



February 20, 2026

Dear Chief Sylvia Koostachin-Metatawabin and Deputy Chief Jack Linklater Jr.,

Thank you for the feedback on the Draft Environmental Assessment / Impact Statement (EA / IS) for the Marten Falls First Nation Community Access Road (MFFN CAR) Project, which you submitted on June 11, July 28, August 19, and September 11, 2025 to the Impact Assessment Agency of Canada (IAAC) and the Ministry of Environment, Conservation and Parks (MECP). We value your input and the opportunity to address your concerns. We understand the importance of the Community Access Road to your community and are committed to ensuring that your perspectives are considered.

Response to your letter dated June 11, 2025:

This letter will not respond fully to your concerns #1 and #2 regarding Crown consultation obligations. However, please be advised that the Marten Falls First Nation (MFFN) Project Team is unable to find support for your claim that the proposed (CAR) to the MFFN reserve will open your homeland to industrial development. Your letter does not describe or illustrate what you mean by “your homeland;” nor does your letter explain how the proposed CAR will transform “[Y]our lands, waters and way of life forever.” This claim is not supported by longstanding information gathered by MFFN regarding the proposed CAR.

As for your concern #3 regarding project splitting, you do not refer to the legal framework governing this coordinated federal-provincial Environmental Assessment / Impact Assessment (EA / IA). As you are aware, MFFN is carrying out the CAR EA in accordance with the approved Ontario Terms of Reference (TOR) for this EA. Under the Ontario *Environmental Assessment Act* (EAA), the TOR is a legal approval which must be followed. Your concern about “project splitting” relies on documents that predate and are contrary to the scope of the “undertaking” or project set out in the approved TOR.

Your concerns #4, #5, #6, and #7 relate to cumulative effects. We have sought to understand the context for your concerns. As set out above, the CAR EA / IS is proceeding as a coordinated federal-provincial EA / IA, led by the current EA / IS report, which is intended to address the information required by both the federal *Impact Assessment Act* (IAA) and the Ontario EAA. Each EA regime has different requirements concerning cumulative effects. Your letter references Canada’s February 2020 Tailored Impact Statement Guidelines (TISG) for the CAR Impact Assessment (IA; e.g., pp. 6, 6, 8, 10, 11). The Project Team has paid careful attention to the TISG as they set the scope of what must be considered in the federal IA. To address cumulative effects under the federal regime, the Final EA / IS Report considers “projects” and “activities” which are either active (and thus causing effects now) or reasonably foreseeable (such that they are in planning and have defined future in available documents from their proponents). It gathered this information from a large array of sources. For federal IA, the IAA limits a





cumulative effect to a “combined” effect from the proposed designated project and another physical activity. The “Ring of Fire” is a large area. Thus, many smaller projects and activities may occur with no combined effect from the CAR. Lastly, reviewing the many documents cited in your letter regarding cumulative effects, we have not identified any documents which describe or predict specific effects in the CAR study area.

Your concern #7 relates to Indigenous Knowledge (IK). The Project Team has incorporated IK and principles throughout the assessment process. The CAR is situated entirely within the traditional territory of MFFN, and the community required an assessment process which respected and reflected its values, knowledge, and concerns. Further, MFFN community advisors guided the CAR from its earliest stages to the present day. Their insights and recommendations shaped the Final EA / IS and supporting technical documents, and their perspectives were considered at every stage. The Project Team relied on their expertise and feedback so that the assessment was thorough, respectful, and reflective of the community’s values and concerns. Additionally, we considered the broader impacts on Indigenous communities within the Regional Study Area through multiple Aboriginal and / or Treaty Rights and Interests (ATRI) studies. The Project Team introduced the IK Program and funding in December 2019. It then actively sought participation in the program from Indigenous communities, including Attawapiskat First Nation. In a letter dated May 11, 2022, Attawapiskat First Nation stated that it would not participate in the IK Program. Accordingly, our outreach to you for this formal program ceased. Though Attawapiskat First Nation chose not to participate in the IK Program, Project Team engagement with your First Nation continued, including meetings related to caribou and ATRI. Further details on caribou are provided in our response to your August 19, 2025 letter, below.

For participants in the formal IK Program, the Project Team has incorporated IK following the *First Nations Principles of Ownership, Control, Access, and Possession*. We also acknowledge and respect the autonomy of communities in deciding whether to share their IK. In cases where this information was not shared, the Project Team sought to work with communities by offering meetings, as well as continued Project outreach. Additionally, the Project Team has hosted Public Information Centers and participated in the Three Roads Gatherings to offer Indigenous communities additional venues to share information and concerns.





Section 4 in the Final EA / IS provides information regarding how the EA / IS incorporated IK into the existing conditions and effects assessment process. It is supplemented by details in Appendices F to Y. This information has been generalized to protect sensitive information in accordance with the IK Sharing Agreements signed with Indigenous communities who have shared IK with the Project Team. IK has thus informed the EA / IS for existing conditions and effects assessments wherever possible, while also following the guidance set out by the Province under the EAA, and by Canada under the IAA.

Response to your letter dated July 28, 2025:

Your concern #1 relates to cumulative impacts to Land and Resource Use (LRU). The federal *Impact Assessment Act* requires that each IA of a project take into account “any cumulative environmental effects that are likely to result from the project in combination with the environmental effects of other physical activities that have been or will be carried out” (section 22(1)(a)(ii)). The Ontario TOR requires confirmation of “whether net effects of the undertaking could combine with effects of other past, present, and reasonably foreseeable projects.” Further, the Minister’s Notice of Approval for the TOR requires the EA to consider any publicly available information generated through cumulative effects assessments for the Webequie Supply Road (WSR), the Northern Road Link (NRL), and in the Regional Assessment for the Ring of Fire.

In alignment with these requirements, the cumulative effects assessment for the MFFN CAR was prepared in accordance with the approved TISG and TOR. Notably, Table 10.1-1 of the Final EA / IS identifies infrastructure projects with spatial or temporal overlap with the CAR, based on publicly available sources that describe or predict specific effects for those projects. Relevant projects that fit these criteria are included in the Final EA / IS. Cumulative effects for future developments which are outside the scope of the Final EA / IS are the responsibility of other project proponents.

Section 7.2.1 (Land Use Compatibility) in Appendix U: Land and Resource Use evaluates the compatibility of the CAR with established land use policies or plans that apply directly to the Construction Disturbance Area. This section therefore is not intended to consider impacts to territories of neighbouring Indigenous communities unless there is a direct overlap with a Community Based Land Use Plan (CBLUP). It should also be noted that 'land use' in this context is specific to land use planning and should not be conflated with other land uses that are assessed separately, such as trapping.

Any implication that MFFN would review and approve or deny future projects was in error. Accordingly, the statement you quoted in your letter has been removed from Appendix U. The Draft MFFN CBLUP includes recommendations for involving MFFN in LRU planning to manage new developments. However, this plan is not approved and the specifics for potential MFFN involvement have not been established.





The LRU assessment, including cumulative effects, has been prepared to meet the requirements outlined in the TOR, the TISG Guidelines and the technical, discipline-specific study plans. This assessment has been updated from the draft version but does not change the conclusions reached.

Your concern #2 relates to effects and cumulative effects analyses for moose. Details about existing understanding of moose populations are provided in Section 5.2.3 and Section 7.1.2 of Appendix M: Ungulates Technical Support Document. A detailed assessment of the effects of construction, operation and maintenance of the Project to moose populations are in Section 7.3.1 and of cumulative effects to moose populations are in Section 8.2.2 of Appendix M (Ungulates Technical Support Document: Existing Conditions and Effects Assessment). This includes an assessment of habitat loss and alteration, sensory disturbance, linear barriers, increased predator access, increase in public access, and collisions with vehicles and equipment on moose measurement indicators (habitat availability, distribution, and survival and reproduction).

As a result of concerns expressed from First Nations and other reviewers, the assessment of Project's residual effects on moose has been revised from not significant to significant in the Final EA / IS due to high uncertainty in the increase in harvest pressure from improved public access. As described in Section 7.3.1.3.5 of Appendix M (Ungulate Report), an increase in moose harvest is expected by registered hunters and Indigenous hunters as access improves, but the magnitude of change in hunting pressure is largely unknown. The unknown amount of illegal harvest of moose was also considered in the assessment. It is expected that the Ministry of Natural Resources (MNR) will continue to adaptively manage moose harvest by non-Indigenous hunters at sustainable levels by adjusting the number of hunting tags allocated annually in each wildlife management unit based on available population status data (Government of Ontario, 2023d). However, adaptive management through MNR's tag system is not a mitigation implemented by the Project and there is uncertainty if the increase in non-Indigenous hunting pressure will be managed at sustainable levels. Additionally, it is unclear how improved access from the Project will affect moose harvest by Indigenous hunters, as there is no mandatory or voluntary reporting of Indigenous harvest and current regional levels are unknown.

Given the uncertainty in the magnitude of potential increase in moose harvest and the limited data on current harvest levels, the residual effects assessment for moose has been revised to precautionarily assume that the increase in hunter harvest could reach unsustainable levels and lead to decreased resilience and maintenance of the self-sustaining and ecologically effective regional moose population. As such, residual effects on moose from increase in public access are precautionarily considered significant.

From an ecological standpoint, the other Project interactions are not predicted to significantly affect the likelihood of the self-sustaining and ecologically effective regional moose population.





The assessment for moose does not include the broader cultural and relational importance of moose for Indigenous communities. Effects to Indigenous cultural relationships with moose, cultural continuity and well-being, traditional harvest of moose and traditional LRU are assessed separately in the Aboriginal and/or Treaty Rights and Interests Technical Support Document (Appendix O).

Your concern #3 relates to effects and cumulative effects analyses for caribou. You set out several issues which this letter will address in their order of appearance. In addressing your concern #3 and sub-concerns, we would like to reiterate that the cumulative effects assessment adheres to the approved TOR and TISG for the CAR. A detailed assessment of the effects of construction, operation and maintenance of the Project to caribou, including literature references, are in Section 7.3.1.2 of Appendix M (Ungulates Technical Support Document: Existing Conditions and Effects Assessment). After implementation of mitigations, direct habitat loss and alteration and linear barriers were determined to be significant effects of the Project.

Potential cumulative effects and mitigation and enhancement measures for habitat loss and alteration, sensory disturbance, linear barriers, increased predator access, increase in public access, increase in collisions with vehicles and equipment, fugitive dust emissions, and changes to groundwater are described in Section 8.2 of Appendix M: Ungulates Technical Support Document. The combined residual cumulative effects from the Project, reasonably foreseeable developments, forest harvest activities and climate change led to a determination of a significant adverse effect on caribou in the Caribou Regional Study Area (page 496 of Appendix M).

To address the other concerns that you raise:

- 3.a (Winter Habitat for Boreal Caribou): Appendix M (Ungulates Technical Support Document: Existing Conditions and Effects Assessment) includes specific analyses of changes to Category 1 (nursery areas, winter use areas, and travel corridors) and Category 2 and 3 habitats. Changes to the amount of different quality habitats among pre-calving, calving, summer, fall, and winter seasons were also calculated. Guidance in Environment and Climate Change Canada (ECCC) 2020 was followed to account for the direct loss of habitat and indirect loss of functional habitat, which may remain physically intact but is no longer used by caribou because of associated sensory disturbance. The analysis presented in the Draft EA / IS to identify potential new Category 1 habitat was informed by only two years of caribou collar data (2021 to 2023). As such, a conservative approach was taken when identifying potential new Category 1 habitats, whereby a minimum of one year of use was determined to be sufficient to delineate a potential new Category 1 winter use area. This results in a precautionary assessment of potential effects on caribou Category 1 winter use area in the residual effects assessment and cumulative effects assessment and likely overestimates the number and area of winter use in the study area. Results from the analysis of seasonal ranges conducted for the EA / IS align with the information shared in your comment (i.e., the areas of highest winter caribou habitat suitability are





concentrated around the northern portion of the Local Study Area; Section 7.1.1.2.1 of Appendix M) and, as presented in the cumulative effects assessment (Section 8.2.1.1.1 of Appendix M), in the area north of the Local Study Area around the ecozone boundary (Section 7.1.1.2.1 of Appendix M). For the Final EA / IS, caribou analyses was updated with two additional years of collar data from the MFFN CAR collared individuals, as well as additional collar data made available since the Draft EA / IS analyses from WSR, NRL and MNR.

- 3.b. (Caribou Habitat Loss from the Project due to Sensory Disturbance): The Final EA / IS evaluates direct and indirect habitat loss for caribou by applying a 500 m buffer on all anthropogenic disturbances as per ECCC 2020. Methods and results of this approach are described in Sections 4.3.4.2 (Data Analysis) and 7.3.1.2.2 (Sensory Disturbance) in Appendix M: Ungulates Technical Support Document. We agree with the commenter that caribou may avoid physical and sensory disturbances at greater distances depending on the existing state of the landscape where the disturbance occurs and the type of disturbance. We acknowledge that some literature and Ontario BMPs identify larger zones of influences (ZOI), which vary depending on the type of disturbance. However, the affected habitat within those ZOIs is not completely devoid of function for caribou (e.g., habitat that is 15 km from the road is not providing zero ecological function). For example, in practice, a 15 km buffer applied to each side of the CAR would equate to a 30 km wide spatial extent / corridor of functionally lost habitat. This is not ecologically reflective of the direct and indirect habitat loss for an unpaved all-season community access road that has a 100 m wide right-of-way, 60 m of which will be permanently cleared (as per Section 2.1 Project Description in Appendix M – Ungulates Technical Support Document). Although some literature suggests larger ZOIs would better reflect caribou avoidance behaviour of anthropogenic disturbances, there is uncertainty in the literature about the measurable demographic consequence for caribou. Although caribou (boreal and barren-ground) have been shown to modify their movement behaviour and distribution at distances of 5 to 15 km from development, an effect to survival and reproduction has not been demonstrated. Subsequently, the Project Team calculated functionally lost caribou habitat (i.e., indirect habitat loss) using a 500 m buffer, which aligns with guidance from the federal recovery strategy and was shown to influence calf recruitment (ECCC 2020). In addition, the residual effects of the Project on caribou have been assessed as significant; as such, the Project will need to implement offsetting and compensation, which is calculated using the 500 m buffer approach to adhere to federal offsetting policy and guidance. Updating the calculations of percent disturbed and undisturbed habitat in each range and study area will not change the mitigation strategies (which are all described in Appendix M: Ungulates Technical Support Document), nor will it change the overall significance characterization or offsetting requirement.
- 3.c. (Nursery habitat, winter habitat, and eskers in the ecozone boundary): Appendix M: Ungulates Technical Support Document includes a characterization of Category 1 habitats (nursery areas, winter use areas, travel corridors) in the existing environment (Section 5.1 and





7.1.1) and an analysis of predicted changes to Category 1 habitats as a result of the Project (Section 7.3.1.2.1) and cumulative effects (Section 8.2.1.1). Guidance in ECCC 2020 was followed to account for the direct loss of habitat and indirect loss of functional habitat, which may remain physically intact but is no longer used by caribou because of associated sensory disturbance. Detailed terrain mapping identified five eskers (sinuous low ridges composed of glaciofluvial sand and gravel) in the Construction Disturbance Area, and 11 eskers in the Physiography, Terrain and Soils Local Study Area, which is an area within a 3 km buffer of either side of the centerline of the Preferred Alternative (Section 7.1.7 of Appendix N [Physiography, Terrain and Soils Technical Support Document: Existing Environment and Effects Assessment]). Only esker landforms within the Construction Disturbance Area may be disturbed as a potential aggregate (pit) resource; eskers outside the Construction Disturbance Area will not be disturbed. Based on previous borehole studies, it is anticipated that some ridged upland areas identified as eskers on published surficial geology mapping may actually be clay and silt, rather than sand and gravel [Section 5.5.2 of Appendix N]. A comprehensive inventory of proposed borrow sources, including location maps, estimated volume, material types and confirmation for suitability through preliminary geotechnical investigations are proposed to be completed for the purposes of aggregate licensing through MNR. An application for proposed pits will be submitted and will follow the Aggregate Resources of Ontario: Provincial Standards, Version 1.0, including notifications and consultation. Alternative aggregate sources from bedrock quarries or sand and gravel glacial fluvial deposits that are not esker landforms will be prioritized for use.

- 3.d. (The averaging of linear feature density across the Regional Study Area): Linear feature density was summarized at the spatial scale of the Ungulate Local Study Area and the Caribou Regional Study Area in the existing environment (Section 5.1.2 and Section 7.1.1.2.3 of Appendix M [Ungulates Technical Support Document: Existing Conditions and Effects Assessment]). Changes to linear density at those two spatial scales with the addition of the Project is provided in Section 7.3.1.2.1.1 and also in the Missisa, Nipigon, Ozhiski and Pagwachuan ranges with the addition of the Project and other reasonably foreseeable developments in Section 8.2.1.1.1. A new table has been added to Section 7.3.1.2.1.1 and in Section 8.2.1.1.1 of Appendix M to more clearly show the predicted change to linear density in the residual effects assessment and cumulative effects assessment, respectively. Caribou avoidance of roads and areas with high density of linear features has been well documented across Canada; however, some research in northern Saskatchewan where there is very low density of roads and low density of predators has shown that roads do not appear to be avoided as strongly. Because of uncertainty associated with caribou response to linear features in this region, the potential effect of linear barriers on caribou distribution and connectivity has been assessed as significant. Information about current understanding of caribou response to disturbances and linear feature density is provided in detail in Section 5.1.2.3 (Linear Feature Density) of Appendix M (Ungulates Technical Support Document: Existing Conditions and Effects Assessment). Detailed assessments of the residual effects of construction, operation and





maintenance of the Project related to linear barriers and increase in predators (including rationale, justification, and literature references) are in Section 7.3.1.2 of Appendix M. The potential cumulative effects and mitigation and enhancement measures related to an increase in linear features (i.e., linear barriers, increased predator access, increase in public access, increase in collisions with vehicles and equipment) are described in Section 8.2.1 of Appendix M.

- 3.e. (The integration of mining development and climate change into the cumulative effects analysis for caribou): Climate change and the associated potential increase in wildfire frequency and severity, conversion to young forest, changes in precipitation and winter severity, and potential increase in insects and disease and alternate prey populations is considered in the Cumulative Effects Assessment of Habitat Loss and Alteration on caribou habitat availability, distribution and survival and reproduction (Section 8.2.1.1 of Appendix M [Ungulates Technical Support Document: Existing Conditions and Effects Assessment]). The magnitude of change associated with climate change is uncertain because of variability in climate projection models. The combined residual cumulative effects from the Project, reasonably foreseeable developments, forest harvest activities and climate change led to a determination of a significant adverse effect on caribou in the Caribou Regional Study Area (Section 8.2.1.10 of Appendix M). The Final EA / IS has been revised to clarify that climate change is incorporated in the cumulative effects analysis for caribou.
- 3.f. (Considerations of how the north-south transmission line that is planned along the road corridor will affect caribou): The Final EA / IS has been developed as per the provincial and federal EA and IA requirements described in Section 5. These regulators require assessment of all project components understood at the time of submission. Anticipated components of the CAR are listed in Table 7-1 of the Final EA / IS. At present, these do not include a transmission line, which would be considered ancillary to the project itself. We note the proposed CAR right-of-way provides sufficient width to accommodate a transmission line, if considered in the future.

