation supporting its implementation including SARA;
- Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar), as implemented in part under the Federal Policy on Wetland Conservation and the North American Waterfowl Management Plan; and
- Convention for the Protection of Migratory Birds in the United States and Canada, as implemented in part under the *Migratory Birds Convention Act, 1994,* and supporting conservation objectives from ECCC's strategies for Bird Conservation Regions.

## 5.1 Analysis

As described in Sections 2.1, 2.2, and 2.3, the project is likely to result in adverse federal effects on fish and fish habitat, on migratory birds, and on wildlife on federal lands, including species at risk listed under SARA or assessed as at risk by COSEWIC. Adverse changes to terrestrial wildlife, including species at risk (woodland caribou – boreal caribou, woodland caribou – eastern migratory population, and wolverine) that support current use of lands and resources for traditional purposes by Indigenous Peoples as described in Section 4.3.1. In the relevant sections, IAAC recommended mitigation measures for these adverse federal effects and changes to wildlife. However, adverse effects to species at risk, including caribou and wolverine, are predicted to remain.

Furthermore, the project is likely to cause changes to other species at risk listed under Schedule 1 of SARA and occurring on provincial lands, namely rusty blackbird and short-eared owl, largely from injury or death from collisions with vehicles and from habitat changes as described in the proponent's Impact Statement. Mitigation measures recommended in Section 2.2 to limit bird collisions would be suitable for minimizing harm to rusty blackbirds and short-eared owls. IAAC is of the view that habitat changes through habitat loss and sensory disturbance (such as noise) would displace the species to suitable habitats in other parts of the LSAs and RSAs. IAAC also acknowledges that the project may have adverse effects on eastern red bat, hoary boat and silver-haired bat, assessed as at risk by COSEWIC. The mitigation and follow-up measures committed to by the proponent and recommended in relevant sections of this report would avoid or lessen adverse effects to SARA-listed species, monitor these effects, and would be consistent with the applicable recovery strategies and actions plans.

The project was designed to minimize its footprint, including on wetlands, through the project's route selection. In addition, design features such as the floating road and installation of equalization culverts, as well as the proponent's commitment to avoid peat removal and minimize disruption to terrain conditions, would limit changes to wetland function and wildlife disruption. The proponent also made commitments to restoration, reclamation and monitoring activities which would be further developed and documented in a Site Restoration and Monitoring Plan implemented as part of the project's environmental management plans.

These measures would reduce the effects of the project's construction and operation on biodiversity, although project-related adverse effects are predicted to remain and that would not contribute to Canada's ability to meet its environmental obligations related to biodiversity.

## 5.2 IAAC's rationale and conclusions

Based on the information above, IAAC is of the view that the likely effects of the project would not contribute to Canada's ability to meet its environmental obligations related to biodiversity.

# 6 Extent to which project effects contribute to Canada's climate change commitments

IAAC is of the view that the effects of the project are not likely to contribute to meeting Canada's climate change commitments due to its predicted greenhouse gas (GHG) emissions during construction and operation.

IAAC conducted an analysis of the extent to which the likely effects of the project would contribute to Canada's ability to meet the following climate change commitments:

- targets established under the *Canadian Net Zero Emissions Accountability Act*, including:
  - 2030 Emissions Reduction Plan: Clean Air, Strong Economy of reducing its GHG emissions at least 40% below 2005 levels by 2035,
  - Canada's 2050 net zero GHG emissions target, and
  - potential displacement of downstream domestic and/or global emissions.

## 6.1 Analysis

The project would emit GHG emissions during the construction phase and, to a lesser extent, during the operation phase. The estimated maximum annual GHG emissions from the construction phase of the project is 44,699 tonnes of carbon dioxide equivalent per year. The main GHG emission sources during this phase include mobile land equipment, stationary fuel combustion, heavy-duty trucks, and living and dead organic matter clearing. The construction of the road would also have an impact on carbon sinks, notably on peatlands. It is assumed that the floating road design will slow or stop peatland decomposition which may result in GHG emission reductions, but will also result in a removal of a carbon sink. The estimated maximum annual GHG emissions from the operations phase of the project is 11,226 tonnes of carbon dioxide equivalent per year. The main GHG emission sources during this phase include road traffic, road maintenance, and land-use changes. ECCC noted that the proponent's estimated GHG emissions are adequately calculated, supported by sufficient information and considered relevant guidance and methodologies.

