
Jan 27, 2020

To: Impact Assessment Agency of Canada
600-55 York Street, Toronto, ON, M5J 1R7

Via e-mail: IAAC.Webequie.AEIC@canada.ca

Re: Webequie Supply Road Project, Ref # 80183

Thank-you for the opportunity to contribute our comments and perspective on these subject project EIS Guidelines.

While we have a short list of comments for the EIS Guidelines (provided farther below), we are primarily compelled to flag the over-riding and outstanding need for coherent regional assessment to appropriately position this subject individual IA, and the similarly related Marten Falls Community Access Road Individual Project (Reference number: 80184). The extensive and disconnected assessment history of this area, and the growing pool of voices calling for a common regional tool together clearly demonstrates the critical need for a transparent and coherent strategic assessment for this region.

The over-riding and outstanding need for coherent regional assessment

Its now been a decade of Ring of Fire development proposals and their various project-level environmental assessment processes. Millions of dollars, and thousand of hours of stakeholder, consultant, and agency resources have been poured into trying to avoid a single critical truth about this development area: any development will almost certainly trigger a region-changing cascade of both predictable and opportunistic development along with their cumulative environmental effects.

In considering this project within yet another set of independent project-level assessments (ignoring the pre-designation potential that it might have actually require no assessment at all), it unfortunately appears that no appreciable progress has yet been made on matching the assessment tools to the broadly anticipated challenges at hand for this region.

For this subject proposal, the critical region—influencing context leaps from its very project description:

Webequie First Nation is proposing the construction and operation, including maintenance, of a 107-kilometre all-season road connecting the Webequie Airport and the McFaulds Lake area in northern Ontario. The corridor would be approximately 35 metres in width in order to accommodate a two-lane gravel surface industrial supply road and could enable future infrastructure development such as transmission lines and broadband. As proposed, the Webequie Supply Road Project would connect Webequie First Nation to existing mineral exploration activities and potential future mineral development in the Ring

of Fire area. The project could also become part of a future all-season road network connecting Webequie First Nation and the Ring of Fire area to the provincial highway system in Nakina and/or Pickle Lake.

The single biggest concern with this proposed project assessment, from a comprehensive environmental assessment perspective, is that this subject project is being treated as a remote, unconnected road proposal, servicing a known temporary opportunity. And yet it cannot even be described without alluding to a host of additionally possible, and desired, development scenarios.

It is this speculative “scope-slip” that demands another supporting assessment process, as these scenarios have the ability to dramatically extend the scope, timelines, and very nature of the current project within a relatively short planning horizon. This role as an enabler and a development building block are directly alluded to in the project description, acknowledging the strength (at least from an aspirational perspective) of the project as a catalyst and influencer of further indirect and regional effects.

How the similar ripples from the Marten Falls Community Access Road Individual Project (Reference number: 80184) might interface with these effects produces a compound circumstance where scenario development quickly becomes more complex, while the need for consistent responsive regional assessment concurrently increases.

Severing the impact assessment of this project from its likely onset and other parallel development pressures undermines the opportunity to examine the likely impacts to this region in a more strategic fashion.

For example, assessing this road as a temporary road link while it may inherit an ore-movement function best served by another route, or that multiple expensive and impacting infrastructure may be constructed inefficiently are obvious risks of this approach.

A decade of Regional Strategic Assessment requests:

Wildands League. Because of the key factors of complexity, significance, and sensitivity of the ecosystems at play, Wildands League has been calling for a Regional Strategic Assessment for this area since at least 2011, in a May 3rd letter the Minister of the Environment, Minister Peter Kent. This has been consistently echoed directly in our correspondence on project level EAs in the Ring of Fire, including:

- Sep, 2011 - Jim Chan, CEEA, re: Cliff’s Chromite Mine Federal EA
- Aug, 2012 - Alex Blasko, OMOE, re: Cliff’s Chromite Mine Provincial EA
- Sep, 2012 - Environmental Commissioner of Ontario, cc. Minister OMOE
- Mar, 2013 - Minister, OMOE, re: problems with Cliff’s Provincial EA
- Mar, 2013 - Minister, OMOE, re: request for mediation for lack of reconciliation between Cliff’s and Noront’s concurrent individual EAs

First Nations have flagged the need for broader scale assessment. First Nations, identifying themselves as impacted by the Cliff's Chromite proposal originally requested a Joint Review Panel in 2011, and in response to the perceived piecemeal approach of project-level EA rolling-out in this region, also flagged issues of unreasonably narrow scope and cumulative effects. Together, Matawa First Nations communities - including Webequie First Nation - passed a resolution (07-20/05/11) requesting the CEAA and the Ontario Ministry of the Environment negotiate a process to enable and implement a Joint Review Panel for the Project. Around this time, the downstream Mushkegowuk First Nations also mirrored this request.