Your concern #4 relates to anthropogenic disturbances and the proponent's proposal to develop a biodiversity offset plan for caribou and wolverine. To be clear, the planned outcome of the MFFN CAR is to provide improved access, foster economic development and improve the overall quality of life for MFFN members. Please refer to Section 2 of the Final EA / IS for further details on the importance of the road to MFFN. Wolverine and caribou are important species to MFFN as well; however, the overall sustainability and management of these species is the responsibility of provincial and federal regulators. In accordance with provincial and federal requirements, the anthropogenic disturbance caused by the CAR and subsequent impacts to wolverine and caribou are described in Section 9.4 of the Final EA / IS, and evaluated in detail in Appendices M and K, respectively. Critically, the Final EA / IS and Technical Support Documents describe proposed measures and future management/monitoring plans to mitigate potential CAR effects to these species. These mitigation measures and plans are the result of careful





consideration to minimize the CAR footprint on the land, and these commitments will be further developed during future permitting requirements and detail design.

It has been acknowledged that the Project is expected to result in residual effects on several terrestrial Key Biodiversity Components, even after implementation of avoidance, minimization, and reclamation measures. Residual effects are anticipated for peatlands, boreal caribou, wolverine, little brown myotis, northern myotis, migratory bird species, and raptor species at risk. These residual effects, which are primarily related to habitat loss and alteration, sensory disturbance, increased mortality risk, and reduced habitat function or connectivity, require offsetting. Offsets are applied as the final step in the mitigation hierarchy and must aim for no net loss, or preferably a net positive impact on biodiversity. A Preliminary Biodiversity Offset Plan has been developed and is included in Appendix AB of the Final EA / IS. This plan was developed in response to federal and provincial legislative requirements and is informed by technical baseline and effects assessments, as well as engagement with MFFN and other Indigenous communities. The Preliminary Biodiversity Offset Plan presents several options for offsetting residual effects of the Project on Key Biodiversity Components, including establishing a protected area, habitat restoration and enhancement, long-term monitoring, and financial compensation. Following federal and international principles of offsetting, residual effects of the Project can be offset with properly scaled and collaboratively implemented measures. Offset commitments are expected to be formalized through agreements and permitting, which confirms accountability and long-term durability. Offsetting measures should be initiated prior to or during Project construction to minimize temporal lag. The next steps for determining the preferred offset options and finalizing the Preliminary Biodiversity Offset Plan are to complete additional engagement and consultations during subsequent phases of the Project. Your concern #5 relates to cumulative caribou habitat loss due to foreseeable industrial and/or infrastructure projects. A detailed description of spatial data sets and buffers associated with disturbance types used in the caribou disturbance calculations is provided in Attachment C (Ungulates Statistical Analyses and Modelling methods) of Appendix M (Ungulates Technical Support Document: Existing Conditions and Effects Assessment).

The approach for landcover (and disturbances) was based on the approach in Berglund et al. (2014) and used similar but not all of the same datasets listed in Appendix A of the Integrated Assessment Protocol (IAP) for Woodland Caribou Range in Ontario (IAP 2014) for several reasons. Many of the datasets listed in Appendix A of the IAP (2014) are no longer publicly available or have changed and are challenging to link back to the methods. For example, Land Information Ontario (LIO) has been replaced with Ontario GeoHub. Some of the other datasets have either changed since the IAP was published in 2014 (e.g., waste disposal sites merged with waste management sites) or are not publicly available. The Far North Landcover (FNLC) was used instead of the provincial landcover because it included more detailed ecosystem types applicable to the caribou study areas. Rather than using the Provincial Satellite disturbance mapping dataset, depletions were obtained from the Ontario Fire Disturbance Area and Forest Resources Inventory datasets. These layers identified disturbances with more detail (e.g., an actual 'disturbance type' rather than an 'unknown' category) and were more current





than the Provincial Satellite disturbance mapping dataset, which is from 2012. The FNLC has two disturbance categories beyond infrastructure that captured types of clearings. For example, the FNLC has methods using satellite imagery to map unknown disturbances (e.g., clearings) and includes ancillary data where available to support classifications (e.g., insect disease, fire). Another example is the FNLC uses geology layers to identify areas that should fit in the sand/gravel/mine tailings group, which would be similar to the pits and quarries category in the IAP. Fires and other disturbance datasets were used on top of the FNLC to further classify disturbance types as they are newer data. Linear and point source anthropogenic disturbances were obtained from LIO or Geology Ontario and then buffered to account for the direct disturbance footprint of these features. Buffer distances were based on those used in Berglund et al. (2014) and presented in Table 3 of Attachment C. Applying a footprint buffer prior to applying the 500 m buffer for sensory disturbance generated a more realistic estimate of physically disturbed habitat from point and linear features and resulted in a precautionary approach to calculating existing disturbance.

Mining claims that did not have a footprint associated with them were not included in the existing disturbance calculations. This approach aligns with the footnote in MECP's Comment 67, which notes that "estimates of cumulative disturbance in 2013 and 2015 are considerably higher than those between 2017 to 2022 as a result of generalized mineral claims data available for the earlier estimates which are understood to have over-inflated cumulative disturbance estimates in 2023 and 2015. Estimates generated between 2017 to 2022 incorporated more detailed "operational cell claim" data, which represents an improvement to the earlier estimates".

The Project Team decided to include natural disturbances less than 40 years in age to align with the approach of ECCC's federal recovery strategy disturbance calculations. This differs from Ontario's methods, which identified disturbances less than 36 years in age. This results in a more precautionary approach to calculating existing disturbance so effects are not underestimated.

For a potential future project to be considered in the cumulative effects assessment, preliminary information such as activity description, activity size, footprint, project components, and anticipated timelines are needed to evaluate if the Project and the potential future project will overlap. The full list of past, present, and reasonably foreseeable developments considered in the cumulative effects assessment, including physical footprints, is presented in Section 10 of the Final EA / IS Report. Estimates of current and future predicted disturbance (natural and anthropogenic + 500 m buffer) are calculated for the Ungulate Local Study Area, Caribou Regional Study Area, and for each range (Missisa, Ozhiski, Nipigon and Pagwachuan); this information is all detailed in Sections 5.1.1, 7.1.1.1, 7.3.1.2.1, and 8.2.1.1 of Appendix M (Ungulates Technical Support Document: Existing Conditions and Effects Assessment).

Your concern #6 relates to the inclusion of the eastern migratory caribou habitat in the effects and cumulative effects analyses. Boreal and eastern migratory caribou have different levels of protection in





Ontario. As a Threatened species under the provincial *Endangered Species Act* (ESA) (soon to be *Species Conservation Act* [SCA]) and on Schedule 1 of *Species at Risk Act* (SARA), boreal caribou are offered both species and habitat protection. Eastern migratory caribou; however, are listed as a Special Concern species under the ESA (soon to be SCA), which does not offer them species or habitat protection. Eastern migratory caribou were listed in 2018 as Special Concern, triggering a requirement to develop a management plan within five years. In August 2023, a posting on the Environmental Registry of Ontario identified that additional time was required to prepare a management plan for this species. At the time of drafting this response, there is no publicly available provincial management plan for eastern migratory caribou, nor is there General Habitat Description for migratory corridors or other important habitats for eastern migratory caribou. Federally, eastern migratory caribou have been assessed as Endangered by Committee on the Status of Endangered Wildlife in Canada (COSEWIC) (2017) and a recommendation has been made to add this ecotype to Schedule 1 of SARA; until they are listed, they are not given species or habitat protection. Because eastern migratory caribou are not listed under Schedule 1 of SARA, there is no federal recovery strategy to define critical habitat for the species.

In spring 2021, shortly after initial collaring for the Project was completed in the area within 35 km of the proposed road corridor routes, the Project Team identified six animals displaying eastern migratory behaviours (i.e., moving to spend calving season on the coast of Hudson Bay). The Project Team disclosed this finding to provincial and federal regulators in a meeting on September 28, 2021, and in a follow up memo submitted October 19, 2021. In that presentation and memo, the Project Team informed the regulators that the intention was to keep boreal caribou as a Valued Component and to conduct a qualitative assessment of eastern migratory caribou in the description of existing conditions in the EA / IS. The rationale was that given both ecotypes group together in the winter, then eastern migratory caribou would be expected to experience the same predicted effects as boreal caribou in the season that they occur in the study areas, and mitigation measures applied to boreal caribou would protect “all caribou”. Neither the provincial or federal regulators responded at that time with concerns about the proposed approach.

Attachment C – Ungulates Statistical Analyses and Modelling of Appendix M (Ungulates Technical Support Document: Existing Conditions and Effects Assessment) describes how collared individuals were determined to be boreal or eastern migratory. In Appendix M, Sections 5.1.2.1 and 7.1.1.2.1 (Distribution of Seasonal Ranges) and 5.1.2.2 and 7.1.1.2.2 (Connectivity of Travel Corridors), a qualitative discussion is provided about eastern migratory range and movement periods. Sections 5.1.3 and 7.1.1 describes the population status of both ecotypes. In the Final EA / IS, additional information is added to the narrative about eastern migratory ecotype, and additional collar data from MFFN CAR, WSR, NRL and MNR are included in an updated analysis and discussion. In addition, in the Final EA / IS, travel corridors are identified separately for boreal and eastern migratory caribou. All caribou analyses are updated in the Final EA / IS with additional collar data made available since the Draft EA / IS analyses, from MFFN CAR, WSR, NRL, and MNR. All collar data collected over the study period, regardless of whether the collar was on a boreal or eastern migratory caribou, are used in the





assessment of effects in the Ungulate Local Study Area and Caribou Regional Study Area. The extent to which eastern migratory caribou has been included in the Final EA / IS is considered appropriate for meeting the TOR, the TISG, and the technical discipline-specific study plan.

Your concern #7 relates to the cumulative effects assessment and wolverines. As described in Appendix K, Wildlife Report, the cumulative effects of the MFFN CAR, other reasonably foreseeable developments, and climate change on wolverines are considered significant. The determination of significance of the cumulative effects on wolverine is provided in Section 8.2.3.6 of Appendix K (Wildlife Report) as significant. However, an error was made in the drafting of the Draft Executive Summary of Draft Appendix K, where the cumulative effects on wolverine were stated as not significant. When the Draft EA / IS was drafted using the appendices, the error in the Draft Executive Summary was carried over to the Draft EA / IS. This error has been corrected for the Final EA / IS and Appendix K.

We also note that the existing conditions information, the residual effects assessment, and the cumulative effects assessment for wolverine in Appendix K: Wildlife Technical Support Document (Sections 5.2.1, 7.3.3.3, and 8.3.2 respectively) has undergone substantial updates from the draft version based on comments received on the draft Appendix K. The residual and cumulative effects of habitat loss and alteration and collisions with vehicles and equipment on the wolverine population in the Regional Study Area were determined to be significant in the Draft EA / IS. In the Final EA / IS, the residual and cumulative effects of sensory disturbance and an increase in public access on the wolverine population in the Regional Study Area are now also assessed as significant.

The assessment of MFFN CAR effects on wolverine has been conducted by qualified individuals, as indicated in Section 1.3 of Appendix K: Wildlife Technical Support Document.

Response to your letter dated August 19, 2025:

Your concern #1 relates to government acceptance of the cumulative effects analysis in the Draft EA/IS and the Draft Aboriginal and / or Treaty Rights and Interests Existing Conditions & Impacts Assessment report (Draft ATRI Report) prepared by the Project Team regarding your First Nation. The Project Team cannot address these concerns. The government reviewers are best positioned to address them. However, as described below in response to concern #2, the Project Team stands behind its approach to cumulative effects set out in the Attawapiskat First Nation Draft ATRI Report.

Your concern #2 relates to how rights would be affected by the cumulative impact of the road. The Attawapiskat First Nation Draft ATRI Report prepared by us was designed to follow the Impact Assessment Agency of Canada's Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples. This guidance refers to the Practitioner's Guide to Federal Impact Assessments and TISG. These two references outline the three-step method for assessing cumulative effects which we applied in the Draft ATRI Report: establishing existing conditions, assessing the application of project





effects on those conditions, and finally considering the combined effects of other past, present, and reasonably foreseeable physical activities. This approach is well-established for environmental assessments and acceptable.

Your concern #3 relates to impacts to rights stemming from the Project's impacts to caribou, moose, and wolverine. The impact assessment for caribou, moose, and furbearers for the MFFN CAR is technically sound and consistent with the TISG and approved TOR. The assessment follows established EA methods, incorporates regulatory guidance, IK, and uses species-specific baseline data to characterize existing conditions and inform the residual effects assessment.

The Final EA / IS considers relevant pathways of effects for caribou, moose, and furbearers, including habitat loss and alteration, sensory disturbance, linear barriers, increased predator access, increased public access, vehicle collisions, incidental take, and fugitive dust emissions. The assessment of residual and cumulative effects from the Project are provided in detail in the Technical Support Documents (i.e., Appendix M, Ungulates Report, Appendix K, Wildlife Report).

Overall, the assessment is adequate, defensible, and aligned with regulatory requirements, providing clear species-specific effects assessment, mitigation measures, characterization of effects, and significance determination.

Your concern #4 relates to the eastern migratory caribou range and the analysis of impacts to Attawapiskat First Nation's ATRI. The TOR references for caribou address the boreal population, but not the eastern migratory caribou. Regarding the boreal caribou (also referred to as the "Woodland caribou"), the Final EA / IS responds to your First Nation's input regarding development of the caribou regional study areas. For several reasons, the Final EA / IS did not include this caribou range. First, the Southern Hudson Bay subpopulation of eastern migratory caribou has a large range that overlaps Ontario and Manitoba. Second, there is no provincially delineated distribution map of eastern migratory caribou. Third, there are uncertainties with the federally delineated eastern migratory caribou range boundary and description of the distribution of the ecotype. This uncertainty may result in overexpansion of the Caribou Regional Study Area that could result in underestimating the significance of project and cumulative effects.

Our response above to your July 28 letter provides more information on caribou. The approach to using boreal caribou as a Valued Component representing eastern migratory caribou is valid and established in the approved TOR. In addition, the Final EA / IS has been updated to include additional context related to eastern migratory caribou. A qualitative discussion is provided about eastern migratory caribou range and movement periods in Appendix M, Sections 5.1.2.1, 5.1.2.2, 7.1.1.2.1 and 7.1.1.2.2, and Section 5.1.3 provides a discussion on the population status of both ecotypes.





Your concerns #5, #6, and #7 relate to Attawapiskat First Nation's decision-making governance authority over land and water ("Jurisdiction") and the sections of the Draft ATRI Report that refer to the exercise of Governance and Stewardship rights, Attawapiskat First Nation's Governance and Stewardship rights, and Attawapiskat First Nation's inherent and Treaty rights (including harvesting), respectively. These concerns will be considered in the Final ATRI Report that will be finalized in spring 2026.

Response to your letter dated September 11, 2025:

Your concern #1 relates to the analysis of impacts to fish and fish habitat. The Final EA / IS Report uses plain language to make it accessible to a broader audience. Technical details are provided in the appendices for those who wish to review gathered information in greater depth. Information presented in Appendix G: Fish Technical Support Document, provides additional details on the cumulative effects analysis for your consideration.

As per the methodology established in Appendix G, Sections 4.4.3 and 8.1.1, the cumulative effects assessment focuses on the interaction of CAR residual negative effects and those of other past, present, and reasonably foreseeable projects. The cumulative effects assessment did not consider residual effects that were found to be negligible in magnitude, unlikely or possible to occur, or positive in direction. Therefore, the cumulative effects assessment relies on the preceding MFFN CAR-specific effects assessment to identify residual effects.

Section 7.2 in Appendix G presents a detailed discussion on the potential MFFN CAR activities and pathways of effects to fish and fish habitat. This section and the rest of Section 7 lays out a clear and systematic approach for identifying and evaluating MFFN CAR residual effects. This section considers the potential for 'indirect' effects such as deposition of air contaminants and surface water or groundwater flow changes. However, these potential effects were evaluated to be low risk, and the only residual effects carried forward to the cumulative effects assessment are related to the direct effects of water crossings. The identification of water crossings as the primary pathway of effect for road infrastructure is logical, scientifically acceptable, and represents best practice.

Section 5 in Appendix G provides a thorough description of aquatic ecological processes in the aquatic study areas, in accordance with the TOR, the TISG and the technical discipline-specific study plans. Habitat for selected fish Valued Components are characterized by key life stages. Your letter does not identify what further information would be required to better reflect "ecological processes occurring in rivers at multiple spatial scales" for the purposes of cumulative effects assessment.

Your concern #2 relates to the cumulative effects analyses for water, fish, and fish habitat as they relate to foreseeable hydroelectric developments and mines. We have not responded to the aspect of this concern which is directed to the IAAC. However, we note the cumulative effects assessment has been developed in accordance with the approved TOR and TISG for the MFFN CAR. Table 10.1-1 of the Final





EA / IS identifies infrastructure projects with spatial or temporal overlap with the MFFN CAR, based on publicly available sources that describe or predict specific effects for those projects. Relevant projects that fit these criteria are included in the Final EA / IS to the extent possible. Although the MFFN CAR is frequently linked to larger regional efforts such as the Ring of Fire, MFFN underscores that this EA / IS focuses on the advancement of the MFFN CAR itself — an infrastructure project the Marten Falls community has been advocating for almost four decades. While the Final EA / IS considers publicly available information from the Regional Impact Assessment for the Ring of Fire, cumulative effects assessments as part of future environmental assessments for other regional projects (e.g., Ring of Fire mines, hydroelectric developments) are outside the scope of this EA / IS and are the responsibility of other proponents.

Your concern #3 relates to the cumulative effects assessment as it relates to fish, waters, and peatlands and the interactive effect of development and climate change. We acknowledge the implications of climate change and its potential for exacerbating the effects of development. Section 12 of the Final EA / IS provides a climate risk assessment that demonstrates our understanding of the issue and outlines a series of strategies to make it safer and more resilient. However, it must be noted that, due to the inherent uncertainty in climate change predictions and models, it is difficult to incorporate specific information in the effects assessment directly. Where possible, we have included content describing climate change considerations, including how it influences uncertainty and confidence in residual effects predictions. The Final EA / IS and Technical Support Documents are considered to meet the requirements outlined in the TOR, the TISG, and the technical discipline-specific study plans.