Although the GHG emissions would likely be very small in national terms and in terms of Canada's 2030 emissions target, the project would be a net source of emissions and the proponent acknowledges that residual emissions from the project would continue beyond 2050. The project type and location limit the measures and technologies available to reduce GHG emissions. ECCC acknowledges that the proponent's efforts to limit emissions from land-use change and biomass have the greatest GHG reduction potential.

The proponent also noted that the project would not result in displaced domestic and/or global GHG emissions, but states that the presence of the road could accelerate the development of mines in the region in which ore could be used in replacement of ore coming from abroad. The project could also improve Canada's GHG inventory by limiting transportation emissions from abroad or could have the reverse effect if the ore is shipped abroad. ECCC noted that the project could contribute indirectly to Canada's ability to meet its climate change commitments in the long term provided that the project infrastructure supports critical mineral projects where those projects would not have occurred without the project infrastructure, and where the materials are used directly in Canada to have a measurable reduction in GHG emissions or displace higher-emitting sources. However, due to the many uncertainties inherent to potential future project development in the Ring of Fire area, there remains overall uncertainty on whether the project infrastructure could contribute indirectly to Canada's ability to meet its climate change commitments in the long term.

## 6.2 IAAC's rationale and conclusion

Based on the information above, IAAC is of the view that the likely effects of the project would not contribute to Canada's ability to meet its commitments in respect of climate change.

# 7 Extent to which project effects contribute to sustainability

The project's effects are likely to enhance overall economic conditions and social well-being for Indigenous communities, particularly for Webequie First Nation. The project's likely effects would also contribute to economic reconciliation and self-determination of Webequie First Nation. However, the project would likely have residual adverse federal effects on the environment, on Indigenous traditional practices, and on community well-being, including through strain placed on social infrastructure. Overall, the project is likely to make a net positive contribution to sustainability. The extent to which the project's likely effects contribute to sustainability is low.

Sustainability is defined in the IAA to mean "the ability to protect the environment, contribute to the social and economic well-being of the people of Canada, and preserve their health in a manner that benefits present and future generations." IAAC considered the adverse federal effects and positive effects of the project on components of the environment, on health, as well as on social and economic well-being as outlined throughout this report and focused its sustainability analysis on the following valued components and associated key issues:

- use of lands and resources for traditional practices by Indigenous Peoples, in the context of changes to the environment (fish and terrestrial wildlife) and Indigenous Knowledge transfer;
- community well-being, including as it relates to social infrastructure, continued way of life and identity;
- employment and economic conditions, including as it relates to the economic well-being of Indigenous communities as well as regional and provincial economies; and
- Indigenous economic reconciliation and self-determination, including the potential for net lasting gains related to increased economic opportunities.

The sustainability analysis considered how changes to these valued components may be experienced differently between groups within communities, among different Indigenous communities, and across generations.

Some of the project's effects may persist for several generations, particularly those related to the traditional practices and transfer of Indigenous Knowledge, community and economic well-being and opportunities. Given that the project would operate indefinitely, IAAC considered a temporal boundary of 80 years for the sustainability analysis to take into account the construction and operation phase, as well as potential effects on the well-being of current and future generations. IAAC considered a broad spatial boundary to encompass a holistic consideration of the potential effects of the project at the regional level within the Treaty 9 area.

# 7.1 Analysis

## 7.1.1 Interconnectedness and Interdependence of Human-Ecological Systems

The project is located within a dynamic and interconnected terrestrial ecosystem environment linked to the well-being of Indigenous Peoples. This pristine, resource-rich natural and cultural environment is essential to the life, spirituality, and traditional way of life of the Anishnawbek. IAAC considered that the potential effects of the project could affect this ecosystem over multiple generations due to the interconnectedness of its land, water, wildlife, and human components, and examined the interactions between Indigenous communities and their environment to analyze whether and how the effects of the project contribute to sustainability.

