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Appendix A – Request for Regional Assessment

Honourable Minister Catherine McKenna
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(By email only)

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Request Submitted by: Aroland First Nation

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Regulatory Context:

Under the Impact Assessment Act Sections 92 and 93 of the Act allow the Minister to establish a committee or to authorize the Impact Assessment Agency of Canada to conduct a regional assessment of the effects of existing or future physical activities carried out in a region. If a committee is established to conduct a regional assessment in a region that is not entirely made up of federal lands, the Minister may enter into an agreement with a jurisdiction to establish the committee and the manner in which the regional assessment is to be conducted.

Rationale for a Regional Assessment of the James Bay Lowlands:

The James Bay Lowlands (“Ontario’s Far North” or “Region”) are a globally significant region from an environmental and cultural heritage perspective. Part of Treaty No. 9 Territory, Ontario’s Far North is a vast expanse of intact boreal forest and wetland complexes, the area remains largely undisturbed by industrial development activities. The Region is home to globally significant fish, wildlife and migratory bird populations including Woodland Caribou, Polar Bear, Moose, Wolverine, Gray Wolf and Lake Sturgeon. The James Bay Lowlands are one of the largest carbon sinks on earth and play a critical role in global carbon sequestration, a key factor in mitigating climate change.

The Region is home to the one of the largest population of Indigenous peoples in Ontario, with approximately 24,000 First Nations people living in 34 First Nations. The First Nations depend on the Region’s biodiversity and the richness of its fish, wildlife and plants for food, medicine, cultural and spiritual values, and economic livelihoods. Throughout the Region there is rich archaeological and cultural

heritage evidence of First Nations use of these lands and waters since time immemorial. The Matawa Chiefs Council has been actively involved in the development of the Ring of Fire to date through an agreement with the Province of Ontario in 2014.

The Matawa Chiefs Council is composed of First Nations which will be directly affected by development in the Region, they include: Aroland First Nation, Constance Lake First Nation, Eabametoong First Nation, Ginoogaming First Nation, Marten Falls First Nation, Neskantaga First Nation, Nibinamik First Nation, Long Lake #58 First Nation, and Webequie First Nation. On March 26, 2014, the nine Matawa-member First Nations and the Province of Ontario signed a Regional Framework Agreement (RFA) to move forward with a negotiation process on a community-based regional approach to development in the Ring of Fire. On August 27th, 2019, Ontario announced that it unilaterally ended the RFA in favour of a series of bilateral agreements with individual First Nations, agreements that will be unable to accommodate a Regional Assessment. The RFA recognized a Government-to-Government relationship among the parties respecting existing legal and constitutional rights of the First Nations. The RFA was intended to create unity and consensus between the Matawa Nations to ensure all communities would be able to protect regional resources, and benefit from regional development.

The James Bay Lowlands possess tremendous mineral wealth. The area has experienced extensive mineral exploration for decades and several significant deposits of copper, zinc, nickel, platinum, vanadium, and gold have been found in the Region. The first commercially viable discovery of chromite in North America was the James Bay Lowlands in an area known as the Ring of Fire. Based on initial projections the quantities of mineral in the Ring of Fire alone could sustain activity for over 100 years. It is estimated that the value of currently discovered mineral deposits – primarily chromite, nickel and copper – are worth about \$60 billion in economic activity over a 30-year period. The economic potential in the Region has led to a variety of proposed projects that aim to build access roads to enable significant mining in the Ring of Fire and elsewhere.

The Ontario Government committed to First Nations Governments a coordinated policy and planning approach to developing the Ring of Fire. However, the area is seeing unprecedented level of infrastructure development and mineral exploration in a largely uncoordinated fashion. There are currently two proposed all season road projects in the Region, the Webequie Supply Road and the Marten Falls Community Access Road, as well as the proposed Noront Eagle's Nest Mine, the proposed Greenstone Gold Hardrock Mine at Geraldton, other mining projects in exploration and advanced exploration, forestry operations, and the DeBeers Victor Diamond Mine which is now in its closure phase and heading toward long-term environmental monitoring to avoid residual impacts. The need for a collaborative regional planning approach that considers cumulative impacts has never been greater.

There has been considerable public interest related to development or cumulative effects in the Region. There is a need for the Federal Government to collaborate with jurisdictions, including the Ontario Government, and Indigenous Governments, to ensure a proper planning process is undertaken that balances the needs of local communities, the province and the national interest. This need for collaboration and high degree of public interest further validates the need for a Regional Assessment.