Your concern #4 relates to impacts to water, harvesting, and Valued Components. We have considered the perspective of Attawapiskat First Nation in evaluating the magnitude or significance of less land or water resources. As noted in responses to your previous letters, because Attawapiskat First Nation refused to participate in the IK Program for the MFFN CAR, the concepts and principles described in your comment, as well as any other IK based perspectives raised for the first time in your letters could not be incorporated into the Final EA / IS. While we have considered your input, the Final EA / IS and Technical Support Documents were developed to meet the requirements outlined in the TOR, the TISG, and the technical discipline-specific study plans. These documents were created with extensive consultation and were subject to approvals that now contain requirements limiting the assessment approach to specific definitions for magnitude and significance.

We agree that the quality of harvesting resources is an important consideration for project assessment. Appendix F: Surface Water Technical Support Document and Appendix H: Groundwater Technical Support Document include assessments for water quality. The use of Canadian Council of Ministers of the Environment guidelines for evaluation of water quality in aquatic systems is widely accepted and a specific requirement in the TISG. Appendix T: Community Well-Being Technical Support Document further discusses the potential for health risks as a result of the MFFN CAR through “Access to Clean Water” and “Traditional Foods” Valued Components. Attachment A to Appendix T includes a Problem





Formulation Assessment, which represents the initial step to Human Health Risk Assessment as required in the TISG. The objective of the Problem Formulation is to provide an estimate of the potential risks to human health from all MFFN CAR phases and to respond to government and public concerns related to those projected effects. The report is supported by a country foods sampling program which was conducted in May 2025, which includes laboratory analysis of blueberries, moose, goose and walleye.

Lastly, your concern #5 relates to road construction and peatlands. The floating road construction methodology is designed primarily to minimize hydrological impacts by allowing groundwater movement through the permeable embankment and maintaining surface water drainage patterns with equalization culverts. Further, this approach can also lower climate impacts by reducing release of stored carbon through peat excavation (i.e., peat will not be excavated). We note that this construction technique would not be 'piloted' by the MFFN CAR. This technique has been used on a project in Manitoba in landscape with large areas of peatland and has shown promising results 10 years post construction.

Additional details about the floating road construction methodology has been added to the Final EA / IS as Appendix W.

Concerns on the “floating road” construction approach have been expressed by multiple Indigenous communities who reviewed the Draft EA / IS, and the associated uncertainty with the effects it will have to peatland ecosystems through this pathway. As a result, the residual effects as a result of changes to groundwater on peatland ecosystems have been revised to be significant. Further information regarding road construction will be developed during future project stages and shared with Attawapiskat First Nation.

The MFFN CAR Project is committed to ongoing engagement and consultation with Attawapiskat First Nation, and we value your feedback. Thank you again for your input.

Sincerely,

Qasim Saddique, MSc, MBA

MFFN Project Team



Appendix A

Attawapiskat First Nation Feedback on the Draft Environmental Assessment / Impact Statement



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ATTAWAPISKAT FIRST NATION

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June 11, 2025

SENT BY EMAIL

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Dear Ms. Cox, Ms. Moszynski, and Ms. McLeod,

Re: Attawapiskat First Nation's preliminary comments on the Marten Falls First Nation Community Access Road draft Impact Statement

As per the Impact Assessment Agency of Canada and the Ontario Ministry of Environment's request, Attawapiskat First Nation is providing preliminary comments on the draft Impact Statement (draft IS) provided by the proponent for the Marten Falls First Nation Community Access Road (MFFN CAR).

Please note that submission of these comments does not signal the consent of Attawapiskat First Nation for any developments within the area commonly known as the "Ring of Fire," including developments related to transport and resource exploitation within that area.

The following is a summary of our initial, high-level concerns.

1. Your regulatory process for approving the MFFN CAR project does not meet the Crown's Treaty obligations, nor the duty to consult and accommodate Attawapiskat First Nation.

Attawapiskat is being presented with a project that will open our homeland to industrial development. We believe that if this road were to be built, it would transform our lands, waters, and way of life forever.

The conventional environment assessment/impact assessment (EA/IA) process being used here does not do justice to the magnitude and scope of what is at stake for our Kattawapiskak people. Under your current regulatory process, we are presented with a series of technical documents, on which we are expected to provide comments by a certain deadline.

This process is not sufficient to gain our consent to the project. We have not had the opportunity to sit down with the Crown, our Treaty partner, to discuss in a complete and thorough manner what our people want for the future of their territory. We remind you that as Treaty partners, we allowed settlers to live on our lands, but we did not give up the right to manage the land and control development.

Our people have not had the opportunity to speak, in their own language and in their own way, about what their experience and lives lead them to believe the impact of an all-season road to the Ring of Fire would be. Canada and Ontario need to come to Attawapiskat to hear about our goals and aspirations and to understand what is really going on in our communities. These discussions cannot be had within the narrow regulatory process and time frames under which you are operating.

When Canada adopted the UN Declaration on the Rights of Indigenous People (UNDRIP) into domestic law, it also adopted the standard of Free, Prior, and Informed Consent (FPIC). The FPIC standard is a single international standard (not a "spectrum"), and is meant to ensure that consultation processes are robust and further the goal of reconciliation.

The requirement for FPIC, when large-scale development projects are planned on Indigenous lands, has been addressed in the Inter-American Court of Human Rights (IACHR):

In *Saramaka People*, the IACHR noted that to ensure effective participation of the Saramaka people in the development of their territory, "the State has a duty to actively consult with said community according to their customs and traditions" (*Saramaka People* at para 133). Moreover, the IACHR noted that the consultation must use "culturally appropriate procedures and with the objective of reaching an agreement. Furthermore, the Saramaka people must be consulted, in accordance with their own traditions, at the early stages of a development or investment plan, not only when the need arises to obtain approval from the community" (*Saramaka People* at para 133). The IACHR encouraged prompt, full, and frank communications to ensure all parties had time to consider the environmental and health impacts and risks, in order that the plan is accepted "knowingly and voluntarily," and stated that the process takes into account the Saramaka people's "traditional methods of decision-making" (*Saramaka People* at para 133).¹

As Justice Julie Blackhawk wrote in *Kabaowek First Nation v. Canadian Nuclear Laboratories*, 2025 FC 319 "While the FPIC standard is not a veto, it requires significant robust processes tailored to consider the impacted Indigenous Nations laws, knowledge, and practices and employ processes that are directed toward finding mutual agreement."²

¹ *Kabaowek First Nation v. Canadian Nuclear Laboratories*, 2025 FC 319 at para 107 citing *Case of the Saramaka People v Suriname* (2007), Inter-Am Ct HR (Ser C) No 172 [*Saramaka People*]

² *Kabaowek First Nation v. Canadian Nuclear Laboratories*, 2025 FC 319 at para 183.

The current process is a “check box” exercise and is the opposite of such a robust approach. Our people often say “the Treaty must come first.” The process we are involved in here does not allow our Treaty rights holders to participate in co-jurisdiction over, and co-development of, the Ring of Fire.

2. The MFFN CAR will connect the provincial highway network to the Ring of Fire via the Northern Road Link, for which Marten Falls First Nation is also a proponent. Under the guise of “economic reconciliation,” Marten Falls First Nation and Ontario have drawn us into a one-sided, Crown regulatory process that is at odds with the Treaty relationship.

Chief Achneepineskum of MFFN is quoted in the draft IS as saying “we are leading our own future, our own prosperity, and making decisions in our own traditional territory.”³

The decision on when, how, or whether to open our shared territory to mining development is not for Marten Falls, Webequie, or Aroland First Nation alone to make.

The headwaters of our rivers, including the Attawapiskat, the Little Attawapiskat, Ekwan, and Kapiskau Rivers, make up the heart of our ancestral homeland. As recently as one or two generations ago – the generation of our grandparents – we spent most of our time in inland areas, coming to the coast only a few times a year for community gatherings. The rivers are still our highways and our ancestors are buried everywhere along these ancient travel routes. The headwaters that Marten Falls and Webequie wish to transform by a road and mining development are sacred to us.

By becoming proponents of the road to the Ring of Fire, Marten Falls and Webequie have launched a regulatory process in which Attawapiskat and other First Nations are being consulted. We are asked to submit comments and concerns, while final decision-making authority rests with the Crown alone. As such, we are treated as stakeholders and not as Treaty partners. This is unacceptable and the Crown’s approach to the Ring of Fire must change.

Marten Falls First Nation states repeatedly in the draft IS that the road, by providing access to the Ring of Fire, represents the opportunity for “economic reconciliation.” For example, it states on p. 68:

Economic reconciliation represents redress for past injustices, and signifies the Agency we have over our economic future.

Our Road represents hope, economic reconciliation, and a way to provide for the generations ahead; as Chief Bruce said (2023), “We are getting our house in order and setting up the future of our seven generations.”

Like Marten Falls First Nation, Attawapiskat is experiencing multiple, overlapping crises, rooted in the colonial relationship and the lack of proper housing, infrastructure, and services, and the forced poverty we are enduring.

Like Marten Falls First Nation we hear the promises of “economic reconciliation.” We are told in repeated rhetoric from the government of Ontario that the road is a “corridor to prosperity” for

³ MFFN CAR draft Impact Statement, p. 50.

the entire region and that this prosperity will trickle down to our people through work opportunities and better infrastructure.

We are dismayed to witness one First Nations community after another, most recently Aroland First Nation and Ginoogaming First Nation, being pacified on their Ring of Fire concerns through provincial funding agreements in the tens of millions of dollars.⁴ These agreements are a divide-and-conquer strategy. They take advantage of First Nations' dire social and economic circumstances by offering cash in exchange for the right to say no to development.

What's more, these cash deals are made in a context in which the outcome of the road environmental assessment processes appears to be pre-determined. Both provincial and federal Crowns have already committed to pushing forward the road and mining projects. This is completely contrary to Canada's commitment, under its *UNDRIP Action Plan*, to "carrying out impact assessments in a manner that emphasizes the need to seek free, prior, and informed consent."⁵

The *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples* tell us that:

The importance of free, prior, and informed consent, as identified in the UN Declaration, extends beyond title lands. To this end, the Government of Canada will look for opportunities to build processes and approaches aimed at securing consent, as well as creative and innovative mechanisms that will help build deeper collaboration, consensus, and new ways of working together. It will ensure that Indigenous peoples and their governments have a role in public decision-making as part of Canada's constitutional framework and ensure that Indigenous rights, interests, and aspirations are recognized in decision-making.⁶

Instead of securing free, prior, and informed consent through deep collaboration and consensus-building, it appears that the plan is to purchase our consent through the offer of cash. At the 3 Roads gathering in Timmins in February 2025, the consultants for the road proponents stated that

you might have some more significant effects where even after applying the mitigation measures you're still going to have effects to the communities. We want to group together the mitigation and enhancement measures and get out of the EA talk and start to get into more practical discussions with communities and look at what do communities need, want to achieve as part of the project.

We understand this to mean that impacts to rights will be compensated by money for "what communities need."

Let us be clear. The "Ring of Fire" is a shared territory over which Attawapiskat First Nation holds inherent and Treaty rights. Ring of Fire development would impact our rights in ways that go far beyond what we have already endured. As such, impacts to rights from the roads cannot be cancelled out by funding to cover basic community needs, such as infrastructure, health

⁴ <https://news.ontario.ca/en/release/1005666/ontario-and-aroland-first-nation-sign-historic-agreement-connecting-roads-to-the-ring-of-fire>

⁵ <https://www.justice.gc.ca/eng/declaration/ap-pa/index.html>

⁶ <https://www.justice.gc.ca/eng/cs/sj/principles-principes.html>

care, housing, and education. Attawapiskat cannot be meaningfully consulted on, and consent to, a project that will transform the lives of future generations, when our community is in crisis and our immediate needs are not being met. The ongoing emergency conditions in which we live must be addressed first, before we are asked to make further concessions of land and rights. We will not exchange cash for impacts to rights in the absence of a government-to-government Treaty-based discussion that respects our sovereignty and jurisdiction.

3. Project-splitting, and a divide-and-conquer approach to the Ring of Fire is unacceptable.

It has long been Ontario's plan to build one continuous north-south access road from the provincial highway network to the McFaulds Lake area in the Ring of Fire. As Ontario stated in its 2017 Long-Term Infrastructure plan,

The Province is taking an important next step toward developing the Ring of Fire, an area in Northern Ontario with significant chromite resources. ... As part of this project, the Province is also working with First Nations to build all-season access roads to their communities. ... Building these roads is a critical step in realizing the economic benefits of one of the largest mineral-development opportunities in Ontario in almost a century.

In discussing the "do-nothing approach" in the draft IS, the proponent admits that "In addition to impacts to Marten Falls First Nation, without the Community Access Road it would not be possible to develop proposed mineral projects in the far north that the Province has indicated its support for."⁷

It is important here to consider how Marten Falls and Webequie came to be proponents of the road to the Ring of Fire.

In the 2010s, the Ontario government was in the process of negotiating a "regional framework agreement" for development of the Ring of Fire, with Matawa First Nations that were closest to the Ring of Fire.

In 2019, Ontario officially ended that process. The province decided instead to move forward with closed-door meetings with individual First Nations. Ontario made a series of bilateral agreements: one with Marten Falls First Nation, and the other with Webequie First Nation, who became the official all-season road proponents.

This was a divide-and-conquer strategy where two communities (MFFN and Webequie) were promised all-season road access to the provincial highway system. It is obvious that if the mining interests in the Ring of Fire were not waiting for a road to be built, a community such as Marten Falls First Nation, with 350 people living on reserve, would not be offered a community access road costing in the billions of dollars.

The proponent has chosen not to link the purpose of the road directly to mine development in the Ring of Fire, choosing instead to focus on the promised "access to the broader region for better work opportunities" for Marten Falls First Nation.⁸ In so doing, the proponent distances

⁷ MFFN CAR draft IS, p. 70.

⁸ MFFN CAR draft IS, p. 50.

itself from Ontario's long-stated purpose in building this road, which is to open the Ring of Fire to development.

Yet Chief Achneepineskum has also acknowledged that neighbouring First Nations are being left out of discussions on the future of the Ring of Fire and that this must change.⁹ The Matawa Tribal Council, including Chief Achneepineskum, made a statement in January 2025 that read in part: "The Matawa Chiefs Council call on the Premier of Ontario to reconsider the colonial approach underway and to meet with us collectively as a matter of priority."¹⁰

The meetings suggested by Chief Achneepineskum would be a first step towards a Treaty-based approach to the Ring of Fire. The splitting of the road project into three segments, each subject to its own, individual, project-level impact assessment is the opposite of a Treaty-based approach to development in the Ring of Fire. It has also resulted in a large consultation burden on our community, generated confusion about overlapping processes, and impeded our ability to substantially engage with the assessments for these projects.

4. A number of immediately foreseeable, near-term developments in the Ring of Fire are excluded from the draft Impact Statement's cumulative effects analyses. This must be corrected and the projects listed below included.

One very serious consequence of project splitting is that the cumulative impact of opening up the Ring of Fire and adjacent James Bay lowlands to development, via an all-season access road, is not being fully considered by Ontario or Canada.

Table 10-1, the "Projects Inclusion List," lists the projects included in or rejected from the cumulative effects analysis. The scoping presented in this table is highly inadequate, and *does not meet Attawapiskat's definition of what is "reasonably foreseeable,"* as detailed below:

The Blackbird, Big Daddy, Black Label, and Black Thor Mines are expected to proceed and must be retained in the cumulative effects "Projects Inclusion List"

It is unacceptable that mining deposits that have already been announced by mining companies as planned for development are excluded from the cumulative effects analysis. The Big Daddy Mine, the Black Label Mine, and the Black Thor Mine were identified in the Tailored Impact Statement Guidelines for inclusion in the cumulative effects analysis.

The proponent has chosen not to include them, stating in Table 10-1: "Not included in the cumulative effects assessment as it is a deposit and not an active project" (p. 819).

This rationale is contrary to the proponent's own cumulative effects methodology, which involves asking the following questions in the scoping of activities to be included in the analysis: "Do the projects overlap in the type of effects? Do the projects overlap in the timing of effects? Do the projects overlap in the location of effects?" (p. 122).

⁹ <https://www.northernontariobusiness.com/regional-news/far-north-ring-of-fire/province-needs-to-cast-the-net-wide-on-ring-of-fire-consultation-says-marten-falls-chief-10093709>

¹⁰ <https://www.matawa.on.ca/matawa-chiefs-council-challenge-premier-fords-indicatinos-of-first-nations-consent-on-the-am-can-fortress-strategy-our-land-is-not-for-sale/>

Certainly, in the case of the above-mentioned mining deposits, the proposed projects will overlap with the road projects in type of effects (overlap in impacts to rights, impacts to wildlife and species at risk, impacts to water, etc.), timing of effects (overlap in the timing of mine construction and operation with the operation of the all-season road), and the location of effects (overlap in the location of impacts to the Ring of Fire and James Bay lowlands).

The named chromite deposits have been announced by Noront (Wyloo) as mines it plans to develop once the Eagle's Nest mine has been built. In fact, Wyloo has stated in presentations to Mushkegowuk communities that once development of the Eagle's Nest Mine is complete, the first chromite deposit to be mined will be Blackbird, followed by Black Thor. All of the named deposits – Blackbird, Black Thor, Big Daddy and Black Label – are expected to proceed and are therefore reasonably foreseeable projects that must be retained in the cumulative effects analysis.

There is more than enough information available on the size of the named chromite deposits to make inferences about the ways in which chromium and other heavy metals in waste rock, dust, tailings, and tailings water might contaminate our lands and waters.¹¹ The contamination of soils, water and air from the mining and processing of chromite ore, along with the potential implications of chromite mining for human health, have been well described in the scientific literature. Again, all stages of the operation of the chromite mines must be considered. The smelting of chromite ore produces toxic dust and slag, with serious consequences for the environment. All of these impacts are part of the cumulative effect of the proposed road and must be described in the IS for the MFFN CAR.

Mining exploration has been ongoing for decades and must be retained in the cumulative effects "Projects Inclusion List"

The proponent has chosen not to carry forward ongoing mining exploration by Juno Corp. in the cumulative effects analysis, stating in Table 10-1: "Not included in the cumulative effects assessment as it is a deposit and not an active project" (p. 822).

The disturbance created by mining exploration has been ongoing for decades, and millions of dollars are invested in this activity every year. For the first half of 2024 alone, Juno Corp. budgeted \$3.5 million for geophysical surveys and exploratory drilling on its Ring of Fire claims.¹²

Impacts from mining exploration include the construction of helicopter pads, drill pads, drill holes, trails, camps, cut lines, sumps containing wastewater and drill cuttings, among other impacts. There is also considerable helicopter and snowmobile traffic causing sensory disturbance to caribou and other wildlife. We still do not know whether the human disturbance footprint can ever be recovered in our fragile mushkeg environment. It is therefore unacceptable that this impact is not included in the cumulative effects analysis.