Project activities during the construction and operation of the road would permanently alter the land, as well as wildlife and aquatic resources within the traditional territories of Indigenous communities. Aroland First Nation, Attawapiskat First Nation, Constance Lake First Nation, Eabametoong First Nation, Fort Albany First Nation, Kasabonika Lake First Nation, Long Lake #58 First Nation, Marten Falls First Nation, Nibinamik First Nation, Webequie First Nation, and Weenusk First Nation practice traditional activities

such as hunting, fishing, and gathering in their traditional territories. These activities support the transmission of Indigenous Knowledge across generations, are deeply rooted in the cultures of Indigenous communities and are essential to preserving their traditional way of life. The likely degradation or loss of fish and wildlife habitats; the displacement of species that are important for fishing, hunting, and gathering; changes in the availability of game and other country foods; reduced safe access to sites for traditional activities; as well as alterations of the landscape and quality of Indigenous experience would result from the project largely within the project footprint although some effects, mostly displacement of caribou, would extent at the broader regional level.

Project activities during the construction and operation would also alter the human components of the ecosystem, notably by further straining social infrastructure while also generating sustained economic benefits for Webequie First Nation and potentially for nearby Indigenous communities. These benefits include direct employment and training opportunities during construction and long-term operation and maintenance. The project would also support Indigenous-led business development and procurement, including project-related opportunities for local contractors, suppliers, and service providers. Once in operation, the road would enhance physical access to Indigenous communities, regional mobility and labour force participation, facilitate access to education and training opportunities, and support community-driven economic initiatives for Webequie First Nation.

If the project becomes connected to other all-season roads, improved year-round access to Webequie First Nation would reduce the high cost of living associated with fly-in access, enable more reliable delivery of goods and services, and support the development of new community infrastructure, including housing, health and education. Enhanced year-round connectivity would support Indigenous communities' ability to exercise greater control over their social, economic, and cultural development, including the planning and delivery of housing, health care, education, emergency services, and community infrastructure in accordance with their own priorities. By enabling Indigenous communities to more effectively participate in regional and provincial economies, the project would support economic self-sufficiency and community-led development, which are key elements of economic reconciliation.  Collectively, these benefits would likely contribute to increased household incomes, improved social and economic conditions, and greater economic resilience for Webequie First Nation and potentially for nearby Indigenous communities, with positive effects expected to extend across generations.

The proposed road within this ecosystem would contribute to increased mobility of Indigenous communities and access to Indigenous reserves and traditional territories, which would present new economic and self-determination opportunities, but would also add strain on limited social infrastructure, as well as on traditional practices by Indigenous Peoples. An influx of workers would likely increase social tensions, introduce illegal or prohibited substances, undermine cultural and linguistic practices, and has the potential to increase violence in Indigenous communities, particularly against Indigenous girls and women.

### 7.1.2 Well-being of present and future generations

Based on the valued components identified for the sustainability analysis, IAAC assessed benefits and costs to the well-being of present and future generations in Table 14.

**Table 14: Expected benefits and costs of the project to current and future generations by valued components**

| Sustainability Valued Component | Benefits to the well-being of current and future generations | Costs to the well-being of current and future generations |
|---|---|---|
| **Use of lands and resources for traditional practices by Indigenous Peoples** | Improved year-round access would facilitate reliable access to some remote areas of traditional territories and potentially support traditional practices in these areas. | The project's environmental effects, particularly effects on caribou hunting as a result of changes in caribou population distribution and movement patterns could reduce hunting success and quality of experience and, in turn, when and how Indigenous Knowledge is transferred to the next generation.<br><br>Construction and operation of the road could disrupt traditional activities such as hunting, fishing, trapping, and gathering, thereby affecting cultural and spiritual practices, as well as the transmission of Indigenous Knowledge across generations.<br><br>Fear of contamination of country foods from project-related environmental effects, such as an accidental spill of hazardous material, may result in the avoidance of subsistence fishing, hunting and trapping and of consuming wildlife in areas viewed as being contaminated by Indigenous communities. In turn, this could impact food security, and continuity in Indigenous culture and identity. |
| **Community wellbeing** | Improved year-round access would likely increase movement of people and | Improved access would likely increase exposure to western influence, disrupt cultural |