Due to the sensitive and ecologically significant nature of the Region, all development must be carefully planned with a regional focus. We cannot rely on individual environmental (impact) assessments to predict potential adverse effects, due to the interconnected nature of the ecosystem it is crucial to assess projects in a regional context. This requires a proactive, participatory approach that engages decision makers such as federal and provincial governments, First Nation governments, and other stakeholders

and industry, to determine what the future of the Region should look like. As such, a Regional Assessment under the *Impact Assessment Act* is the most appropriate regulatory tool to assess potential impacts and benefits related to development in the James Bay Lowlands. With Ontario's cancellation of the RFA, a Regional Assessment may be one of the only mechanisms available to assess, determine appropriate mitigation, maximize potential positive impacts, and determine residual negative environmental and socio-economic impacts.

Aroland First Nation recommends the IAAC undertake a Regional Assessment in the James Bay Lowlands for the mining sector and related infrastructure. This Regional Assessment should be initiated before project-based environmental assessments and approvals can proceed. The benefits of a Regional Assessment include (but are not limited to):

- Regional Assessment can be used as a practical way to streamline regional baseline studies, and tie together Community Based Land Use Plans from First Nations together to ensure that all development occurs in a sustainable and regionally conscious manner, and impacts can be adequately assessed.
- Regional Assessment can reduce risks to the environment, people, and the economy as compared to individual assessments. Regional Assessment looks at the big picture to proactively plan development across the region to ensure that planning and assessment for the Region supports the most desired outcome rather than the cheapest, quickest or easiest outcome. The Regional Assessment's more holistic approach is more aligned with the Anshinaabe worldview which looks at the environment as an interconnected system: this could aid in strengthening the social licence for mineral development and improve outcomes for both the environment and community well-being.
- Regional Assessment helps to combat the "piecemeal approach" where projects are planned and constructed on an individual basis. Regional Assessment is a more holistic process from an impact assessment perspective that considers the Region's environmental, socio-economic and cultural setting and potential cumulative impacts.
- Regional Assessment can also find synergies in projects and help to ensure the smallest environmental footprint and more efficient regulatory processes.
- Regional Assessments help to gather proper baseline information that is required to make educated planning decisions and ensure proper environmental protection/monitoring occurs. Reliable baseline data from a Regional Assessment will help to identify cumulative effects measure thresholds of ecological change or impact that cannot be exceeded.
- Regional Assessments help to streamline the environmental planning process and help to remove the bias associated with proponent led assessments. The Regional Assessment could be utilized to inform future assessments for proposed projects.
- There has been considerable public interest related to development and cumulative effects in the region: a Regional Assessment could make sure that cumulative effects across various development and sectors are properly understood and can be managed.
- Regional Assessment would provide an opportunities for collaboration with jurisdictions including the Ontario Government and Indigenous Governments in the region

Guiding Questions from IAAC’s Operational Guide: Requesting a Regional or Strategic Assessment under the Impact Assessment Act :

1. Is large-scale development, including potential designated projects under the Act, expected in the next 5–10 years in the region?

Yes, there are currently two proposed federal impact assessments (launched under CEAA 2012) at the planning stage, one federal CEAA 2012 project in the closure and long-term monitoring, and one federal CEAA 2012 project that recently received approval from the Minister:

- Webequie Supply Road (proposed)
- Marten Falls Community Access Road (proposed)
- Victor Diamond Mine (in closure and moving to long-term monitoring)
- Greenstone Gold Hardrock Mine (recently approved)

These two supply road projects are both directly related to mineral development in the Ring of Fire and throughout the James Bay lowlands. The Webequie Supply Road connects to mining claims owned by Noront Resources, which is currently holds the majority of claims in the Ring of Fire. These two roads are proposed to connect to the provincial highway system at Aroland First Nation, and from there to the TransCanada Highway, a portion of which is proposed to be relocated for the Greenstone Gold Hardrock Mine. The regional transportation network in the region will change significantly with these major road network changes and new connections.

The James Bay Lowlands possess tremendous mineral wealth. The Region has experienced extensive mineral exploration for decades and several significant deposits of copper, zinc, nickel, platinum, vanadium, and gold have been found in the region. The first commercially viable discovery of chromite in North America was in a region of Ontario’s Far North known as the Ring of Fire. Based on initial projections the quantities of mineral in the Ring of Fire alone could sustain activity for over 100 years. It is estimated that the value of currently discovered mineral deposits – primarily chromite, nickel and copper – are worth about \$60 billion in economic activity over a 30-year period. The economic potential in the region has led to a variety of proposed projects that aim to build access roads to enable significant mining in the Ring of Fire and elsewhere. As illustrated, the Region is expected to undergo a period of unprecedented development as infrastructure is built to reach the Region’s mineral reserves.