¹¹ Mining Watch Canada reported as follows in 2012: "According to the Cliffs chromite project proposal, 6,000-12,000 tonnes of ore and 65,000 tonnes of waste rock will be produced per day. The operation's predicted tailings output would require an area of 250 hectares to contain it. An estimated 2,100 tonnes of slag would be produced per day by the ferrochrome plant, all of which would be cooled with water that will likely require treatment." Mining Watch Canada. 2012. *Potential Toxic Effects of Chromium, Chromite Mining and Ferrochrome Production: A Literature Review*. Available at: <https://miningwatch.ca/publications/2012/5/9/environmental-and-health-effects-chromium>

¹² Juno Corp., investor presentation, February 2024.

The proponent must gather data on the mining exploration footprint (including all the disturbance types listed above) from MINES, and include this in the cumulative effects analysis.

The transload facility, transmission line, and smelter must be included in the cumulative effects analysis

The railway transload facility, power transmission projects, and the smelter are specifically mentioned in the Tailored Impact Statement Guidelines' list of projects to be included in the cumulative effects analysis.¹³ Mines require a power source and a way to transport and process the ore that is extracted. These developments are therefore part and parcel of the operation of the Eagle's Nest Mine, which Wyloo expects to build as soon as the road is finished.

A smelter in the territory has been the wish of Marten Falls and Aroland since at least 2012.¹⁴ Ontario recently announced that it will support Aroland First Nation in acting as a proponent for the development of a transload facility and a host community for a smelter.¹⁵

As part of the same press release, Ontario announced "\$70 million to advance route and design planning of the Greenstone Electricity Transmission Line, working with Aroland First Nation, Animbiigoo Zaagi'igan Anishinaabek, Ginoogaming First Nation, Biinjitiwaabik Zaaging Anishinaabek, Bingwi Neyaashi Anishinaabek and Red Rock Indian Band."¹⁶

There is therefore no question that these activities are reasonably foreseeable and that they must be included in the cumulative effects analysis.

Aggregate mining and waste management activities must be fully explained and included in the cumulative effects analysis

The mining of aggregate for the road project is itself a massive undertaking that must be integrated into the cumulative effects analysis. On p. 134-135 of the draft IS, the proponent tells us that

Heavy machinery, such as drill rigs, aggregate production equipment, and explosives will be required to access and produce materials from the potential aggregate sites.

Construction activities will include drilling, blasting, crushing, screening, piling, loading, hauling, and stockpiling of overburden materials and timber.

Large-scale heavy equipment will be used to crush the aggregate to the desired size and the material will be stockpiled until it is needed.

On p. 435 of the draft IS, the proponent mentions that "concrete batch plants" will be operating at pits and quarries and that everything will be done in compliance with future environmental approvals. On p.471, the proponent notes that pits and quarries will need to be dewatered – a

¹³ IAAC, Tailored Impact Statement Guidelines for the Marten Falls Community Access Road, p. 138-139.

¹⁴ <https://www.canadianminingjournal.com/news/aboriginal-rights-marten-falls-and-aroland-first-nations-support-ring-of-fire-development/>

¹⁵ <https://news.ontario.ca/en/release/1005666/ontario-and-aroland-first-nation-sign-historic-agreement-connecting-roads-to-the-ring-of-fire>

¹⁶ <https://news.ontario.ca/en/release/1005666/ontario-and-aroland-first-nation-sign-historic-agreement-connecting-roads-to-the-ring-of-fire>

process that has generated a great deal of environmental concern for Attawapiskat First Nation in the context of the Victor Mine.

Table 7-1 (p. 125), the "Anticipated Components of the Community Access Road," lists 40 aggregate sites, and "borrow areas," as well as 28 ten-meter-wide roads to the potential aggregate sites. The gravel pits are expected to be permanent and supply aggregate for road grading during the operation phase (p. 142).

All project activities, including but not limited to pits, quarries, crushing facilities for aggregate, roads associated with the aggregate sites, and garbage dumps for construction waste and camp waste must be fully incorporated into the cumulative effects analysis.

The draft IS frequently cuts short descriptions of project activities and analyses of their impacts, saying that the activity will be designed later, that a management plan will be developed, and that the activity will have the required permits/authorizations and be subject to Ontario regulations (see for example, the discussion of Construction Waste on p. 140-141). We are told 7 times in section 14 that "the pits and quarries that are proposed through the Community Access Road will be subject to permitting requirements outlined within the *Aggregate Resources Act* and its regulations."

Beyond naming the activity, and noting standard mitigation measures (such as keeping the activity 30m from watercourses when possible), the proponent has not integrated these activities into the effects analysis, let alone the cumulative effects analysis. This is unacceptable. We cannot be left to wonder about the scope, design, and long-term impacts of the major industrial activities that are a part of this proposed road. We must be able to form a realistic picture of how facilities such as waste dumps, pits and quarries needed for the road contribute to cumulative effects – not to be told that plans, permits, and regulations will be applied later and that everything will probably be fine.

5. The cumulative effects analysis must include induced developments that are reasonably foreseeable. A cumulative effects analysis of this frontier-opening road project cannot be deferred to the Regional Assessment in the Ring of Fire.

We are concerned about the proposed road and its immediate impacts on wildlife habitat and our waters. But we are equally, if not more, concerned about everything that the proposed road would bring in its wake.

Our overriding concern is the fact that the MFFN CAR is not just any project. It is a frontier development. What we mean by this is that the road would open the door to regional development on a massive scale – a door that, once opened, can never be closed again.

Most of our territory has so far been untouched by industrial and commercial development, as well as non-Native settlement. It has remained relatively untouched because of the lack of road access. We know that an access road will very likely lead to the development of secondary road networks, hydroelectric projects, and transmission lines, the construction of outfitting camps, and the expansion of mining, forestry and other industries within the Ring of Fire and beyond into the James Bay lowlands.

To give an example of what we mean by this, Ontario Power Generation is already eyeing hydroelectric potential on the Kattawapiskak River and has publicly stated its interest in exploring these opportunities if an access road is built.¹⁷ This is just the tip of the iceberg of regional development that would be facilitated by an access road. Mining claims are expanding into the James Bay lowlands, as the hype around the proposed access road grows.

The Impact Assessment Act states that the Agency must consider “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.”¹⁸

In the May 2023, Policy Framework for Assessing Cumulative Effects under the Impact Assessment Act, “reasonably foreseeable” is defined as: “the physical activity is expected to proceed, e.g. the proponent has publicly disclosed its intention to seek the necessary impact assessment or other authorizations required to proceed.”¹⁹ We note that the wording of this definition uses “e.g.,” indicating that a proponent’s intention to seek regulatory approval is an example of what could be considered “reasonably foreseeable.”

While it is too early for mining proponents to announce their intent to seek regulatory approval, we all know that once an access road is built, many mines will be announced as moving forward, and it would be irrational and foolhardy for the regulators (MECP and IAAC) to not consider the full scale of intended development stemming from such an access road.

IAAC has said as much, in its August 9, 2024 letter to Attawapiskat First Nation, regarding the Northern Road Link. In that letter the Agency called for consideration of projects for which information is available but for which no concrete building plans or regulatory approval applications are yet in place:

The Tailored Impact Statement Guidelines (the Guidelines) for the Project align with the expectations for considering cumulative effects in a federal impact assessment. Recognizing the importance of project-specific context, Section 7.7 of the Guidelines outlines a minimum list of potential projects and project types for the Proponent to consider in scoping the cumulative effects assessment.

The Proponent must consider publicly announced future mining and development activities, which would be part of the induced development facilitated by the Project. This would include, for example, any hydroelectric opportunities in the Ring of Fire area, for which information is available.

The construction of an access road will lead to the construction of secondary roads and the expansion of various types of industry. This is a consistent pattern that repeats itself worldwide, any time an access road is built into a previously undeveloped area. In Eeyou Istchee on the east side of James Bay, for example, for every 1km of road developed for the primary purpose (access to hydroelectric developments), between 5 and 6km of secondary roads were built for

¹⁷ Ontario Power Generation. 2022. Made in Ontario Northern Hydro-Electric Opportunities. 66 pp. p. 29.

¹⁸ 2019 Impact Assessment Act, para. 22 (1) iii.

¹⁹ <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/policy-framework-assessing-cumulative-effects-under-impact-assessment-act.html>

²⁰ Cree Nation Government. 2011. Cree Vision of Plan Nord. p. 34.

forestry development which spurred a large expansion of the outfitting industry and mineral exploration activity – and this in a time frame of less than 50 years.²⁰

The issue of induced road development is especially important to consider in the Ring of Fire. Ontario MNRF scientists have warned that

Linear features were identified as the primary stressor for wildlife populations and communities in the Ring of Fire area. These features include primary access corridors (e.g., primary roads or railways), secondary and tertiary roads, and trails, utility lines, cut-lines (e.g., for geo-physical surveys), etc.²¹

Looking at comparable developments in areas with similar characteristics is a good way to capture the extent of reasonably foreseeable induced development.

Consider, for example, the 2004 Mackenzie Valley Environmental Review Board's *Environmental Impact Assessment Guidelines*, which state:

The Review Board will accept less detail and more predictive uncertainty the further in the future or the less certain the reasonably foreseeable development is. For example, a developer proposing a pipeline through a previously inaccessible area with little existing development should consider reasonably foreseeable future developments. That developer could determine what is reasonably foreseeable by looking at other comparable developments in areas with similar characteristics. If looking at similar cases indicated that a certain type and intensity of induced development routinely followed, then these types of induced developments should be considered reasonably foreseeable for the proposed development, even though no applications for them have been submitted. Relevant uncertainties (such as key differences between the proposed development setting and those of the case studies) should be made explicit.²²

As explained above, we are concerned about the cumulative effect of this frontier road project, that would open our territory to development and impact our rights for the rest of time. *The time frame and geographic scope of that concern must match the time frame and geographic scope considered in the cumulative effects analysis.*

The Tailored Impact Statement Guidelines advise the proponent that "Both the content and means of presenting this information [the cumulative effects analysis] is to be developed in consultation with each potentially impacted Indigenous group. Proponents must engage with and clearly document and incorporate the views of Indigenous groups in the cumulative effects assessment."²³

The IAAC requirement for a collaborative cumulative effects assessment is consistent with the duty to consult and accommodate that in this case is at the highest end of the spectrum.

²⁰ Cree Nation Government. 2011. Cree Vision of Plan Nord. p. 34.

²¹ Rempel, R.S., R.W. Mackereth, A.R. Rodgers, E.P. Iwachewski, P.D. Furlong, J.S. Hagens, J.L. Shuter, J.M. Jackson, R.S. Kushneriuk and D.J. McCormick. 2016. Support for development of a long term environmental monitoring strategy for the Ring of Fire area. Ontario Ministry of Natural Resources and Forestry, Science and Research Branch, Peterborough, ON. Science and Research Information Report IR-08. 34 p. + append. P. 17.

²² Mackenzie Valley Review Board, *Environmental Impact Assessment Guidelines*, 2004. p. 81-82.

Available at: https://reviewboard.ca/process_information/guidance_documentation/guidelines

²³ IAAC, *Tailored Impact Statement Guidelines*, Marten Falls Community Access Road, p. 137.

Considering the long-term effects of opening up the Ring of Fire and adjacent James Bay Lowlands to what will surely be multiple industries and multiple waves of development, our very survival as Omushkegowuk people is at stake.

6. Past forestry activity has been entirely left out of the cumulative effects analyses, and the impact of existing dams and diversions is left out of the water, fish, and land use analyses. This must be corrected.

In Table 10-1, p. 812, the proponent includes the Ogoki Forest Management Plans in the Project Inclusion List, but considers only ongoing and future forestry activity corresponding to the timeframe of the 2020-2030 ten-year management plan. This is unacceptable. Industrial forestry in the southern part of the MFFN CAR regional study areas has resulted in a dense network of logging roads and a legacy of impacts to land, water, and wildlife. These legacy impacts must be identified and incorporated into the cumulative effects analysis.

Furthermore, Appendix E (the project inclusions list) shows that the proponent only considered the Ogoki Forest Management Plans for the cumulative effects analysis of the Vegetation, Peatlands, and Land Use valued components, but not for any of the other Valued Components. It is incomprehensible why forestry would not be considered in an analysis of cumulative impacts to wildlife (including moose and caribou), surface water, and fish and fish habitat. Past, present, and future forestry activity must be considered in the cumulative effects analysis for all of these components.

It is truly perplexing to consider why the proponent chose to exclude the Ogoki and Long Lac diversions from the cumulative effects analyses of surface water, fish and fish habitat, and traditional land use (as indicated in Appendix E). Marten Falls First Nation members themselves told the project team that dams and diversions had significantly impacted water levels, fish spawning habitats, and land use (Table 8-2, p. 146; Table 11-8, p. 940). There is also abundant documentation that although these dams and diversions were built in the 1940s and 50s, the impacts to the Albany River system continue to this day. In 2005, Chief Eli Moonias of Marten Falls First Nation spoke of the loss of livelihood and economy caused by the loss of water, and the fact that “the Ogoki diversion dramatically affected whitefish and sturgeon populations in the Albany River, downstream from Waboose Dam.”²⁴ In 2020, Marten Falls Councillor Sam Achneepineskum told *Wawatay News* about the difficult travel conditions created by low water levels.²⁵ There is therefore no question that the Ogoki and Long Lac diversions are part of the cumulative loss to our Treaty 9 territory with repercussions that will overlap with those of the road and the development that is the intended outcome of the road. It is also a reminder of the enormous sacrifices that Treaty 9 rights holders have already made in loss of a way of life, to benefit industrial interests in the south.

²⁴ Annin, Peter. 2006. *The Great Lakes Water Wars*. Washington: Island Press. P. 135.

²⁵ Garrick, Rick. “Waterway diversion education important for youth.: *Wawatay News*, November 20, 2020. P. 14-15.

7. Our Indigenous knowledge is not being respected in this EA/IA process. Our ways of knowing and concerns about future development, water contamination, and wildlife are being forced into the check-boxes that make up the EA/IS process.

The draft IS contains numerous references to Indigenous principles, including the Seven Grandfather teachings.

Unfortunately, these concepts are being used by the proponent as window-dressing on a document that otherwise follows the standard, encyclopedic approach to impact assessment. We are presented with a draft IS in which land and water are broken down into little categories, and all impacts are construed as mitigatable and manageable through standard construction practices and future monitoring programs. As described above, we have also been informed by the proponent that any remaining impacts will be addressed through cash deals to mitigate the chronic underfunding of our communities.

The proponent and its consultants speak frequently about how the MFFN CAR EA/IA is an "Indigenous-led" process. The reality is that in the proponent's webinars, public meetings, documents and other statements, our people are being walked through the process by the proponent's project team. We are not in a leadership position and the issues that affect our way of life are being ignored.

This draft impact statement does not contain anything authentic about how our people think about the interconnectedness of what you term "valued components," including water.

Appendix E, the Project Inclusion List, tells us that *only three* past, present, and future projects are included in the cumulative effects analysis for surface water, groundwater, and fish and fish habitat (the Northern Road Link, the Anaconda and Painter Lake forestry road upgrades, and the Rapid Lynx Broadband project). As explained above, this limited approach to cumulative effects analysis has major gaps and is completely unacceptable.

The draft IS also excludes the Eagle's Nest mine from the cumulative effects analysis of water and peatlands, despite the Eagle's Nest mine being on the proponent's project list for the cumulative effects analysis. The decision not to bring the Eagle's Nest mine forward into the cumulative effects analysis for the water "valued components" is left completely unexplained, and is disrespectful of our people's enormous concern for the impact of mining – a planned outcome of the completion of the road – on ground water, surface water, fish habitats, and mushkeg. It appears that the proponent simply chose to ignore the previous feedback it had received from Indigenous peoples regarding the cumulative impact of the road and the Eagle's Nest Mine (see Table 11-9: Summary of Cumulative Effects Feedback and Consideration in Milestones 1, 2, and 3, p. 951-952).

Like many other Indigenous peoples in Canada, our Kattawapiskak people evaluate uncertainties, risks, and observed impacts in ways that do not fit neatly into project-specific, proponent-defined boundaries and timelines. Our deep concern about the cumulative impacts of the road – its induced, foreseeable impacts – to water flows and water contamination cannot be dismissed by simple assurances that best construction practices will be followed, that monitoring will take place, and that effects are "expected to remain manageable." These types of assurances ring hollow to our land users and do not fit with our actual experiences of industrial development.

The proponent appears not to be aware that First Nations, including Mushkegowuk Cree, take an inter-generational, holistic, and precautionary approach to understanding impacts that is well documented in reports and articles from across Turtle Island. The proponent needs to carefully study and meaningfully incorporate the findings of this literature into a revised IS.

In addition, the draft IS does not contain anything authentic about how our people think about cumulative effects.

The emerging consensus in the scholarly literature on impact assessment is that it is indefensible to restrict a cumulative effects analysis to only a set of short-term, most-likely future projects. Such a limited approach is simply incapable of developing reliable insight into the sustainability of the “valued components.” It is also incapable of capturing the scope of the concern our people have regarding cumulative impacts. An ambitious scoping process for issues to be included in the cumulative effects analysis is entirely possible and in fact supports the broader goals of environmental assessment as set out in legislation and policy.²⁶

Obviously, near-term predictions (mere months or a couple of years away) have relatively high confidence, whereas longer-term predictions (years and decades away) have relatively lower confidence and a wider array of potential pathways. The impossibility of predicting with certainty a particular outcome must not shut down our efforts to consider the impacts of induced development from the proposed MFFN CAR on the inherent and Treaty rights of Omushkeogwuk people. Regardless of the precise scenarios that will develop 10, 20, 50 or 100 years from now, all pathways of induced development have the potential for irreversible, long-term, significant impacts to our land, our people, and our way of life.

A cumulative effects analysis considering induced development must not be deferred to the Regional Assessment in the Ring of Fire. Ontario has made it abundantly clear that the main purpose of the road under consideration here is to open the region to development. Large-scale development is therefore the intended outcome of this road project; it is not simply a speculation whose analysis can be left for another time. It is vitally important to capture the full range of Mushkegowuk Cree concerns that speak to this intended development and the impact that various development scenarios would have on rights.

The plain-language summaries of the Draft Impact Assessment are disrespectful of the concerns of our people

As of today's writing, we still have not received Cree-language versions of 9 out of the proponent's 12 plain language summaries. Therefore, for most of the topics in the draft IS, we have only English-language summaries on hand, and most of our members are fluent Ininimowin (Cree, n-dialect) speakers. Moreover, the three Cree-language versions that we did receive were sent to us on June 3, 2025, which is 105 days into a 120-day comment period.