| Sustainability Valued Component | Benefits to the well-being of current and future generations | Costs to the well-being of current and future generations |
|---|---|---|
| | families between communities in the region and could in turn revitalize these communities as well as strengthen family and cultural ties, support improved delivery of goods and services, reduce isolation, and enable community-driven planning for housing, health, education, and infrastructure.<br><br>The potential return of community members and the settlement of new workers and their families on the Webequie First Nation reserve, and potentially nearby communities, could contribute to the region's economic development, trigger construction of new housing, and help improve and maintain community infrastructure. | practices, impact traditional ways of life, and Indigenous communities' abilities to pass on their culture to future generations as well as place additional strain, such as on social infrastructure for present and future generations.<br><br>An influx of workers may increase physical and sexual violence towards Indigenous women and girls.<br><br>Project-related population changes may increase social tensions, undermine social cohesion and elevate risks to community safety.<br><br>The safety of Indigenous community members could also be compromised due to the increased risk of traffic accidents. |
| **Employment and economic conditions** | The project is expected to create direct employment during construction and long-term jobs in operation and maintenance, with associated on the job training, apprenticeships, and skills development.<br><br>Increased household incomes and employability, particularly for Webequie First Nation members living on reserve, could support greater financial autonomy and resilience.<br><br>Over time, improved access could reduce the high cost of living associated with fly-in communities and enable broader participation in regional labor markets, benefiting future generations.<br><br>The project involves significant upfront capital expenditures | Economic benefits may not be evenly distributed within or among communities, and may exacerbate income disparities. |

| Sustainability Valued Component | Benefits to the well-being of current and future generations | Costs to the well-being of current and future generations |
|---|---|---|
| | associated with construction, while the road operation would represent a long-lived transportation asset extending to multiple generations which would likely improve supply chain reliability under all seasonal conditions.<br><br>The project would induce spending effects and employment within Ontario, with a concentration of economic benefits in Northern Ontario. Ongoing maintenance spending would contribute to provincial Gross Domestic Product (GDP) through the transportation construction sector and associated professional, technical, and service industries.<br><br>By reducing logistical barriers, the project may also support broader economic participation by Indigenous communities and enable future investments consistent with community priorities, contributing incrementally to Ontario's and Canada's economic output. | |
| **Indigenous economic reconciliation and self-determination** | The project could support Indigenous economic reconciliation by enabling Indigenous-led business participation, procurement opportunities, and community-driven economic initiatives, primarily for Webequie First Nation.<br><br>Improved year-round access would enhance the ability of Indigenous communities to exercise greater control over their social, economic, and infrastructure development, consistent with community priorities. These conditions | Adverse effects on lands, resources, and cultural practices may limit the extent to which economic gains translate into net improvements in self-determination. |

| Sustainability Valued Component | Benefits to the well-being of current and future generations | Costs to the well-being of current and future generations |
|---|---|---|
| | could support long-term self-determination and lasting economic gains across generations. | |

## 7.2 IAAC's rationale and conclusion

IAAC assessed the project's contribution to sustainability considering the effects of the project and the concerns raised by the potentially impacted Indigenous communities, as well as the project's long-term potential to address persistent structural challenges faced by Webequie First Nation and other remote Indigenous communities, most notably geographic isolation, limited access to services, high costs of living, and limited economic opportunities.