2. Are there environmentally or otherwise sensitive areas or components located in the region that might be affected by development?

- See Rationale for a Regional Assessment of the James Bay Lowlands section above.

3. Does current and future development in the region have the potential to cause adverse effects, including cumulative effects, that fall within federal jurisdiction?

Yes, current and future development in the Region will have the potential to cause adverse effects, including cumulative effects, that fall within federal jurisdiction.

Granting access to the James Bay Lowlands will require significant infrastructure including roads, transmission lines, communication lines, railroads, worker camps, exploration camps, aggregate pits and industrial waste disposal facilities. Increased access will lead to unprecedented levels of mining

and exploration activity, as well as the potential for increased forestry. Further the development of large wetland and peat land areas will release massive quantities of greenhouse gases which will exacerbate climate change impacts and prevent Canada from reaching emissions reduction targets under the Paris Accord. All-season road development in the region will fundamentally impact the rights and interests of Indigenous Nations who hold unextinguished claim on the lands and waters, and rely the region for socio-economic and cultural well-being. The development of access roads to the Ring of Fire and James Lowlands will no doubt trigger significant cumulative impacts across the biophysical and socio-economic landscapes. Some of the potential impacts that fall within federal jurisdiction include:

- Effects on fish and fish habitat;
 - Significant impacts on fish and fish habitat due to clearing for road construction, transmission line construction and in water work to construct several significant bridges over multiple water crossings. Significant impacts on fish and fish habitat due to increased potential for mineral development activities. The potential diversion and overprinting of waterways for mineral development activities (e.g. tailings ponds, waste rock piles, etc.).
 - Fisheries and Oceans Canada (DFO) Authorizations would be required for hundreds of water crossings.
 - Impacts on species at risk including Lake Sturgeon
 - Impacts on Indigenous fisheries
- Effects on aquatic species, as defined in subsection 2(1) of the Species at Risk Act;
 - Significant impact on aquatic species including species at risk due to:
 - In water works for construction of roads, transmission lines, etc.
 - Diversion and overprinting of waterways for mineral development activities (e.g. tailings ponds, waste rock piles, etc.)
 - Some of the largest rivers in Canada flow through largely intact watersheds including the Albany River, Attawapiskat River, Winisk River to name a few. These rivers support a wealth of biodiversity and a variety of aquatic species including several protected species.
- Effects on migratory birds;
 - The Region is home to numerous protected migratory bird populations under the Migratory Bird Convention Act, the Region is a globally significant migratory flyway for waterfowl and shorebirds
 - In total, there are 190 species of breeding birds in the James Bay Lowlands.
- Changes to the environment on federal lands;
 - Significant alteration to the land related to infrastructure development (e.g. roads, railroads, transmission lines, etc) and significant alteration to the landscape as a result of mineral development and exploration activities.
- Changes to the environment that occur in a province or territory other than the one where the project is taking place;
 - Impacts to Woodland Caribou populations which traverse provincial boundaries during migration.
- Changes to the environment that occur outside of Canada;

- Greenhouse gas emissions from industrial activities and from the release of stored greenhouse gases from disturbed wetlands/peatlands. The Region is a globally significant carbon sink.
- Changes to the environment that could affect the Indigenous peoples of Canada;
 - Yes – see question below.
- Any change occurring to the health, social or economic conditions of the Indigenous peoples of Canada; and
 - Yes – see question below.

4. Does development in the region have the potential to cause adverse impacts on the rights of Indigenous people?

Yes, the James Bay Lowlands is home to one of the largest population of Indigenous peoples in Ontario, with approximately 24,000 First Nations people living in the Region. The First Nations have the potential to be impacted by development in the Region through (not an exhaustive list):

- Infringements of Aboriginal and Treaty rights
- Impacts to traditional land and resources use including hunting, fishing, trapping, gathering, spiritual/ceremonial purposes
- Increased access to non Indigenous people
- Impacts both positive and negative to socio-economic conditions
- Impacts both positive and negative to the health and community well-being of Indigenous communities
- Impacts to the biophysical environment including water resources, air, wildlife, fish, vegetation and wetlands
- Impacts to archaeological and cultural heritage resources
- Cumulative effects
- Climate change related impacts due to greenhouse gas emissions

5. How would the regional assessment inform future federal impact assessments?

The data collected from the Regional Assessment could be used as part of the baseline data to inform for future federal impacts assessments of:

- Mines
- Access Roads
- Regional Transportation Projects
- Railroads
- Transmission Lines
- Broadband Lines
- Hydroelectric Projects
- Pipelines
- Small Modular Reactors

The Regional Assessment could also be used to create a preferred vision for how development should be planned and implemented in the Region.