The lack of accessible documents for Attawapiskat is unacceptable and is not consistent with the duty to consult and accommodate. Your EA/IA process is proceeding according to legislated

²⁶ See for example: Mulvihill, Peter R. 2003. Expanding the scoping community. *Environmental Impact Assessment Review* 23: 39-49. and Duinker, Peter N. and Lorne A. Grieg. 2021. Scenario planning in cumulative effects assessment. In: *Handbook of Cumulative Effects*. Blakely, Jill A.E. and Daniel M. Franks, eds. Cheltenham UK and Northampton, Mass.: Edward Elgar Publishing. Pp. 92-105.

timelines; meanwhile, the Cree-speaking communities do not have access to the information they need to consider the project and its impacts to rights.

The plain-language summaries appear to have been hastily prepared, without attention to detail or regard to what community members might need to know about the project. In the pamphlet on Wildlife and Birds, the section on American Marten is illustrated with a photo of a European red squirrel. The section on Species at Risk Birds is illustrated with a photo of a chimney swift, which as the proponent writes on p. 286 of the draft IS, "Chimney swifts haven't been seen north of the 49th parallel and are not expected to be in the Project study areas. They were not found during field studies."

Furthermore, the treatment of cumulative effects in the English plain language summaries is so limited as to be practically useless. The cumulative effects descriptions in the summary pamphlets are just a few sentences long (four sentences in the case of Groundwater & Surface Water, Fish & Fish Habitat, and Wildlife & Birds). Much more information is required about cumulative effects and how the proponent came to the conclusion about minimal or manageable effects. Given all of the previous letters that Attawapiskat First Nation has sent on this topic, it should be clear by now that understanding cumulative effects is a very high priority for our people.

The section of the draft IS describing the cumulative effects assessment – Section 6.8 – makes an analogy to a family gathering in the woods, and other sources of noise that may overlap with that activity. This dumbed-down explanation of cumulative effects, which is repeated in the plain language summary, provides no real information on the proponent's approach to cumulative effects.

Regarding our above-stated concerns, please respond to us, and those copied here, as soon as possible.

Sincerely,



Chief Sylvia Koostachin-Metatawabin
Attawapiskat First Nation



Deputy Chief Jack Linklater, Jr.
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cc.

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ATTAWAPISKAT FIRST NATION

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July 28, 2025

SENT BY EMAIL

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Dear Ms. Cox, Ms. Krezel, Ms. Moszynski, and Ms. McLeod,

Re: Attawapiskat First Nation's additional preliminary comments on the Marten Falls First Nation Community Access Road draft Impact Statement

As per the Impact Assessment Agency of Canada and the Ontario Ministry of Environment's request, Attawapiskat First Nation is providing additional preliminary comments on the Marten Falls First Nation Community Access Road (MFFN CAR) proponent's draft Impact Statement (draft IS).

On June 11, 2025, we provided high-level preliminary comments on the draft IS. The letter we are writing you today focuses on issues with the proponent's assessment of impacts to caribou, moose, and wolverine. It should be read together with the June 11, 2025 letter.

Please note that submission of these comments does not signal the consent of Attawapiskat First Nation for any developments within the area commonly known as the "Ring of Fire," including developments related to transport and resource exploitation within that area.

The below is a summary of our concerns.

1. **The proponent concludes that cumulative impacts to Land and Resource Use are non-significant. The analysis to reach that conclusion is deeply flawed and needs to be revised.**

We are told on p. 885, Section 10.4.8, that “the only valued components carried forward into the Cumulative Effects Assessment for the Land and Resource Use Discipline is Valued Component #7: Trapping.”

Omitted from the cumulative effects assessment are the other Valued Components, listed in table 8-53 (beginning on p. 359), which include: Land Use Compatibility, Parks and Protected Areas, Extractive Resource Industry, Remote Outfitters, and Energy and Linear Infrastructure.

If future, foreseeable projects stemming from the proposed MFFN CAR had been considered in the cumulative effects analysis, as detailed in our submission of June 11, 2025, then it would have become clear that all the Valued Components the proponent listed under Land and Resource Use in Section 8 of the draft IS would be affected by the developments already announced as planned outcomes of the road.

Instead, the proponent considers that the cumulative effect of the proposed road touches only the Trapping valued component, and within that component “the total area removed / potentially disturbed by the combined projects is still relatively small compared to the size of the trapping tenure” (p. 885). In Appendix U, we are told that land use compatibility was evaluated by looking at the project’s overlap with Marten Falls and Aroland First Nations’ Land Use Plans, as well as overlap with “lands with designated uses under the Crown Land Use Policy Atlas and the Guide for Crown Land Use Planning” (p. 100). Seeing no conflicts between the road and these plans, the proponent concludes that Land and Resource Use will not be affected.

This section of the draft IS ignores the reality of neighbouring First Nations such as Attawapiskat First Nation, whose territories overlap with the road to the Ring of Fire and the developments that are the planned outcomes of the road. The proponent suggests that Marten Falls First Nation is the only First Nation that may be affected by future development, and that Marten Falls will therefore be able to deal with any eventual negative effects from such development:

During the Project Operations and Maintenance phase, there could be proposals to develop lands in proximity to the Project because of the new access provided to the area. These developments may not be in line with the Marten Falls Community Land Use Plan. It is assumed that Marten Falls will review these

applications regarding their conformity with the Community Based Land Use Plan. (Appendix U, p. 101).

Here the proponent appears to indicate that Marten Falls First Nations will be in a position to review, and then approve or deny, future projects falling under the category of induced development. If this is indeed what the proponent is suggesting then this idea is unheard of to Attawapiskat First Nation and needs to be explained further.

In all, the cumulative effects analysis of impacts to Land and Resource Use has been completely bungled, and the proponent must be asked to re-do the analysis taking into account our above-mentioned comments.

2. The proponent's effects and cumulative effects analyses for moose do not consider the reality of long-term declines in moose populations in Omushkegowuk territory.

Over the past decade, First Nations in Treaty 9 territory, including Brunswick House and Chapeau Cree First Nations, have begun adopting measures to restrict Indigenous hunting as a conservation measure. While we have not yet experienced catastrophic levels of moose decline in Attawapiskat territory, our people are very concerned about the current state of moose populations and their ability to continue harvesting moose in the future. If the road were to be built, increased access to moose hunters from the south and the expansion of outfitting camps throughout the region would be further threats to the long-term viability of moose populations in our territory.

In the Existing Conditions section of the draft IS (Section 8) the proponent acknowledges that "Indigenous communities have reported declines in local moose populations" (p. 305).

Once we get to the Refined Existing Conditions Information for moose in Section 9.4.5.1.2 (p. 652), there is no longer any mention that moose populations might be in trouble. Continuing on to Table 9-27, p. 686, "Summary of Residual Effects for Ungulates," we told only that:

Moose populations in Wildlife Management Units 17, 1D and 18A, located within the moose effects assessment Regional Study Area, are self-sustaining at low densities based on provincial population estimates. Moose densities are within and below the expected densities for populations in boreal forests with low net primary productivity. The Moose Regional Study Area has sufficient undisturbed habitat necessary to support a self-sustaining moose population.

This is but one example of how our Indigenous knowledge, even when provided, is erased from the impact assessment process. It is also an example of the misleading information that the proponent provides with regard to the current status of, and threats to, wildlife populations. To say that moose populations are “self-sustaining at low densities” is a distortion of what is actually occurring with moose populations in the Far North of Ontario.

Outside of the environmental/impact assessment process, MNRF has recognized that moose populations are seeing major declines in parts of northern Ontario, saying that “During the 2000s, we experienced widespread declines in moose numbers across much of northern Ontario. Overall it was only about 20 per cent, but those declines were variable.”¹ Ontario MNRF has also confirmed that very little scientific information is available on moose population trends for Wildlife Management Unit (WMU) 1D [which overlaps with much of the James Bay lowlands and Ring of Fire] “because Far North WMUs may only be surveyed about every 10 years since there is little hunting pressure/interest from non-Indigenous hunters.”² The proponent makes no mention of these uncertainties and declines in the main document of the IS and does not factor the low baseline levels of moose into their cumulative effects analysis.

The proponent also fails to consider the impact of climate change within their analysis of the cumulative effects of the project to moose. In the Far North of Ontario, warmer winter temperatures, reduced snow depth, and longer and wetter spring seasons favour more intense winter tick infestations and the transmission of brainworm (*P. tenuis*), a parasitic nematode that is a serious threat to moose. With climate change we can also expect that deer density will increase in contact zones between moose and deer, with transmission of brainworm to follow. The proponent must consider how climate change has direct effects on moose survival, and how climate change, together with the proliferation of roads and recreational trails, favors deer and thus poses threats to moose populations.

The proponent decided not to carry forward critical information about moose from the technical appendix to the main document of the draft IS. This is unacceptable. The main document of the draft IS fails to mention most of the information on moose, parasites, and climate change that is in fact discussed in the proponent’s Appendix M.³ The main document of the draft IS contains only two sentences on the issue, saying: “Moose can contract diseases like brainworm and suffer from parasites like winter ticks,” and

¹ <https://www.cbc.ca/news/canada/thunder-bay/moose-study>

² Email from Art Rodgers (Research scientists, Ontario MNRF) to Dorothee Schreiber, 24 June 2025. WMU 1D covers a huge swath of Omushkegowuk territory and overlaps with our traditional territory (map is available here: <https://www.ontario.ca/page/moose-population-management>)

³ See for example Appendix M, pp. 537-539, and p. 202.

“Hunting is managed through a tag system, but climate change poses additional risks, causing heat stress and affecting habitat” (p. 305).

The proponent concludes on p. 860 of the draft IS that

The anticipated changes to moose habitat availability, distribution, and survival and reproduction from the Community Access Road and past, present and reasonably foreseeable activities, and climate change are expected to remain within the resilience and adaptability limits of the regional populations. ... Therefore, the cumulative residual effects from past, present and reasonably foreseeable activities (including the Community Access Road) and climate change on moose are considered not significant assuming the mitigation measures outlined in Section 9 are implemented.” [underlining added]

The proponent bases their conclusion of non-significant cumulative effects of the project purely on the availability of habitat, and not dynamics related to predation, climate, or parasitic load. This is highly problematic. The effects and cumulative effects sections for moose need to be reviewed and revised by scientists with expertise in the ecology of moose in northern regions. Insofar as information on threats to moose from parasites and climate change is contained in Appendix M, this information needs to be fully carried forward into the effects and cumulative effects analyses for moose.

We also remind Ontario and Canada that the scoping of projects for the cumulative effects analysis of moose presented by the proponent in the draft IS is severely lacking and needs to be revised, as outlined in our letter of June 11, 2025.

3. The effects and cumulative effects analyses for caribou greatly underestimate the impact of the proposed MFFN CAR.

The proponent concludes on p. 860 that “the combined residual cumulative effects from the Community Access Road and past, present and reasonably foreseeable developments on caribou and caribou habitat are determined to have a significant influence on self-sustaining and ecologically effective caribou populations in the caribou effects assessment Regional Study Area.”

Caribou is the only “valued component” for which the proponent has determined a significant cumulative impact of the project.⁴ Even so, the effects and cumulative effects

⁴ The proponent obscures this fact by using the word “placeholder” in the significance column of the cumulative effects summary Table 10-7 on p. 879.

analyses for caribou presented by the proponent do not provide anywhere near complete information on the extent to which caribou would be impacted by the proposed road and the developments that are waiting for the road to be built. It is critical for Attawapiskat First Nation to receive accurate and complete information about the true extent of the cumulative impact of the road on our relative, Atik (caribou).

The proponent's analysis of the cumulative effects of the project on caribou has not been properly done and must be revised, as follows:

a. The proponent underestimates the importance of the project area as winter habitat for boreal caribou.

The proponent relies on its own telemetry data, collected in support of the MFFN CAR impact assessment process, to build models about caribou habitat suitability. As the proponent acknowledges on p. 860, the assessment of the significance of effects to caribou is "primarily informed by 2 years of recent collar data for caribou."

This limited approach to information gathering about caribou habitat use ignores a solid body of scientific study on the high significance of the ecozone boundary as caribou winter habitat. Ontario's own caribou scientists have told the MECP that the ecozone boundary, where the James Bay Lowlands meet the Ontario Shield, and where the Ring of Fire and its proposed road would be built, is an area that is especially important for caribou. They warned that impacts to caribou may therefore be greater there than in other places.⁵

A habitat selection model published earlier this year by caribou scientists at the Canadian Wildlife Service (CWS) strongly supports that conclusion: "Rather than being uniformly distributed, predicted suitable winter woodland caribou habitat is aggregated within the range." The CWS model "identified a large area of highest predicted winter habitat suitability in the Missisa range that is most concentrated within the transition zone and decreases axially with distance from the ecozone boundary line."⁶ In other words, the areas of highest winter caribou habitat suitability are concentrated around the proposed road corridor and the Ring of Fire.

⁵Berglund, N.E., G.D. Racey, K.F. Abraham, G.S. Brown, B.A. Pond, and L.R. Walton. 2014. Woodland caribou (*Rangifer tarandus caribou*) in the Far North of Ontario: Background information in support of land use planning., Ont. Min. Nat. Resour., Biodiversity and Monitoring Section Tech. Rpt. TR-147, Thunder Bay, Ontario. 160 pp. P. 130.

⁶ McFarlane, Samantha, V. Van Mierlo, M. Manseau, A. Kroeze, E. Eberhardt, and J. Girard. 2025. "Bioclimatic, terrain, and specific peatland composition are major drivers of woodland caribou winter habitat suitability in northern Ontario." *Canadian Journal of Zoology* 103: 1-19. P. 11

b. The proponent underestimates caribou habitat loss from the project due to sensory disturbance.

While the proponent discusses sensory disturbance in section 7.3.1 (p. 312 of Appendix M), by the time we reach section 7.3.2 “Characterization of Predicted Residual Effects,” the analysis assumes a 500m buffer to account for habitat loss around anthropogenic disturbances (p. 385 of Appendix M), with “minor residual effects” (p. 386 of Appendix M). Table 7-21 of Appendix M (beginning on p. 397 of Appendix M), “Characterization of Predicted Residual Effects and Determination of Significance for Ungulate Valued Components,” carries forward this assumption of a 500m zone of influence.

The zone of influence of anthropogenic disturbance on caribou described in the scientific literature is considerably greater, and can extend up to 15km.⁷ The residual effects and cumulative effects analyses must therefore be redone with this in mind.

c. The proponent minimizes the importance of the destruction of nursery habitat, winter habitat, and eskers in the ecozone boundary.

The proponent repeats the following statement several times in Table 9-27: Summary of Residual Effects for Ungulates (see for example p. 667 of the draft IS):

The Construction of the Project will directly remove 17,476 hectares of known and potential new Category 1 habitat, a change of -6.6 percent relative to the available Category 1 habitat in the ungulate effects assessment Local Study Area in the existing environment and -0.2 percent relative to the available Category 1 habitat in the caribou effects assessment Regional Study Area in the existing environment.

This estimation only considers direct habitat loss from the road, and not habitat loss due to sensory disturbance and avoidance, as discussed above. This results in a serious under-estimation of Category 1 habitat loss resulting from the construction of the road to the Ring of Fire.

We remind the proponent and regulators that the proposed north-south Ring of Fire road is slated to pass through numerous areas that under Ontario’s General Habitat Description for Forest-Dwelling Woodland Caribou are considered Category 1 areas, or “sub-range habitat features that currently exhibit repeated, intensive use by individuals or multiple caribou, and include Nursery Areas, Winter Use Areas and

⁷ See for example: Plante, Sabrina, et al. 2018. “Human disturbance effects and cumulative habitat loss in endangered migratory caribou.” *Biological Conservation* 224: 129-143. And: Boulanger, John, et al. 2012. “Estimating the zone of influence of industrial developments on wildlife: a migratory caribou *Rangifer tarandus groenlandicus* and diamond mine case study.” *Wildlife Biology* 18: 164-179.

Travel Corridors.” Category 1 areas are areas that have the lowest tolerance to alteration before their function, or usefulness, in supporting caribou is compromised,⁸ a fact that is nowhere mentioned in the draft IS.

The proponent also does not consider the significance of eskers to caribou in the summer. Like humans, caribou prefer to walk on eskers in the summer to avoid mosquitos and black flies in the muskeg. Much of the proposed road route to the Ring of Fire follows eskers. These long areas of high ground are made up of gravel left behind by retreating glaciers. They have been used by caribou for thousands of years. Our people often camped in the flat, sandy areas alongside eskers. The proponent now wants to build a road that will remove this habitat from use by non-humans for the foreseeable future. The serious impact of the loss of eskers to caribou (and other wildlife) needs to be considered as part of a holistic cumulative effects analysis.

d. The proponent’s averaging of linear feature density across the vast area of the regional study area is not legitimate and must be revised.

The proponent claims on p. 680 that

The overall linear density in the caribou effects assessment Regional Study Area is expected to increase by approximately 0.001 kilometres / square kilometre and will remain less than the density whereby predation is expected to have a limiting effect on a caribou population.

The density of linear features cannot be “averaged” in this way across an entire caribou range. The proponent should review the report of Best et al. (2025)⁹ regarding the functional (nonlinear) responses of caribou and their predators to increasing linear feature density. Even in landscapes where the “average” density of linear features is low, once the density of linear features in a local area increases past a threshold, caribou are exposed to elevated predation risk. The proponent and regulators need to recognize that in the north, predation risk to caribou is driven by anthropogenic disturbance, in particular linear features such as roads, trails, cut lines for mineral exploration, etc., that wolves can exploit. This is different from the so-called “disturbance-mediated apparent competition” that drives caribou-moose-wolf dynamics in more southern parts of caribou range. Therefore, while linear feature density leading to elevated predation on caribou may occur only in particular parts of the range, there are regional and population-level consequences from those local impacts that must be considered.

⁸ <https://www.ontario.ca/page/general-habitat-description-forest-dwelling-woodland-caribou>

⁹ Best, Ian N., Branden T. Neufeld, and Philip D. McLoughlin. 2025. Thresholds of Risk: Linking Linear Feature Density to Caribou Mortality and Recruitment in the SK1 Boreal Caribou Range. Interim Report. Department of Biology, University of Saskatchewan.

e. The proponent fails to integrate information about the interactive effect of mining development and climate change into the cumulative effects analysis for caribou.

The proponent does not carry forward to the main document of the draft IS any of the critical information about the interactive effect of climate change and mining development that was published by Rempel et al.,¹⁰ a group of Ontario MNR scientists, in 2021. While this landmark study is listed in the references of the main document draft IS, it is mentioned nowhere in the text.