IAAC acknowledges uncertainties regarding the potential adverse federal effects as well as benefits of the project for future generations, notably regarding the effectiveness of the recommended mitigation measures, Indigenous communities' willingness and capacity to participate in project-related opportunities, broader regional economic and market conditions, and future development, spending and investment in the region. Despite this, IAAC is of the view that the project's effects are likely to result in both positive contributions to sustainability and adverse federal effects of relevance to sustainability, with a positive balance of environmental, health, social and economic effects, primarily for Webequie First Nation. Provided recommended mitigation and enhancement measures are effectively implemented and supported by community capacity, economic benefits associated with durable transportation infrastructure, skills development, and improved mobility have the potential to accrue and compound over time. Sustainability gains would not be experienced across all communities or sub-groups, but mitigation measures recommended for adverse federal effects would enable communities to maintain economic, health and social well-being across generations.

IAAC concludes that the likely effects of the project would make a net positive contribution to sustainability to a low extent.

# 8 Decision making and next steps

Following the comment period on this draft IA Report and the draft potential conditions, IAAC will finalize this IA Report and potential conditions and provide them to the Minister of the Environment, Climate Change and Nature (the Minister) to inform decision making. The Minister may refer decision making to the Governor in Council. The decision maker will consider the information in this report and determine:

- after taking into account the implementation of any mitigation measures that the Minister or Governor in Council considers appropriate, whether the adverse federal effects indicated in the final IA Report (Sections 2 and 4.3) are significant, and, if so, to what extent they are significant; and
- if there are adverse effects that are likely to be to some extent significant, whether they are justified in the public interest taking into consideration the following factors:
- the impact that the likely effects of the project may have on any Indigenous group and any adverse impact that those effects might have on Indigenous rights (Section 4);
- the extent to which the likely effects of the project contribute to Canada's ability to meet its environmental obligations and its commitments in respect of climate change (Sections 5 and 6); and
- the extent to which the likely effects of the project contribute to sustainability (Section 7).

Following this decision, the Minister will issue a decision statement to the proponent that:

- informs it of the decision and the reasons for the decision;
- includes any conditions that the Minister considers appropriate other than mitigation measures the implementation of which the Minister is satisfied will be ensured by another person or by a jurisdiction;
- sets out the period within which the proponent must substantially begin to carry out the project; and
- includes a description of the project.

If it is decided that any likely significant adverse federal effects are in the public interest, the project is expected to require the following federal permits for specific activities:

- *Fisheries Act* authorization(s);
- *Canadian Navigable Waters Act* work approvals;
- SARA permit(s);
- *Explosives Act* explosives licence(s); and
- *Indian Act* aggregate-removal permit.

IAAC will continue to coordinate the federal permits required for the project.

# Annexes

## Annex A: IAAC's effects rating criteria

IAAC used the following criteria to describe the project's likely residual adverse federal effects and cumulative effects. Table B-1 provides definitions of effects rating criteria for each adverse federal effects. Table B-2 to B-8 provides the definitions of effects rating criteria that apply to all adverse federal effects.

### Table A1: Magnitude rating criteria for each federal effect

| Valued component | Low | Moderate | High |
|---|---|---|---|
| Fish and fish habitat | Measurable change in fish or fish habitat during any life cycle stage that would not affect fish populations. | Measurable change in fish or fish habitat during any life cycle stage that would adversely affect fish populations. | Measurable change in fish or fish habitat during any life cycle stage that would severely reduce or eliminate fish populations. |
| Migratory birds | Measurable change in migratory birds during any life cycle stage that would not affect migratory bird populations. | Measurable change in migratory birds during any life cycle stage that would adversely affect migratory bird populations. | Measurable change in migratory birds during any life cycle stage that would severely reduce or eliminate migratory bird populations. |
| Current Use of Lands and Resources for Traditional Purposes | Changes to locations or resources, experience, or use of locations or resources for traditional purposes but changes would not prevent carrying out these activities. | Changes to locations or resources, experience, or use of locations or resources for traditional purposes that require change in how activities would be carried out. | Changes to locations or resources, experience, or use of locations or resources for traditional purposes that would prevent carrying out these activities. |
| Physical and Cultural Heritage | Change in experience with no adverse change in the heritage resource value. | Physical degradation and/or change in experience with adverse change in the heritage resource value. | Severe degradation and/or loss of the heritage resource value. |

