



**IMPACT ASSESSMENT AGENCY OF CANADA –
ONTARIO MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS**

**DRAFT COOPERATION PLAN FOR THE
MARTEN FALLS COMMUNITY ACCESS ROAD PROJECT
IMPACT ASSESSMENT
December 19, 2019**

1. Introduction

On November 29, 2019, the Impact Assessment Agency of Canada (the Agency) determined that an impact assessment is required for the Marten Falls Community Access Road Project, pursuant to subsection 16(1) of Canada's Impact Assessment Act. On May 3, 2018, the then Ontario Minister of the Environment and Climate Change signed a voluntary agreement with Marten Falls First Nation (the proponent) to make the Project subject to Ontario's *Environmental Assessment Act*.

This Plan was developed by the Agency, with input from the Ontario Ministry of the Environment, Conservation, and Parks (MECP), to set out intentions for a cooperative assessment process for the Project.

2. Description of the Marten Falls Community Access Road Project

Marten Falls First Nation is proposing the construction and operation, including maintenance, of an all-season multi-use community access road approximately 190 to 230 kilometres in length, connecting the northern end of Painter Lake forestry road to the community of Marten Falls. Marten Falls First Nation is located at the junction of the Albany and Ogoki rivers, approximately 170 kilometres northeast of Nakina, Ontario. As proposed, the proponent's main purpose is to provide all-season road connection for the community to the provincial highway network. The Project could enable a future access road to potential mineral development activities in the Ring of Fire area.

3. Approach to Cooperation

Through cooperation, the Agency and MECP will strive to increase efficiency and certainty for proponents, as well as for the public and Indigenous groups, and ensure that the best available expertise is shared and applied. The Cooperation Plan is intended to be flexible and does not preclude the Agency or MECP from adjusting the cooperative approach described in this Plan, as needed.

The Agency and MECP will coordinate activities, where possible, including harmonizing timelines, streamlining processes, and reducing regulatory burden. Each jurisdiction retains its own decision.

4. Gathering and Review of Proponent Information

To increase efficiency for the proponent and provide the best available expertise, the Agency and MECP have identified common factors and areas of review that are expected, related to federal and provincial assessments of projects of this type. For these areas, the Agency and MECP will work to provide consistent advice to the proponent, where appropriate, and to share information and expertise during the review of the proponent's information. This includes jointly participating in meetings with the proponent, Indigenous peoples, communities and groups and the public, as required. Preliminary areas of commonalities are shown in Table 1, and are expected to evolve through the assessment process as the scope of each assessment is confirmed.

Table 1: Preliminary list of common factors reviewed by the Agency and MECP

Common Factors related to the Assessment	Common Areas of Federal-Provincial Review
Changes to the natural and physical environment	Atmospheric, acoustic and visual environment
	Riparian, wetland and terrestrial environments
	Groundwater and surface water
	Fish and fish habitat
	Birds, migratory birds and their habitat
	Terrestrial wildlife and their habitat
	Species at risk
Changes to health conditions Changes to social conditions Changes to economic conditions	Health services
	Human health
	Land and resource use and recreation
	Use of land and water bodies for commercial operations
Impacts on Indigenous peoples, communities and groups	Physical and cultural heritage
	Current use of lands and resources
	Structures/sites/things of significance
	Aboriginal and treaty rights
Other Effects	Effects of the environment on the Project, including climate change resiliency
	Cumulative effects
	Alternative means (methods) of carrying out the Project

The factors identified above are not intended to limit or determine what will be considered by the proponent in the assessment for the Project. The information that the proponent will need to provide to meet the requirements of the respective jurisdictions will be contained in the Tailored Impact Statement Guidelines for the Agency and the approved Terms of Reference for MECP.

5. Timelines and Time Management

A coordinated federal and provincial assessment process should result in one body of proponent documentation related to the assessment, which is known as the Impact Statement for the Agency, and as the Environmental Assessment report for MECP.

The Agency and MECP have agreed to undertake their respective assessment processes in a cooperative manner and to the extent possible, such that they work together in reviewing the proponent's documentation. This includes, but is not limited to, cooperating on the timing of the Agency's public comment period on the Impact Statement and MECP's comment period for the Environmental Assessment report, and cooperating on the timing of the Agency's Impact Assessment report and MECP's Ministry Review.

This Cooperation Plan recognizes that the alignment of respective timelines does not supersede the legislative obligations prescribed in the *Impact Assessment Act* and Ontario's *Environmental Assessment Act*, as well as the completeness of any information submitted by the proponent.

6. Sharing of Information

The Agency and MECP will share, as appropriate, the following information obtained during the assessment of the project:

- Public comments
- Expert advice on matters identified in Table 1
- Existing studies and information
- Comments from Indigenous groups, when not prevented due to confidentiality
- Information received from the proponent on matters identified in Table 1 (e.g., responses to information requests)

7. Public Participation

The Agency will, where possible, align and coordinate with MECP public comment periods and associated timelines for the Project.

The Agency and MECP will include links to each others' web sites.

The Agency and MECP will, where appropriate, coordinate public notices.

For further information on the Agency's public participation and engagement activities, please see the Public Participation Plan.

8. Indigenous Consultation and Engagement

The Agency will lead Crown consultation on behalf of the Government of Canada for this assessment, while Ontario will be responsible for provincial Crown consultation for the assessment of this Project.

The Agency and Ontario (MECP and the Ministry of Energy, Northern Development and Mines) will coordinate, to the extent possible and desired by Indigenous communities, joint consultation and engagement meetings.

For further information on the Agency's Indigenous Consultation and Engagement activities, please see the Indigenous Engagement and Partnership Plan.

9. Proposed Conditions

The Agency and MECP will consult with each other regarding proposed conditions related to decisions, to facilitate consistency and improve regulatory efficiencies.

10. Interpretation

The Plan is not a legal document and does not change any existing federal, provincial, or Indigenous legislative or regulatory jurisdiction, right, power, privilege, prerogative or immunity by virtue, nor does it create any new legal powers, duties or legally binding obligations.

11. Contact Information

The Agency office designated for administering the impact assessment of the Project is:

Impact Assessment Agency of Canada
Ontario Regional Office
55 York Street, 6th Floor
Toronto, ON M5J 1R7
Tel.: 416-952-1576
Email: IAAC.MartenFalls.AEIC@canada.ca

MECP's office designated for administering the environmental assessment of the Project is:

Ministry of the Environment, Conservation and Parks
135 St Clair Ave W, 1st Floor
Toronto, ON M4V 1P5
Tel.: 416-314-7213 or 416-314-8221
Email: MartenFalls.EA.MECP@ontario.ca