In the technical Appendix M, on ungulates, the proponent mentions in one sentence on p. 488 that climate change plus development increases predicted caribou decline from a 10% population decline to a 17% population decline, and cites the Rempel et al. (2021) study as the source of that information. However, this information is not then carried forward to the proponent's assessment of the cumulative effects of habitat loss and alteration, in Section 8.2.1.1.4, "Characterization of Predicted Cumulative Effects." (starting on p. 490 of Appendix M).

In fact, the proponent makes no mention of the interactive effect of climate change and development in that section, focusing instead on the fact that the Missisa and Ozhiski caribou ranges will remain below the 35% habitat disturbance threshold. This is in direct contrast to the Rempel et al. (2021) article, which highlights the importance of considering the interactive effect of habitat loss and climate change:

... caribou are likely to be even more sensitive to habitat disturbance in future decades because its effects will be cumulative to the indirect effects of climate change. As a result, management thresholds derived from simple empirical relationships between key vital rates and disturbance (ECCC 2011) risk overestimating the amount of disturbance that can occur within a range before the probability of caribou persistence drops below desirable levels. [underlining added]¹¹

Ignoring completely Rempel et al.'s warning and estimates of dramatic impact from the interactive effect of habitat loss and climate change, the proponent bases their cumulative effects analysis on habitat loss alone, saying nothing more about climate change in section 8.2.1.1.4 other than that climate change will negatively impact caribou and that the magnitude of the change is uncertain (p. 491 of Appendix M). This distortion results in a serious underestimation of cumulative effects to caribou and is unacceptable. It must be revised by the proponent.

f. The proponent fails to consider the effect to caribou of the north-south transmission line that is planned along the road corridor.

¹⁰ Rempel, R.S., et al., 2021. "Modeling cumulative effects of climate and development on moose, wolf, and caribou populations." The Journal of Wildlife Management 85(7): 1355-1376.

¹¹ Rempel et al. 2021, p. 1368.

In June 2025, Ontario published its “Energy for Generations” plan, which promises the building of new electrical generating and transmission infrastructure to meet the demand from a growing economy. The report states that “While thousands of kilometers of new transmission lines are being built across northern Ontario, new development will be required to further connect remote First Nation communities and unlock critical minerals, including the Ring of Fire.”¹²

Ontario’s Independent Electricity System Operator (IESO) concluded its Northern Ontario Connection Study in 2025 and found that the preferred option for a transmission line to the Ring of Fire is a north-south route that would take advantage of the proposed road corridor.¹³ The feedback that IESO received from Wyloo (Ring of Fire Metals) on this finding was that “The proposed transmission line is essential for the development of the Eagle’s Nest project.”¹⁴

There is therefore no question that this transmission line must be considered as part of the cumulative effects assessment for caribou. The proponent must also consider that caribou can see the corona light from high-voltage transmission lines and that this leads to strong behavioural avoidance. Zones of avoidance by caribou of power lines extend up to 5km especially when combined with other infrastructure, such as roads.¹⁵

- 4. The proponent proposes to develop a “biodiversity offset plan” for caribou and wolverine, yet neither species will be able to survive long-term alongside the widespread anthropogenic disturbance that is the planned outcome of the proposed road. This contradiction must be addressed by the proponent.**

It is nonsensical to propose to “offset” the impacts of habitat loss and fragmentation for species such as caribou and wolverine that require large areas of undisturbed wilderness to survive and reproduce.

For the proponent to say that they will be able to “offset,” or compensate for, the cumulative impact of the project is to rely on what is essentially a magic trick: the proponent wants us to believe there is habitat “out there” somewhere that can make up for the inundation of caribou and wolverine habitat by anthropogenic disturbance.

¹² Government of Ontario. 2025. Energy for Generations: Ontario’s Integrated Plan to Power the Strongest Economy in the G7. 152 pp. P. 25. Available at: <https://www.ontario.ca/page/energy-generations>

¹³ <https://www.ieso.ca/-/media/Files/IESO/Document-Library/engage/nocs/NOCS-20250507-presentation.pdf>

¹⁴ <https://www.ieso.ca/-/media/Files/IESO/Document-Library/engage/nocs/NOCS-20250507-feedback-WyloovF.pdf>

¹⁵ Tyler, Nicholas J.C., et al. 2016. “Cryptic impact: visual detection of corona light and avoidance of power lines by reindeer.” *Wildlife Society Bulletin* 40(1): 50-58. See also: Plante et al. 2018, p. 136.

The proponent must bring the reality of range recession for caribou and wolverine into the analysis of cumulative effects. In a span of little more than 100 years, from 1880 to 1990, half of historic woodland caribou range was lost, a rate of disappearance of 34,800 km² per decade, and a northward range recession of 34 km per decade.¹⁶

Wolverine shows a similar pattern, with a range that has historically receded from the “front” of advancing human disturbance. As reported in Ontario’s wolverine recovery strategy:

In Ontario, Wolverine range recession since 1880 has been documented by Dawson (2000) based on sightings and fur harvest returns. The pattern for Wolverine has been similar to that of Woodland Caribou: both species disappeared from southern Ontario fairly rapidly during the nineteenth century during a period characterized by a large increase in human settlement, logging and railroad construction, and during the early twentieth century, a period of intensive exploitation of wildlife (Dawson 2000, Racey and Armstrong 2000, Schaefer 2003). In addition to this documented correspondence between Wolverine decline and the spread and intensity of the human footprint in Ontario is the fact that Wolverine populations have a low intrinsic ability to recover and repopulate areas from which they have been extirpated (Weaver et al. 1996, COSEWIC 2003).¹⁷

5. No information is provided on how cumulative caribou habitat loss due to foreseeable industrial / infrastructure projects was calculated. This information must be provided in a revised draft of the IS.

Appendix M (Ungulates), Section 8.2.1.1.1, “Habitat Loss and Alteration – Potential Cumulative Effects,” provides no information on how the physical size of the footprint of various disturbances contributing to cumulative effects was determined.

On p. 435 of Appendix M, the proponent simply states that “To calculate change in habitat in the cumulative assessment, physical footprints of the Project and past, present and reasonably foreseeable activities were applied to the landcover.”

Although Appendix M is 1034 pages long, it does not appear to contain any information on how the proponent calculated the footprint (amount of habitat loss) of future projects.

For example, for the Eagle’s Nest mine, how are we to know which facilities were included? Were the ancillary facilities; concentrate handling and transfer and transload

¹⁶ Schaefer, James A. 2003. “Long-term range recession and the persistence of caribou in the taiga.” *Conservation Biology* 17(5): 1435-1439.

¹⁷ <https://www.ontario.ca/page/wolverine-recovery-strategy>

facilities; tailings and waste rock management, overburden and aggregate stockpiling; surface infrastructure such as accommodations and service facilities, power generation or transmission; waste management, explosives handling and storage, and fuel storage; water collection, management and treatment; and a transportation corridor to link the mine to the proposed all-season road, included?¹⁸

Furthermore, the proponent uses outdated and inappropriate datasets to calculate existing anthropogenic habitat disturbance and so underestimates the baseline level of disturbance in caribou habitat.

In Section 4.3.4.1 (Appendix M, p. 82), we learn that Ontario Far North Land Cover data was used to estimate the amount of anthropogenic disturbance. This provincial satellite-derived habitat disturbance data set was last updated in 2012, and is by now more than 10 years out of date. The 2000 version of that dataset, which was used to fill in gaps in the 2012 dataset, is even more out of date. The draft IS therefore fails to consider cumulative disturbance from existing disturbances not captured in another provincial inventory (such as the forest resources inventory).

Besides being more than 13 years out of date, the landcover dataset being used is a 30 x 30m resolution raster layer. We know from experience that this resolution is too low to identify any of the habitat disturbances resulting from mining exploration in the Ring of Fire.

6. The endangered Eastern Migratory caribou and the full extent of its habitat must be included in the effects and cumulative effects analyses. It is not acceptable to use the forest-dwelling boreal caribou as a stand-in for all caribou.

The proponent uses four provincially delineated boreal caribou ranges (Missisa, Ozhiski, Nipigon and Pagwachuan) as the Regional Study Area and “as a stand-in for all caribou” (p. 290). In Section 8.2.7.1 (p. 290), the proponent states that the reason for this is: “We assume that eastern migratory caribou will face the same effects as boreal caribou when they are in the ungulates study areas.”

Ontario MNRF scientists have reported that half of the caribou collared in the Missisa Range in the winter migrate to the coast to calve, and are therefore eastern migratory caribou.¹⁹ The proponent does not dispute that some caribou in their study area calve on the Hudson Bay coast, but they assume that there is nothing different about eastern migratory caribou when it comes to the effects of the project. This is a faulty

¹⁸ These project elements are described as part of the Eagle’s Nest mine in Ontario’s informational website about the project. <https://www.ontario.ca/page/eagles-nest-multi-metal-mine>

¹⁹ Presentation by Art Rodgers (MNRF), “Caribou Research in the Missisa and Ozhiski Caribou Ranges (2019-2024)” to Attawapiskat First Nation. October 31, 2024.

assumption, because eastern migratory caribou have unique population dynamics and life histories, and may be differently impacted by the cumulative effects of the proposed road. The particular vulnerabilities of the migratory ecotype need to be carefully considered as part of a complete cumulative effects analysis.

The “Summary of Input from Government Agencies” (Table 11-7, p. 927) contains an entry for “*Eastern Migratory Caribou mitigation: Feedback was provided on the need for tailored strategies for Eastern Migratory Caribou compared to Boreal Caribou.*” In response, the proponent states that:

The Environmental Assessment / Impact Statement includes tailored mitigation strategies for Boreal Caribou and Eastern Migratory Caribou:

- The mitigation strategies account for the distinct sensitivities of each species to disturbances, with specific life history considerations factored into the plans (**Section 9.4.5.4**); and
- Feedback on caribou habitats has directly influenced site-specific measures in wildlife management (**Section 9.4.5.4**).

We cross-referenced this claim with what the proponent wrote in Section 9.4.5.4, and there are in fact no eastern migratory caribou-specific mitigation strategies proposed in that section. The mitigation measures listed in Section 9.4.5.4 are standard work practices that apply to construction projects anywhere and that commit only to “minimize overlap with” sensitive habitats such as nursery areas and migratory pathways, and minimize the footprint, “to the extent practical” and where “possible.”

What’s more, the mitigation strategies that are listed in Section 9.4.5.4 include measures that will not protect caribou populations from habitat loss. The proposed mitigation measure on p. 667 and 671 that “Environmental approval conditions, permits, or authorizations issued for the Project ... will be followed” is meaningless from a conservation perspective, given that one of the key barriers to caribou conservation in Canada is that

Regulatory bodies consistently make exceptions and authorize habitat-disturbing activities in critical habitat by issuing permits, dispositions, licenses, agreements, or approvals. These exceptions occur even though most provinces have laws to protect caribou habitat, and have led to ongoing development and destruction of caribou habitat. These exceptions also impact Indigenous communities and may violate their inherent or Treaty Rights.²⁰

²⁰ Hill, Dorothy, Morrigan Simpson-Marran, Lorne Gould, and Sarah Nason. 2021. Status of Boreal Woodland Caribou Conservation in Canada: A summary of range planning, restoration, and opportunities to win on caribou and climate. The Pembina Institute. 93pp. P. 78

Seeking the required environmental approvals is therefore not a mitigation measure, and should not be construed as such in the proponent's IS.

Attawapiskat First Nation requires that the proponent clarify what "distinct sensitivities of each species [ecotype]" and "specific life history considerations" were factored into the mitigation strategies for eastern migratory caribou versus woodland caribou, as claimed on p. 927.

Attawapiskat First Nation also requires that eastern migratory caribou be included as a separate unit of analysis within the ungulate effects and cumulative effects analyses. The cumulative effects analysis for eastern migratory caribou must explicitly consider the specific climate change threats faced by this ecotype, including loss of habitat from the invasion of tundra by shrubs and spruce.

- 7. The proponent's analysis of the impacts of the project to wolverine contains numerous gaps and inconsistencies. The cumulative effects assessment also does not follow logically from the effects assessment. The sections of the draft IS that discuss wolverine must be reviewed by a qualified ecologist and rewritten.**

On the expected effects of the project to wolverines the proponent writes in section 9.4.7.2.2 (p. 719-20 of the draft IS) that:

"... [the road] has the potential [to] impact their [wolverine] distribution or connectivity at a regional level." [underlining added]

"The female wolverines displaced from boreal habitat by the Community Access Road may not be successful in establishing territories to the north and east of the Community Access Road. Therefore, there is a risk of reduced reproductive success in the females that inhabit home ranges that overlap with the Community Access Road which may represent a risk to the low density wolverine population in the effect assessment Regional Study Area. [underlining added]

Wolverine are considered a threatened population in Ontario, whose populations are declining, and as such they will be sensitive to changes in survival and reproduction from an additional mortality source. Compounded by wolverines' low reproductive rate, and the low population density in the Regional Study Area, the mortality of a small number of reproductive females would have a negative effect on the regional population. [underlining added]

... it is anticipated that the Project effects may be **significant to**

the sustainability of the population in the effect assessment Regional Study Area. [underlining added]

Overall, if the reproductive success of a few female wolverine in this low-density, low reproductive-rate population is affected, the regional wolverine population may not remain self-sustaining and ecologically effective in the residual effects assessment (in other words, there is a predicted change in the assessment endpoints). [underlining added]

The above-quoted statements make it clear that the level of analysis for impacts of the project to wolverines is taking place at the regional level, and that impacts are expected to be significant.

Table 9-22, “Summary of Residual Effects for Wildlife” (p. 518) tells a different story.

The entries in this table for wolverine, which begin on p. 531, consider only the local study area or the construction disturbance area. This reversal, from considering conservation threats at a regional level to considering only the local level, is unacceptable and needs to be corrected. Given the purely local geographic focus, it is not surprising that the proponent found that residual effects to wolverine from sensory disturbance and habitat loss and alteration were “not significant.” Perhaps the most important effect to wolverine listed in Table 9-22 (habitat loss and alteration from the operation and maintenance of the road) has a blank entry in the “predicted residual effects” column.

The cumulative effects analysis for wolverine, which takes up less than a page in the draft IS, again does not mention any of the threats to wolverines outlined in Section 9.4.7.2.2. The analysis simply states on p. 847 that

After implementation of the Project and the other reasonably foreseeable developments, the weight of evidence from the analysis predicts that the anticipated changes to wolverine habitat availability, distribution, and population survival and reproduction are expected to remain within the resilience and adaptability limits of the regional population in the wolverine effects assessment Regional Study Area. ... Therefore, the cumulative effects on wolverine after the implementation of the Project and the other reasonably foreseeable developments are predicted to be **not significant**.

There is no explanation of what is meant by “the weight of evidence,” or how it is possible that in Section 9.4.7.2.2 that proponent believed that project impacts were significant to the sustainability of the population, yet when further projects are added to the analysis in the cumulative effects assessment, the combined impacts were deemed not significant.

In coming to their conclusion of non-significance, the proponent relies on the fact that the proposed road, together with the proponent's selection of reasonably foreseeable projects, "represents a change of 0.45 percent of suitable habitat within the wolverine effects assessment Regional Study Area relative to existing conditions" (p. 845). We are given no explanation as to why this fact would alter the proponent's determination of significant impacts in Section 9.4.7.2.2, especially since the proponent had indicated on p. 719 that a large portion of the Regional Study Area in fact lies within the Hudson Bay Lowland ecozone and is likely not suitable wolverine habitat. The proponent's reasoning that a low percentage of habitat loss equals a small impact is scientifically indefensible on many levels, including that in the case of wolverine, as for many other species, "landscape change manifests as more than just physical disturbances: it alters the ecological processes that structure communities. These processes contribute to declines of species that cannot adapt to the novel disturbance features."²¹

We also remind the proponent and regulators that the scoping of the cumulative effects analysis carried out for wolverine is unacceptable, as outlined in our June 11, 2025 letter.

Regarding our above-stated concerns, please respond to us, and those copied here, as soon as possible.

Sincerely,



Chief Sylvia Koostachin-Metatawabin
Attawapiskat First Nation

cc.

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²¹ Chow-Fraser, G., N. Heim, J. Pacskowski, J.P. Volpe and J.T. Fisher, 2022. "Landscape change shifts competitive dynamics between declining, at-risk wolverines and range expanding coyotes, compelling a new conservation focus." *Biological Conservation* 266: 109435.



ATTAWAPISKAT FIRST NATION

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August 19, 2025

SENT BY EMAIL

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Dear Ms. Cox, Ms. Krezel, Ms. Moszynski, and Ms. McLeod,

Re. Attawapiskat First Nation's Comments on the Marten Falls Community Access Road (MFFN CAR) proponent's "Aboriginal and/or Treaty Rights and Interests: Impact Assessment Report" (ATRI report)

Attawapiskat First Nation is providing comments on the Marten Falls First Nation Community Access Road (MFFN CAR) proponent's "Aboriginal and/or Treaty Rights and Interests: Impact Assessment Report" (ATRI report) for Attawapiskat, sent to us by the proponent on July 10, 2025.

On June 11, 2025, and July 28, 2025, we provided preliminary comments on the proponent's draft Impact Statement (draft IS). The letter we are writing you today focuses on issues with the proponent's ATRI report. We remain deeply concerned by the proponent's characterization of the project's impacts to our land, waters, and inherent and Treaty rights.

Please note that submission of these comments does not signal the consent of Attawapiskat First Nation for any developments within the area commonly known as the “Ring of Fire,” including developments related to transport and resource exploitation within that area.

The below is a summary of our concerns.

1. **Without a cumulative effects analysis that respects the scoping outlined in our June 11th letter, the ATRI report produced by the proponent cannot be relied upon and must not be accepted by Canada and Ontario.**

Over the past several years we have advised the road proponent that we, Attawapiskat First Nation, will ourselves analyze the impacts of the proposed MFFN CAR project to our rights, once we have complete information on the cumulative environmental impact of the road to the Ring of Fire.

Unfortunately, the analysis of environmental impacts, including the cumulative effects analysis presented in the proponent’s draft Impact Statement (draft IS), is woefully inadequate, as outlined in our submissions of June 11 and July 28, 2025.

We advise Canada and Ontario that the proponent’s analysis of impacts to rights, as described in the “Aboriginal and/or Treaty Rights and Interests: Impact Assessment Report” is inaccurate and incomplete, and must not form the basis of decision-making by Ontario or Canada.

2. **Instead of considering how rights would be affected by the cumulative impact of the road, the proponent considers how rights would be impacted by the road in isolation, and only then carries that impact forward to an assessment that includes other projects. This approach is illogical and the reverse of what must be done to analyze impacts to rights.**

The proponent must take cumulative impacts to environmental components as a starting point for an analysis of impacts to rights. Instead, the proponent’s approach in the ATRI report, as well as in the draft IS, is to first filter out any impacts that are not caused by the road project in isolation. Once this filtering process is complete the proponent moves on to the cumulative impacts assessment. As a result, only one item is carried forward to the cumulative impacts assessment of rights, which is: “residual impacts on Attawapiskat First Nation’s right to hunt caribou for traditional purposes.”