| Valued component | Low | Moderate | High |
|---|---|---|---|
| Structures, Sites and Things of Importance | Partial damage or degradation to structures, sites and things of importance, and/or change in safe access to them. | Major damage or degradation to structures, sites and things of importance, and/or reduced safe access to them. | Severe degradation or loss of structures, sites and things of importance, and/or loss of safe access to the structures, sites or things of importance. |
| Indigenous Health Condition | Changes in environmental conditions that would present measurable differences in exposures generally below health-based standards. | Changes in environmental conditions that would present measurable differences in exposures generally reaching health-based standards. | Changes in environmental conditions that would present measurable differences in exposures consistently exceeding health-based standards. |
| Indigenous social and economic Conditions | Change in demand, access to and availability of police services, educational institutions, employment opportunities and services or community infrastructure could generally be managed within the capacities of existing infrastructure or services. | Change in demand, access to and availability of police services, educational institutions, employment opportunities and services or community infrastructure would strain existing infrastructure or services. | Change in demand, access to and availability of police services, educational institutions, employment opportunities and services, or community infrastructure would overwhelm the capacities of existing infrastructure or services and affect availability of services in the Municipality of Greenstone. |
| Species at risk and eastern migratory caribou, and their habitat, on federal lands | Harm to species and their habitat, without measurable change to populations. | Harm to species and their habitat, that would adversely affect populations. | Harm to species and their habitat, that would severely reduce or eliminate populations. |

| Valued component | Low | Moderate | High |
|---|---|---|---|
| Atmospheric environment on federal lands | Measurable change in which parameter levels generally remain below federal guidelines, limits or objectives. | Measurable change in conditions in which parameter levels generally meet federal guidelines, limits or objectives. | Measurable change in conditions in which parameter levels consistently exceed federal guidelines, limits or objectives. |

### Table A-2: Rating criteria for geographic extent (applicable to all effects)

| Rating | Rating definitions |
|---|---|
| Low | Effect expected to be limited to the project footprint |
| Moderate | Effect expected to extend into the local study area |
| High | Effect expected to extend to the regional study area |

### Table A-3: Rating criteria for timing (applicable to all effects)

| Rating | Rating definitions |
|---|---|
| Low | Effect is expected to occur outside a sensitive period for fish or wildlife<br>or<br>For an Indigenous traditional activity, the effect is expected to occur outside the season for the traditional activity |
| Moderate | Effect is expected to occur occasionally during a sensitive period for fish or wildlife<br>or<br>For an Indigenous traditional activity, the effect is expected to occur occasionally during the season for the traditional activity |
| High | Effect is expected to occur throughout a sensitive period for fish or wildlife<br>or<br>For an Indigenous traditional activity, the effect is expected to occur throughout the season for the traditional activity |

### Table A-4: Rating criteria for frequency (applicable to all effects)

| Rating | Rating definitions |
|---|---|
| Low | Effect expected to occur infrequently (i.e., no more than several times per year) |
| Moderate | Effect expected to occur intermittently (i.e., several times per month) |
| High | Effect expected to occur frequently (i.e., daily, almost daily, or continuously) |

### Table A-5: Rating criteria for duration (applicable to all effects)

| Rating | Rating definitions |
|---|---|
| Low | Effect expected to occur for less than three years |
| Moderate | Effect expected to occur from three to five years |
| High | Effect expected to last over five years |

### Table A-6: Rating criteria for reversibility (applicable to all effects)

| Rating | Rating definitions |
|---|---|
| Low | Effect would be fully or largely reversible by the operation phase |
| Moderate | Effect would be partially reversible by the operation phase |
| High | Effect would persist indefinitely |

### Table A-7: Rating criteria for social context (applicable to all effects)

| Rating | Rating definitions |
|---|---|
| Low | Effect would have limited interaction with social values, conditions and historical context |
| Moderate | Effect would have considerable interactions with social values, conditions and historical context |
| High | Effect would have extensive interactions with social values, conditions and historical context |