This “residual impact” to rights to hunt caribou is then evaluated in the proponent’s cumulative effects analysis. The proponent puts forward the idea on p. 242-243 that the cumulative impact to rights to hunt caribou would be based on changes in distribution of caribou, such that hunters might sometimes encounter more, and sometimes fewer

caribou, while out on the land. This simplistic explanation of how caribou can be expected to respond to anthropogenic disturbance is a symptom of a deeply deficient cumulative effects analysis for caribou that is not based on the current science, and is not properly scoped, as outlined in our letters of July 28, 2025, and June 11, 2025.

3. The proponent's analysis of impacts to rights stemming from the project's impacts to caribou, moose and wolverine is based on faulty impact analyses for these species.

Please refer to our letter of July 28, 2025, for our comments on the inadequacies of the proponent's draft IS on caribou, moose, and wolverine.

Furthermore, impacts to rights stemming from impacts to fish and wildlife must start with a cumulative effects analysis of impacts to the species, as explained in point 2 above. The "residual impacts" approach taken by the proponent is puzzling, given that the proponent acknowledges on p. 222 that "a cumulative effect on an environmental, health, social, or economic component may be important even if the Project's effects to this component by themselves are minor."

4. The proponent chose not to incorporate information provided by Attawapiskat First Nation that the full extent of the endangered Eastern Migratory caribou range must be included as part of the Regional Study Area for the analysis of impacts to Attawapiskat's Aboriginal and Treaty Rights and Interests.

In the proponent's ATRI document for Attawapiskat First Nation, the proponent writes on p. 193 that

Attawapiskat First Nation requested that the James Bay Caribou Range as well as any other range that intersects with the Project to the Ring of Fire area be included in the Aboriginal and/or Treaty Rights and Interests Regional Study Area. Therefore, a separate Regional Study Area was established for the community which includes the James Bay and Missisa caribou ranges.

"Any other caribou range" includes the Eastern Migratory caribou, as communicated by our environment advisor, Dorothee Schreiber to the proponent on 7 November 2024:

Attawapiskat First Nation remains deeply concerned about the size of the study area you plan to use to evaluate impacts to Aboriginal and Treaty Rights and Interests (ATRI) in your impact statement. The discussion we had via Teams on 23 July 2024 has not allayed these concerns. ... We question why the James Bay caribou range and the eastern migratory caribou range that extends to its north is not included in this study area, given that eastern migratory caribou overlap with the woodland caribou in upriver areas in winter.

As we explained in our letter of July 28, 2025, on the draft IS for the MFFN CAR project, the eastern migratory caribou is essential to consider in the cumulative effects analysis of the proposed project. While ranging to the Hudson Bay coast to calve, this ecotype is highly reliant on inland areas, in and around the Ring of Fire and the proposed all-season road, for winter habitat. It also has unique sensitivities to disturbance and climate change. It is not acceptable to use woodland caribou as a stand-in for eastern migratory caribou in the impact assessment process. The ecotype-specific cumulative impacts to eastern migratory caribou must be included in any analysis of impacts to the rights and interests of Attawapiskat First Nation.

- 5. The proponent's definition of Governance and Stewardship Rights fails to recognize Attawapiskat's decision-making governance authority over land and water ("Jurisdiction"). The sections of the ATRI report that refer to the exercise of Governance and Stewardship rights must be edited to reflect Attawapiskat's right of Jurisdiction.**

Under its valued proponent category of "Cultural Continuity and Well-Being," the proponent created the indicator: "Changes in ability to exercise governance and stewardship rights" (p. 35).

Our Governance and Stewardship rights encompass so much more than what is described by the proponent in section 5.7.4 (p. 184-185), where the proponent focuses on the Seven Grandfather teachings and their role in governing behaviour, ethical standards for harvesting, and family land use patterns. There is no mention in this section of the Treaty or the fact that as Treaty partners, we allowed settlers to live on our lands, but we did not give up the right to manage the land and control development.

Specifically, the proponent must mention that Attawapiskat First Nation's rights in and to its territory within Treaty 9 are rights to a Way of Life which includes rights to use and occupy and connect to and protect the land, as well as rights to govern how the land is used, occupied and protected. These rights of decision-making governance authority over land are referred to as rights of Jurisdiction which is specifically pleaded in the case with court file number CV-23-00701700-0000. The Crown agreed in Treaty 9 to protect Attawapiskat First Nation's Way of Life which includes Jurisdiction, and to provide assistance to the Treaty 9 Nations including in respect of necessities of life that had already been diminished by settler encroachment.

We exercised Jurisdiction, as granted by the Creator, over our lands since time immemorial, and we still exercised this Jurisdiction at the signing of Treaty 9. Treaty 9 did not take away our Jurisdiction; instead, it resulted in there being de jure dual, shared

or co-jurisdiction as between the Treaty 9 Nations and the Crown over or in respect of the lands and uses of the lands – a sharing that has not taken effect to this day.

Our right to Jurisdiction centres around the power to make decisions and the power to choose – in other words, the power to consent or withhold consent to developments on our lands. The Crown must acquire our consent for any regulating of the land especially where it threatens our Kattawapiskak peoples' Way of Life. The proponent must correct the relevant sections of the ATRI report to reflect this information.

6. **In view of the fact that Jurisdiction is an integral part of Attawapiskat First Nation's Governance and Stewardship rights, the Crown regulatory process the proponent is using to gain approval for the MFFN CAR is in clear violation of Attawapiskat's Governance and Stewardship rights.**

In considering the indicator "Changes in ability to exercise governance and stewardship rights," the proponent describes the potential MFFN CAR project effects as having no identifiable pathway to impact, while also providing the following three bullet points (p. 199):

The Project is being assessed through the federal Impact Assessment Act and the provincial Environmental Assessment, both of which are non-Indigenous governance and decision-making processes.

Wildlife, fish, and species at risk, including caribou, are currently regulated and managed by the federal and/or provincial governments.

Under existing governance structures, the assessment process itself and current management of wildlife fish, and species at risk reside with the federal and/or provincial governments.

The final bullet point provided by the proponent on p. 199 reads: "No Project impact pathway identified."

Given that Attawapiskat First Nation asserts rights of Jurisdiction as an integral part of its Governance and Stewardship rights, as described above, it is abundantly clear that the non-Indigenous decision-making institutions described in the proponent's list above, that are being used to push forward this project as part of Ring of Fire development, and that end in unilateral decision-making by the Crown government, are an infringement of Attawapiskat's Jurisdiction. The ATRI statement must be revised to reflect this "impact pathway."

7. It is not the proponent's role to throw into doubt Attawapiskat First Nation's own assertions about where it exercises its inherent and Treaty rights, including harvesting rights.

The "Area of Interest" defined by the proponent is the same as the territory outlined in the 2021 map of the territory submitted as part of an affidavit to the Province of Ontario, as mentioned on p. 192 of the ATRI report. This is the area in which Attawapiskat First Nation asserts its inherent and Treaty rights.

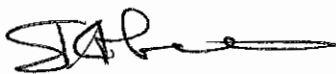
It is entirely inappropriate for the proponent to question whether Attawapiskat in fact exercises rights in that area, as the proponent does on p. 194 of the ATRI report, by stating:

... Attawapiskat may exercise rights related to hunting, fishing, trapping and harvesting within the Attawapiskat First Nation Regional Study Area. However, at the time of writing, Attawapiskat First Nation has provided limited information regarding their Aboriginal and/or Treaty Rights and Interests, therefore it is not certain which rights are exercised or where they occur. There is currently no information on travel routes, habitation locations (camps, cabins, historical village sites), and cultural, spiritual, and/or historical sites and areas used by Attawapiskat First Nation within the Attawapiskat First Nation Regional Study Area.

The above statement by the proponent suggests that Marten Falls First Nation believes it is in a position to decide where we exercise our inherent and Treaty rights. It also makes the false, colonially-inspired assumption that rights can be reduced to points on a map and that "blank spaces" in between those points are open for development. Let us be clear. Our inherent and Treaty rights are rights to a Way of Life through, in and on our territory, just as any government would have. It is deeply offensive to reduce Attawapiskat rights to pinpoints on a map. We will not be sharing any land use and occupancy data with the proponent.

Regarding our above-stated concerns, please respond to us, and those copied here, as soon as possible.

Sincerely,



Chief Sylvia Koostachin-Metatawabin
Attawapiskat First Nation



Deputy Chief Jack Linklater, Jr.
Attawapiskat First Nation

cc.

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ATTAWAPISKAT FIRST NATION

P.O. Box 248
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September 11, 2025

SENT BY EMAIL

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Dear Ms. Cox, Ms. Krezel, Ms. Moszynski, and Ms. McLeod,

Re. Comments from Attawapiskat First Nation on the Marten Falls Community Access Road (MFFN CAR) proponent's draft Impact Statement (draft IS), sections on Water, Fish and Fish Habitat, and Peatlands.

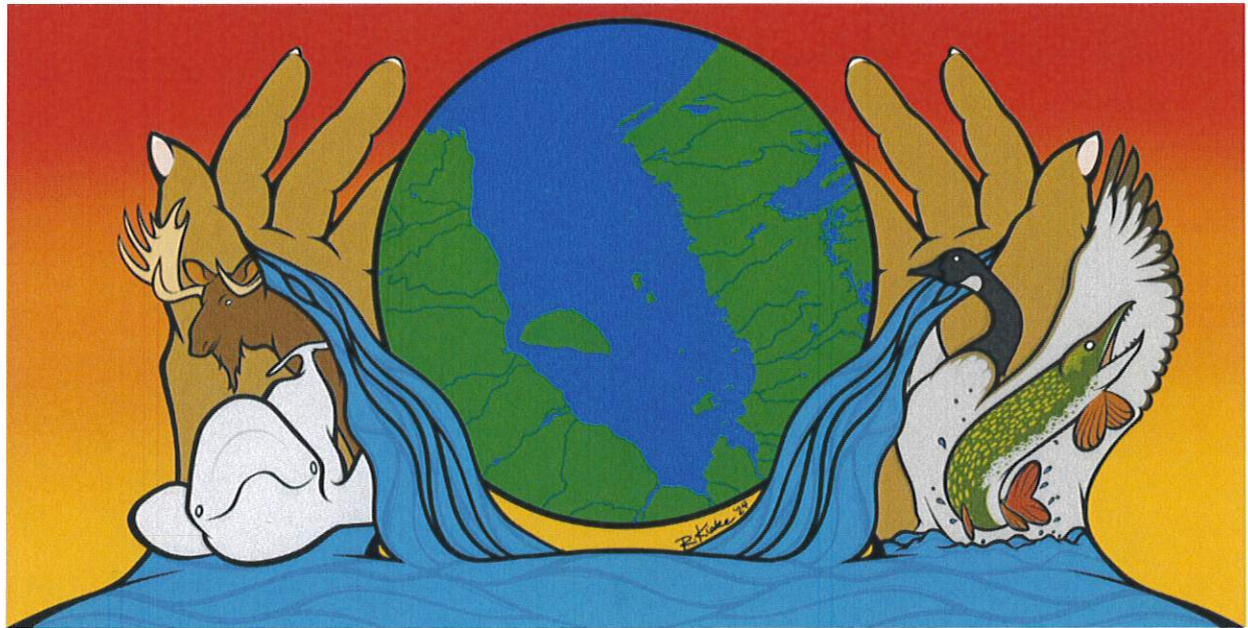
The purpose of this letter is to share Attawapiskat First Nation's deep concerns about the impacts of the proposed MFFN CAR to the aquatic environment.

Our history with you, our Treaty partner, has been brief and highly disruptive. Less than 150 years ago our Kattawapiskak people began to experience periods of great suffering brought on by the demands of the fur trade, a boom-and-bust industry that depleted our homeland of furs and game. Periods of starvation and disease killed many of our people even into the 1940s. Then as now, Treaty promises that the Crown would provide assistance in respect of the necessities of life that had already been diminished by settler encroachment, were broken.

More recently, we experienced the DeBeers mine coming and going in our territory. The mine promised to bring great prosperity to our people, but in the end did nothing but extract wealth for the benefit of people in the south. We are left with a large hole and a legacy of environmental destruction and contamination. Meanwhile, our community still suffers from severe deficits in infrastructure, health care, housing, and education. We do not have access to clean tap water. Our leadership is occupied on a

daily basis with managing crises related to overcrowding, child welfare, and mental health and addictions.

Yet we have survived as a people, protecting our language and the way of life that our ancestors passed on to us. Our most deeply held cultural values and spiritual beliefs require that we ask ourselves how we can be good ancestors to future generations. Protecting the life of the water is at the heart of this responsibility. Water (*nibiy*) signifies our total relationship with the land as Kattawapiskak people. It is the sacred element of life that circulates throughout all living beings. Women are considered the keepers of the water.



Art by Robin Kioke, member of Attawapiskat First Nation.¹

Our children and great-grandchildren, 50 to 100 years from now, will experience the loss of healthy water, wetlands, and fish populations, all in one fell swoop. They will not have the luxury of experiencing only the MFFN CAR and the handful of other projects the proponent chose to include in their cumulative effects analysis in 2025. No, the faces yet to come will experience all of the mining exploration, mines, and other industries that have set up shop in our territory, and all of the roads, hydro dams, transmission lines, small modular nuclear reactors, and infrastructure that have been built to support the extraction of wealth from our territory.

To truly assess the impact of the proposed industrial access road to the Ring of Fire to our inherent and Treaty rights, the Crown must understand that our inter-generational outlook and our thresholds for damage to fish, water, and wetlands differ greatly from yours. We also have a strong commitment to evidence-based decision-making. Unfortunately, the proponent has presented us with a draft IS that

¹ Attawapiskat First Nation thanks Robin Kioke for permission to use this piece. This art contribution was facilitated by Mushkegowuk Council's program Oshichikesiwuk Nanipek. <https://nanipek.ca/>

contains major gaps and inaccuracies, and gives no attention to the interactive effect of road development and climate change.

The below is a summary of our concerns.

1. The proponent's analysis of impacts to fish and fish habitat considers only direct impacts at water crossings. This approach does not match the reality of fish movement and habitat use. It does not allow us to assess impacts to rights and must be corrected.

It is highly simplistic and not scientifically defensible to consider the cumulative impact of a project only from the perspective of the points where it crosses water bodies, and not the potential of the proposed MFFN CAR, along with clearly foreseeable outcomes of the road, to transmit impacts upstream and downstream.

In the cumulative effects analysis for fish and fish habitat the proponent discusses the impacts of four projects (MFFN CAR and three other linear infrastructure projects) in terms of the direct impacts at waterbody crossings and increased angling pressure at waterbody crossings. The only indirect impacts considered in the cumulative effects analysis are "Changes to fish habitat quantity and quality due to changes in hydrology or groundwater that may alter drainage patterns and increase or decrease drainage flows and surface water levels" and "Changes to fish survival and reproduction from improved public access to recreational angling areas," but even these impacts are dismissed without any analysis of effects to the entire river system, and without an explanation of the "negligible," "local," and "not significant" labels the proponent assigns in their chart of residual impacts (Table 10-4, p. 834-835).

The sources of impacts considered by the proponent include such things as clearing of riparian vegetation, placement of structures below the high water mark, changes to water quality due to release of sediment, death of fish from blasting or spills during construction, and other direct impacts at proposed bridges and culverts. The proponent wants us to believe that mitigation measures involving standard construction practices for working in fish habitat, provincial regulations, and federal fisheries permitting requirements will be sufficient to deal with the cumulative impacts of the MFFN CAR and the handful of other linear infrastructure projects they considered.

Focusing on waterbody crossings only is an unacceptable approach to impact assessment. It does not reflect ecological reality, nor our Omushkegowuk way of thinking about water and the life cycles of fish. In fact, fish biologists have pointed out that drawing scientific conclusions based on observations made on short sections of a river is like looking at a landscape painting through small holes in a curtain draped over it. As they state: "a continuous view of the river is needed to understand how processes interacting among scales set the context for stream fishes and their habitat."²

We require an impact assessment that reflects the ecological processes occurring in rivers at multiple spatial scales. If the impact assessment does not match what our people know about the land, it will not be meaningful to us. Our people know that many fish species need entire river systems to develop, disperse, overwinter, and reproduce. Our people also know that there are unique habitat features that have population-level impacts if they are disturbed in rivers. The proponent must provide much more detail on the scales at which a particular population of fish in a particular river carries out its life stages,

² Fausch, Kurt D., et al. 2002. "Landscapes to Riverscapes: Bridging the Gap between Research and Conservation of Stream Fishes." *BioScience* 52(6): 483-498. P. 483.

and the spatial arrangement and connectivity of habitats in the relevant rivers and streams. We expect this information to be applied in a properly scoped cumulative effects analysis (not limited to just a few linear infrastructure projects), as described below.

2. The cumulative effects analyses for water, fish, and fish habitat presented by the proponent do not include clearly foreseeable hydroelectric developments and mines. This goes against the Impact Assessment Agency's own guidance on cumulative effects, does not respond to our people's enormous concern for the impact of the MFFN CAR on water, and is completely unacceptable.

The cumulative effects analysis for fish and fish habitat considers only three other linear infrastructure projects (Northern Road Link, the upgraded forestry access road at the start of the proposed MFFN CAR, and the Rapid Lynx Broadband project). This extremely narrow scope does not respect our people's concern for what is at stake if the Crown governments, Ontario and Canada, were to approve this road.

The Impact Assessment Agency (IAAC) *Policy Framework for Assessing Cumulative Effects under the Impact Assessment Act* ("Cumulative Effects Policy Framework") states that "The approach and level of effort applied to assessing cumulative effects in an impact assessment is established on a case-by-case basis," and that "the risks and uncertainties associated with the potential cumulative effects" must be taken into consideration, along with "the level of concern expressed by Indigenous communities or the public." The Cumulative Effects Policy Framework also makes clear that "the input of Indigenous communities should inform all parts of the cumulative effects assessment."³ Despite this policy guidance, our input on the risks and our deep level of concern over the cumulative effects of the MFFN CAR are being ignored.