### Table A-8: Rating criteria for ecological context (applicable to all effects)

| Rating | Rating definitions |
|---|---|
| Low | The effect could alter the relationship between existing ecological systems with limited impacts, or the Indigenous interest has high resilience to the stressors that cause the effect |

| | |
|---|---|
| Moderate | The effect could alter the relationship between existing ecological systems and the receiving environment may adapt to the change, or the Indigenous interest has some resilience and may adapt to the stressors that cause the effect |
| High | The effect would alter the relationship between existing ecological systems and the receiving environment would not easily adapt to the change, or the Indigenous interest has low resilience and may not be able to adapt to the stressors that cause the effect |

### Table A-9: Rating criteria for uncertainty (applicable to all effects)

| Rating | Rating definitions |
|---|---|
| Low | There is good understanding of the cause-effect relationship between the project and the valued component (VC), and sufficient data is available to support the effects assessment. The effectiveness of the selected mitigation measures is moderate to high. There is a low degree of uncertainty or bias associated with data inputs and/or modelling techniques, and variation from the predicted effect is expected to be low |
| Moderate | The cause-effect relationships between the project and the VC are not fully understood due to incomplete data and information. The effectiveness of mitigation measures may be moderate or high. Modelling predictions are relatively confident |
| High | The cause-effect relationships between the project and a VC are poorly understood. There may be several unknown external variables and/or incomplete data. The effectiveness of the mitigation measures may not yet be proven. Modelling results may vary considerably given the data inputs |

# Annex B: Consideration of section 22 factors

The table below lists the factors to be considered in an impact assessment (as set out in section 22(1) of the *Impact Assessment Act* [IAA]). The Impact Assessment Agency of Canada determined the scope of certain factors, including the extent of their relevance to the impact assessment of the project (as per subsection 18(1.2) of the IAA) as indicated below.

### Table B-1: Consideration of section 22 factors

| Factor to be considered (subsection 22(1)) | Where reflected in this Report |
|---|---|
| (a) the changes to the environment or to health, social or economic conditions and the positive and negative consequences of these changes that are likely to be caused by the carrying out of the designated project, including<br>(i) the effects of malfunctions or accidents that may occur in connection with the designated project;<br>(ii) any cumulative effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out;<br>(iii) the result of any interaction between those effects;<br>(b) mitigation measures that are technically and economically feasible and that would mitigate any adverse effects of the designated project | Sections 2, 3, and 4.3 |
| (c) the impact that the designated project may have on any Indigenous group and any adverse impact that the designated project may have on the rights of the Indigenous Peoples of Canada recognized and affirmed by section 35 of the *Constitution Act, 1982* | Section 4 |
| (d) the purpose of and need for the designated project | Section 1 |
| (e) alternative means of carrying out the designated project that are technically and economically feasible, including through the use of best available technologies, and the effects of those means | Section 1 |
| (f) any alternatives to the designated project that are technically and economically feasible and are directly related to the designated project | Section 1 |
| (g) Indigenous Knowledge provided with respect to the designated project | Considered throughout this report, notably in Section 4. |
| (h) the extent to which the designated project contributes to sustainability | Section 7 |
| (i) the extent to which the effects of the designated project hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change | Sections 5 and 6<br><br>IAAC scoped this analysis to what was needed to inform the extent to which the effects of the project contribute to the |

| Factor to be considered (subsection 22(1)) | Where reflected in this Report |
|---|---|
| | Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change. |
| (j) any change to the designated project that may be caused by the environment | Sections 2, 3, and 4 |
| (k) the requirements of the follow-up program in respect of the designated project | Sections 2, 3, and 4 |
| (l) considerations related to Indigenous cultures raised with respect to the designated project | Section 4, Annex(es) |
| (m) community knowledge provided with respect to the designated project | Sections 2 and 4 |
| (n) comments received from the public | Section 2, Annex C |
| (o) comments from a jurisdiction that are received in the course of consultations conducted under section 21 | Sections 2, 4, 5 and 6 |
| (p) any relevant assessment referred to in section 92, 93 or 95 | The ongoing Regional Assessment in the Ring of Fire Area was considered throughout this report as applicable, notably the Regional Assessment Working Group interim report submitted on January 20, 2026, along with the information sharing platform.<br><br>The Strategic Assessment of Climate Change was considered relevant to inform the extent to which the effects of the project hinder contribute to the Government of Canada's ability to meet |

| Factor to be considered (subsection 22(1)) | Where reflected in this Report |
|---|---|
| | its commitments in respect of climate change. |
| (q) any assessment of the effects of the designated project that is conducted by or on behalf of an Indigenous governing body and that is provided with respect to the designated project | Sections 2, 3, and 4 |
| (r) any study or plan that is conducted or prepared by a jurisdiction — or an Indigenous governing body not referred to in paragraph (f) or (g) of the definition jurisdiction in section 2 — that is in respect of a region related to the designated project and that has been provided with respect to the project | N/A |
| (s) the intersection of sex and gender with other identity factors | GBA Plus was applied in Section 4.3.3 of this IA Report. |
| (t) any other matter relevant to the impact assessment that the Agency requires to be taken into account | N/A |

# Annex C: Summary of public comments

Some participants expressed general support for the project, while others expressed disapproval. IAAC considered all comments received to draft this IA Report. Comments are summarized in Table C-1 below.

**Table C-1: Summary of comments received from the public**

| |
|---|
| The project could have adverse effects on migratory birds and their habitat. |
| The disruption of peatlands resulting from the project and the cumulative effect of future development in the Ring of Fire area could increase greenhouse gas emissions. |
| There is concern about the cumulative effects of the project as a result of the potential for future development activities in the Ring of Fire area. |
| The project could have positive economic and social impacts on the area and further so taking into consideration future projects in the area; however, enhancement measures will need to be in place for Indigenous Peoples and businesses to benefit. |
| The project could adversely impact fish and fish habitat. |
| There is not adequate information from the proponent about future access controls and road ownership, as well as on the project's relationship to future development in the Ring of Fire area. |
| The project could disrupt eskers and glacial deposits, which could lead to heavy metals entering into the environment, which could impact the quality of country foods and medicinal plants. |
| IAAC needs to ensure there is a collaborative and well funded consultation process throughout the federal impact assessment that is informed by Indigenous Knowledge, takes a holistic approach to impacts on Aboriginal and Treaty rights, and takes into consideration the cumulative effects of both past and future projects in the Ring of Fire area. |
| The project could have adverse impacts on Indigenous traditional practices, such as hunting, trapping, fishing, and harvesting, as well as on cultural and spiritual practices. |
| The project could have adverse impacts on water quality and quantity, which could also change the riparian and wetland environment. |
| The project could adversely impact species at risk, including caribou. |
| The impact assessment for the project needs to consider impacts to vulnerable populations, such as women, elders and youth, and people with disabilities. |
| The impact assessment for the project needs to consider worst case scenarios for accidents and malfunctions. |

| |
|---|
| The impact assessment for the project needs to consider alternative means to carry out the project. |
| The project could have a negative impact on air quality and there should be a monitoring program in place to assess the long-term effects to human health. |
| The ability of Indigenous Peoples to exercise traditional practices, including passing on teachings, language and spiritual ceremonies could be adversely impacted when taking into consideration the cumulative effects of the project. |
| The proposed methodology for studying effects to water quality and quantity, air quality, soil sediment, climate, fish, bird and wildlife should take into consideration the unique landscape and importance of the Ontario's far north and should address any gaps in sampling. |
| The effects analysis by the proponent seems to minimize the impacts of the project, notably the floating road design, and the potential use of the road for mining activity. |
| The effects of the environment and climate change on the project need to be considered in the analysis as it pertains to flooding and future changes in freezing and thawing of the region. |
| The impact assessment needs to consider sustainability and potential impacts to future generations of Indigenous Peoples that live in the area. |

IAAC also received comments on the following themes that were outside the scope of the federal impact assessment:

- There is a need for a regional assessment in the Ring of Fire area to understand the potential impacts of development to the area.
- The Province of Ontario's environmental assessment for the project and provincial permitting processes in the Far North.

IAAC shared these comments with the appropriate jurisdiction, as applicable.