In deciding on the proper scoping for the cumulative effects assessment IAAC must not hide behind its working definition of "reasonably foreseeable," which is that the proponent has announced its intention to apply for regulatory approval for a project. This narrow approach is not consistent with IAAC's own policy guidance on the issue,⁴ and clearly does not work in the case of the Ring of Fire mines in Ontario, which will be not be subject to environmental assessment at either provincial or federal levels, and which may require provincial and federal permits only once construction begins, or not at all.⁵ Nor should IAAC hide behind the Regional Assessment, which has barely entered the conduct phase and will

³ <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/policy-framework-assessing-cumulative-effects-under-impact-assessment-act.html>

⁴ In the *Policy Framework for Assessing Cumulative Effects under the Impact Assessment Act*, the definition of "reasonably foreseeable" given is that "the physical activity is expected to proceed, e.g. the proponent has publicly disclosed its intention to seek the necessary impact assessment or other authorizations required to proceed." In that definition, the proponent's intention to seek authorizations is an example ("e.g."), and not an exhaustive list of the types of projects that could be expected to proceed.

⁵ As Mining Watch reported in its comments on the Terms of Reference for the Regional Assessment: "In the Ring of Fire, in 2011, Noront volunteered its Eagle's Nest project to undergo provincial environmental assessment as it would have required a federal EA anyway, and a provincial EA would exempt the mine from separate assessments for its water and transportation permits. However, when the criteria to include mines on the project list was raised to 5000 tpd from 2500 tpd under the new Impact Assessment Act, Noront withdrew its federal application." At the provincial level, "a comprehensive environmental assessment is no longer required for the project [the Eagle's Nest Mine]. The voluntary agreement has been terminated and the Terms of Reference approval revoked by the Protect Ontario by Unleashing our Economy Act, 2025, effective June 5, 2025." (See: <https://www.ontario.ca/page/eagles-nest-multi-metal-mine>)

not produce usable information in the time frame that Canada and Ontario have set for the approval of MFFN CAR.

We remind Ontario and Canada that cumulative effects assessment is a required part of project-level impact/environmental assessments, and that it is especially important to consider cumulative effects in the case of a frontier development such as the MFFN CAR.

Ontario's premier and ministers have been enthusiastic boosters for road access as the key to pushing the mining frontier into the far north of Ontario. As Minister Pirie said in a 2024 interview with NetNewsLedger in Thunder Bay, "permanent roads will have to be developed, so we've been focusing on one road, or three roads, but there'll be lots of roads that have to be developed ... and when that happens you're going to see an incredible boom in mining."⁶ In that interview, he also referred to our Omushkegowuk territory as "largely empty and begging for exploration drillholes."

The proponent has not considered this "boom in mining" in the cumulative effects assessment of the aquatic "valued components," let alone the Eagle's Nest or the chromite mines that have already been named and announced by Wyloo to proceed. We require that a cumulative effects assessment consider the impact of these mines, including the routine release of mining wastewater and the routine, unavoidable leaching of soluble toxic compounds from wastes such as mine tailings, waste rock, dust and slag piles.

The record of Indigenous input included in the draft IS shows that concern about contamination from foreseeable mines in the Ring of Fire has been raised by other First Nations, but that these concerns were deemed to be "outside of the scope of the Community Access Road" by the proponent (Table 11-9, p. 951-954). This attitude on the part of the proponent is unacceptable. We wish to make it clear that it is not just "spills" we are concerned about, but also the everyday, slowly accumulating nature of mining contamination that is seen in places to the south of Omushkegowuk territory, where mining is widespread. Our Anishinabek brothers and sisters living in the Sudbury basin area or the Abitibi will have to live with soil and water contamination in their homeland until the end of time. Our Kattawapiskak people are not willing to accept that as an outcome of this road.

The proponent must consider the obvious link between the road, the mining industry that is waiting for the road to be built, and the supporting infrastructure, including transmission lines and hydroelectric generating stations, that both the mining industry and Ontario expect to be developed. Just as Wyloo is waiting for the road to be built in order to develop the Eagle's Nest mine, it also considers a transmission line to bring power to the mine as "essential for the development of the Eagle's Nest project."⁷

This transmission line, in the words of Ontario's Independent Electricity Operator, "enables connection of new resources including hydro-electric resources (Little Jack Fish and Upper Albany-Attawapiskat river area) through reduced connection costs and providing transfer capability of power to the main

⁶ <https://www.youtube.com/watch?v=CynB8CxEgys>

⁷ Wyloo's May 2025 feedback on the Northern Ontario Connection Study is available here: <https://www.ieso.ca/Sector-Participants/Engagement-Initiatives/Engagements/Northern-Ontario-Connection-Study>

transmission network.”⁸ Hydroelectric development on the Attawapiskat River would therefore be enabled and supported by the existing right-of-way and transportation corridor provided by the MFFN CAR and its connector, the Northern Road Link. Therefore, there is no question that potential new hydroelectric dams on the upper Attawapiskat River must be included in the analysis of the cumulative effects of the MFFN CAR to water, peatlands, fish, and fish habitat.

For our people, it is unthinkable that a dam would be built on our river. It would devastate our people and their relationship with the land if river diversions and/or dams, of the type that have already been built on the Albany and Moose river systems, were to be built. The impact to future generations would be unacceptable to our Kattawapiskak people. There would be very significant downstream impacts to water flows and water quality, and possibly changes in circulation in the estuary – an incredibly rich and biodiverse environment with extensive coastal wetlands, inhabited by many different animals including beluga, seal, ocean-run whitefish, migratory waterfowl, and shorebirds. Among the myriad of impacts to our non-human relatives and the water, we must also consider the sturgeon (*namew*), who is highly sensitive to river fragmentation and requires the entire length of the river to live.

As we have already described in detail in our letter of June 11, 2025, the road is likely to bring on the expansion of forestry, mining exploration and outfitting camps as part of the induced development stemming from the road.⁹ With road access, commercial outfitters and their customers would acquire permanent access to what are now considered remote lakes and rivers. The expansion of the sport fishing industry could cause significant declines in species valued by our people and would interfere with the ways we use the land. This is a serious impact that has been brushed off by the proponent as “residual” and “not significant” without any explanation or analysis.

3. The vulnerability of fish, waters, and peatlands to the interactive effect of development and climate change is not considered in the proponent’s cumulative effects assessment. The resulting cumulative effects assessment does not meaningfully address impacts to the water “valued components.”

The cumulative developments that are the intended outcome of the MFFN CAR would occur alongside catastrophic climate change in our Omushkegowuk homelands.

Climate change does not add to the cumulative impact of the road: it will multiply the impacts we experience from development. For example, the combined effect of impacts from development (mining, road construction, etc.) and climate change has the potential to irreversibly destabilize the hydrological functions of peatland ecosystems. This in turn has implications for wildfire frequency and severity, the stability of subsistence fisheries, and the efficacy of carbon sequestration of bogs and fens.¹⁰ Nowhere is this mentioned by the proponent in their discussion of cumulative effects to water components.

⁸ Northern Ontario Connection Study, Webinar #1 - Technical and Economic Option Analysis. May 7, 2025. Available at: <https://www.ieso.ca/Sector-Participants/Engagement-Initiatives/Engagements/Northern-Ontario-Connection-Study>

⁹ Nibinimik community members are already observing the impacts of guiding resorts for fishing and hunting. See: *Nibinamik First Nation Review and Recommendations on the draft Environmental Assessment/Impact Statement for the Marten Falls Community Access Road*. Available at: <https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions/id/63379>

¹⁰ Sutton, O. F., Balliston, N. E., & Price, J. S. 2024. Mining and climate change alters water storage and streamflow dynamics of northern peatland-dominated catchments. *Water Resources Research* 60 (12), e2024WR037310. P. 16.

The proponent's technical appendices on Fish/Fish Habitat and Surface Water, despite each being more than 800 pages in length, barely mention climate change. Appendix G (Fish and Fish Habitat) contains no discussion of how climate change interacts with the cumulative impacts of the project to fish; and Appendix H (Surface Water) mentions climate change only on p. 76, in relation to reduced ice cover.

Appendix I (Peatlands) briefly mentions climate change on p. 222-223, but concludes that "the magnitude of climate change effects on peatland ecosystems is difficult to predict." In the Assessment of Significance section for cumulative effects on p. 230-231, the proponent claims that

...climate change is not expected to significantly influence the availability and distribution of peatland ecosystems relative to existing conditions and does not alter the assessment of no significant cumulative residual effects from the Project and other reasonably foreseeable development as climate change effects are expected to occur regardless of whether the Project and other reasonably foreseeable projects are constructed.

This statement from the proponent is shocking in its disregard for the interactive effects we outline above. It also sidesteps the fact that reducing non-climate stressors and limiting development in watersheds is understood to be the primary way in which climate-related impacts can be mitigated.

The point of a cumulative effects analysis is not to dismiss certain impacts because they "are expected to occur regardless of whether the Project and other reasonably foreseeable projects are constructed" (Appendix I, p. 231). Instead, the analysis should examine whether the Project, in combination with climate change and other foreseeable projects, may cause impacts that exceed environmental, social, and cultural thresholds.

Our territory is warming at between two and three times the rate of the planet as a whole.¹¹ Our Kattawapiskak people are already seeing dramatic changes in the timing of seasonal freeze-up and thaw events, drought conditions on our rivers, changes in animal behaviours, and new species in our territory. The proponent ignores the fact that many of our cold-water fish species are threatened by climate change in the next 50 years.¹²

Climate change-induced shifts in the ranges of warmer-water species, such as walleye and smallmouth bass, will change the distribution and abundance of fish we are able to harvest. There are already indications that smallmouth bass, for example, are moving into the river systems of Omushkegowuk territory. The spread of invasive species is another consequence of climate change that must be considered. Again, as just one example, Eurasian watermilfoil was found this summer in the Albany River near Kashechewan.

It is unacceptable for the proponent to avoid any serious analysis of the impacts of climate change to fish and fish habitat, water, and peatlands, with the excuse that these effects are "unpredictable," or that they would "occur anyways." The proponent's cumulative effects predictions for these components are fundamentally flawed and must not be relied upon by Canada and Ontario in making regulatory decisions about the MFFN CAR.

¹¹ <https://www.cbc.ca/news/canada/sudbury/climate-change-international-court-united-nations-1.7593323>

¹² Chetkiewicz, C-L B., Carlson, M., O'Connor, C.M., Edwards, B., Southee, F.M., and Sullivan, M. *Assessing the Potential Cumulative Impacts of Land Use and Climate Change on Freshwater Fish in Northern Ontario*. Wildlife Conservation Society Canada Conservation Report No. 11. Toronto, Ontario, Canada. 150pp. p. 78.

4. Our Kattawapiskak peoples' thresholds for decline of the species we harvest, and for loss of water quality, are much more sensitive than the thresholds used by the proponent. The proponent's view of the magnitude and significance of impacts to the water "valued components" does not reflect our Kattawapiskak peoples' understanding of these impacts.

In their analysis of significance of impacts to the water "valued components," the proponent relies on definitions of "magnitude" that do not accord with our Kattawapiskak people's cultural values, our ways of using the land, or our governance and stewardship rights.

Subsistence harvesting requires a sufficient quantity of resources, i.e., high population levels of fish and game. Unlike in market economies, where rarity increases the value of a resource, our people are concerned with having sufficiently abundant resources, the ability to share widely within the community, and the security of having "back up" species and harvesting locations during times of scarcity. We do not fully utilize the "harvestable surplus," as is commonly done in non-Indigenous fisheries and wildlife management. Maintaining high population levels is part of our conservation ethic and it is a harvest management strategy used to sustain our resources for seven generations into the future.

In order for subsistence harvesting to remain viable, including the transmission of knowledge to younger generations, a range of resources must be reliably available for harvest throughout the territory. This requirement has not changed over time. Even as our ancestors experienced periodic downturns in particular animal populations, a variety of species and harvesting spots produced enough for harvesters' families and to share with the wider community. In fact, having large quantities of fish available to us is important to compensate for the periodic lack of larger game.

The requirement for a high quantity of resources is not reflected in the proponent's magnitude definition for fish and fish habitat, which defines "low impact" as "habitat of valued components remains suitable and functional but decrease in productivity." The proponent defines "medium impact" as meaning that "local productivity" is impacted but "overall population dynamics" are not likely to be disrupted (p. 453). Not only do these definitions not make sense in view of what we shared above in point 1, regarding the need for a holistic view of rivers and fish populations, they do not speak to the high abundance of resources our harvesters require and the fact that even small downturns in abundance would have very discernable impacts to our harvesters.

Subsistence harvesting also requires sufficient quality of resources. The harvested resources must be of high nutritional quality, meaning that they are sourced from healthy plants and animals and are free of contamination. The variety of species we are able to harvest is also important, as it allows for temporary pivoting away from more heavily utilized species, especially during times of scarcity.

The health risks of contaminants are understood by harvesters, and this damages their confidence in the ability of the lands and waters to provide for them, endangering harvesting as cultural practice. Even the risk of contamination can cause harvesters to abandon large areas, when they know that industrial activity is in the area, or they see the remains of industrial equipment left behind. Our people often say that if something were to contaminate the headwaters of the Attawapiskat River, "there's no going back." Our people have a very sophisticated understanding of how water moves through the peatlands at both micro and macro levels. This in turn informs our thresholds for changes to hydrology and contamination.

The requirement of our people for water quality is not reflected in the proponent's magnitude definitions for surface water quality and hydrology, which assumes a "low" magnitude of impact even when up to 20 percent of a contributing drainage area is disturbed (p. 432). A 20 percent disturbance of the drainage area of the Attawapiskat River would result in an extremely high impact on our people.

Our people's thresholds for water quality are also not reflected in the proponent's use of federal and provincial water quality guidelines (p. 433), which are arrived at using chronic toxicity tests on laboratory animals, and which do not consider the multiple, intersecting, and non-linear pathways that keep the land alive over an extended period of time.

The definition of water quality adopted by the proponent therefore bears no resemblance to how our Kattawapiskak people view our responsibilities to the water. Our people also know that the proponent has no basis for claiming that the Crown's water quality standards will be respected once the cumulative effects of the MFFN CAR are brought to bear on our territory. It is important for the Crown to understand that even if governmental water quality standards were to be respected in future development, those standards do not always consider the things that matter to our people, such as effects that occur slowly, that occur from the interaction of multiple stressors, and that are not observable in laboratory settings.

5. We are alarmed by the lack of information in the draft IS on road construction methodologies, given the potential serious impact on peatlands of building a road perpendicular to the direction of water flow. Attawapiskat First Nation requires credible and comprehensive information on this issue. We request that Environment and Climate Change Canada (ECCC) provide further comments once the proponent has provided the missing information.

One claim the proponent has repeated in all kinds of consultation forums, including webinars and in-person conferences, and now in the draft IS, is that the road will "float" on the muskeg. We are told that thanks to a unique floating road construction technique there would be insignificant impacts to water flows from one side of the road to the other. As the proponent states:

The construction of the Community Access Road may cause alteration to drainage patterns and increased/decreased drainage flows and surface water levels, thereby affecting associated peatland communities. However with the effective implementation of the mitigation measures (detailed in Section 7.3.1 and Table 7-4) and the use of best management practices, it is anticipated that residual changes to peatland ecosystems from changes to hydrology will be reduced or moderated, as well as regulated through permitting. (Appendix I, p. 196).

Building a road perpendicular to the direction of water flow disrupts water flows – a fact that is well understood by our people who lived all their lives in peatland environments. Their concerns over the impact of roads on the hydrology of peatlands are shared by professional hydrologists, including those at Environment and Climate Change Canada (ECCC). When asked by IAAC to "describe your department's views and any uncertainty regarding how much noticeable loss in key functions of peatland ecosystems in the LSA and RSA over the long-term could occur," ECCC responded by warning that:

While mitigation measures and effects on valued components are independently discussed in each Appendix, the lack of clarity about which construction method will be used creates

significant uncertainty for predicting long-term hydrological impacts on peatlands. Since each construction method can affect peatland hydrology differently, an accurate assessment of potential changes is not possible without consistency between assumed construction methods used to complete the effect assessment for different valued components. There is additional uncertainty regarding the long-term viability when using a floating road as a mitigation measure, given the potential for high vehicle traffic and heavy payloads. Appendix F anticipates peak traffic levels of 100 to 700 vehicles in 2046, which may compromise the effectiveness of a floating road over time. [underlining added]¹³

The level of uncertainty flagged by ECCC is alarming to Attawapiskat First Nation, because even small changes to the water table can have major impacts on carbon cycling, carbon storage, the frequency and magnitude of flooding, water quality, and upstream and downstream wildlife habitats. The potential impacts to peatland hydrology may translate into serious impacts to the exercise of our inherent and Treaty rights.

When our environment advisor flagged this issue in a meeting with IAAC on August 7, 2025, IAAC stated that it would not be asking the proponent to provide the missing information. To dismiss our concerns in this way, and to instead rely on the proponent's half-baked construction plans, references to "best practices," future permitting decisions, and discussions with provincial authorities on "mitigation measures," is completely unacceptable. The Crown must work with us to ensure we are provided with comprehensive, credible information on the potential impacts of the project.

Finally, we remind Canada that IAAC's commitments under Canada's UNDRIP Action Plan include "mandatory consideration of Indigenous knowledge," and "maximizing Indigenous collaboration and partnership." These commitments mean respecting the information and the time we require to exercise our free, prior, and informed consent.¹⁴

Yet information and time are precisely what are being sacrificed, in the Crown governments' rush to push forward with unilateral approval of an industrial access road to the Ring of Fire. Bill C-5, the *Building Canada Act* allows Canada to dispense with certain statutory requirements in the Impact Assessment Act, and also to dispense with the need for proponents to obtain regulatory approvals. Bill 5, the *Protect Ontario by Unleashing our Economy Act*, allows Ontario to declare special economic zones where major projects can be approved without meaningful or any engagement with First Nations. This is a path toward expedited, unilateral approval of projects without the possibility for meaningful consultation, and without seeking our free, prior, and informed consent. Unless this path is changed, the Crown will fail to uphold the honour of the Crown and seriously damage the project of reconciliation.

¹³ From Environment and Climate Change Canada to Impact Assessment Agency of Canada re: Response to Targeted Questions. Response to question PIF-02. Available at: <https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions/id/63251>

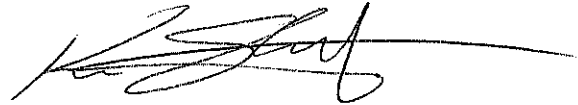
¹⁴ Information and time are key themes in the 2016 United Nations' manual on good practices for implementing FPIC, entitled: *Free Prior and Informed Consent – An Indigenous Peoples' right and a good practice for local communities – FAO*. Available at: <https://www.un.org/development/desa/indigenouspeoples/publications/2016/10/free-prior-and-informed-consent-an-indigenous-peoples-right-and-a-good-practice-for-local-communities-fao/>

Regarding our above-stated concerns, please respond to us, and those copied here, as soon as possible.

Sincerely,



Chief Sylvia Koostachin-Metatawabin
Attawapiskat First Nation



Deputy Chief Kara Fireman
Attawapiskat First Nation

cc.

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