Webequie FN (the current proponent) also raised the need for a broader scope and role of cumulative effects in the comments they contributed to the federal EIS for Noront, in 2011:

"Based on our review of the draft EIS Guidelines, it seems unlikely that the full scope of the Project is being considered. The proponent acknowledges that mine life could be double (or more) than what is being considered in the base case. In addition, it is not unreasonable to expect that Noront will bring other sites in the area into production given their relatively large land holdings and the mineralization of the area. Moreover, it is reasonable to expect that this Project will be but one part of what is expected to be a large regional mining area and that the potential cumulative effects need to be addressed within this context."¹

Federal agency review has previously flagged the need for regional-scale environmental assessment for this region. After reviewing the Cliff's project file as part of inter-agency review, Environment Canada reviewers advised CEAA that:

"EC understands that this project, if built, would be the first large chromite mine in North America and that chromite and other mineral deposits discovered in the Ring of Fire cover an expansive land base in northern Ontario. The access corridor proposed for this mine would also open a lease area of currently remote northern Ontario that could induce additional development proposals including other mines, hydroelectricity generation and transmission and forestry. Given that the project is sited in the upper reaches of several major watersheds which outlet to the highly sensitive and ecologically important James Bay and Hudson Bay coastal ecosystems, the potential for cumulative effects to occur outside of the project area also needs to be considered. The cumulative effects of known and anticipated mining and other developments on Ontario's Far North could be substantial if not sufficiently understood and managed at the regional scale.

EC is therefore of the opinion that a regional environmental assessment process that considers the interconnectivity and the cumulative impact of currently proposed and anticipated future developments within and connecting to the Ring of Fire would be an appropriate approach to resolving the majority of the uncertainties expressed in this response."²

¹ Webequie FN Comments on the Draft Environmental Impact Statement Guidelines for the Noront Eagle's Nest Mine Project, 2011.

² Sept 12, 2011, Environment Canada. EC Advice to CEAA, Ontario Region, Regarding Cliff's Chromite Mine.

Noront Resources Ltd. called for the Province to engage in comprehensive land use planning for the Ring of Fire region. In July, 2011, Noront, as one of the proponents of project level EA, called for the Province to engage in comprehensive land use planning for the region encompassing the Ring of Fire in Ontario, as another available tool to begin addressing the regional strategic challenges of the area. This was in part due to the perception of unreasonable regional assessment burdens for a single project proponent.

Fast-forward to 2019...

Here again, the opening up of this mineral development opportunity is being further proposed, through the narrowly focused subject Individual Project, in tandem with the clear development aspirations also described, and the separate and concurrent Marten Falls Community Access Road Individual Project (Reference number: 80184),.

This subject proposal is for an orphan all-season road segment between the mineral area and the community, but it is immediately clear that it is much more, in context. If built, it would part-way link the mineral finds of the Ring of Fire to the provincial road network. This would also pre-develop such a route across the arguably most impactful muskeg traverse and a specific significant crossing of at least one of the major river hurdles. This foreseeable follow-on development is articulated in the current proposal as an overt aspiration that includes an ultimate complete highway connection with ore-bearing capacity for the road.

Such a circumstance illustrates the danger of instigating a potential ore route through a process aimed to fulfill another process, and stripped of the benefit of transparent strategic regional assessment of the specific question of optimal ore-movement, for example. In the alternative, this could also result in a separate route being separately built for ore, potentially resulting in other missed efficiency of access, and minimization of impact on VCs.

Several thoughtful contributions, from diverse participants to this process, are now again articulating the critical missing regional scope argument even more clearly:

Nibinamik FN:

*“This consultation process is incomplete and entirely lacking any process for Nibinamik to discuss its serious, **outstanding concerns regarding the cumulative and regional effects of this Project as a part of the larger Ring of Fire development.**”³*

The Project cannot be divorced from its purpose. While it will provide benefits to Webequie by connecting their community to the Ontario road-network, the Project Description is clear on its face that the road is also a part of the Ring of Fire development. Yet there is no process or forum currently in place for Nibinamik to discuss regional and cumulative effects, including how the strategic decision to proceed with this road fits into the broader Ring of Fire decisions and discussions. These discussions need to occur between Indigenous communities and the Crown, not only Indigenous communities and individual proponents on individual projects. Other than the First Nations, the Crown is the only decision-maker that has the full picture of potential

³ October 1, 2019 Letter submission by Nibinamik counsel to proposal.

regional and cumulative impacts—and has any ability to assess, consider, and accommodate these impacts on a regional scale.

A federal impact assessment is required for the Project and a meaningful consultation process that can assess, consider, and accommodate for regional and cumulative impacts of this decision is needed. Until this process is implemented and complete, no final or strategic decisions regarding Webequie's proposed Supply Road should be made.⁴

Eabametoong FN:

With respect to the Federal Impact Assessment process and future decisions, **EFN recommends that CEAA considers the regional significance of the proposed WSR, and not in the typical confined project- assessment technical approach**, but rather through supporting EFN and other remote First Nations to participate in **a meaningful, sustainability-based impact assessment that enables a thorough understanding of positive and negative impacts within the regional context** (as possible within CEAA 2012 and particularly in IAA 2019).⁵

Neskantaga FN:

We remain committed to a unified Matawa approach to a First Nation led **Regional Environmental Assessment process to better understand and mitigate the cumulative environmental and social impacts of multiple projects (mines, regional infrastructure, etc.) at a regional level**, as well as provide a leading role for the Matawa communities in the review and approval process.⁶

Noront, the current primary mineral stakeholder in Ring of Fire, who flags that the value of the WSR is in its contingent roles to (a) connect to the provincial highway system, and (b) to serve the mines for an extended timeframe of over 100 years:

*Without an all-season road connected to the provincial highway system, Noront does not believe any of the known deposits in the Ring of Fire are economic and will not be developing a mine. This is due to the shipping requirements of over 150,000 tonnes per year of concentrates (first mine) and receiving consumables like fuel, reagents and cement. Noront does not believe the WSR is an economically effective approach to supplying the Ring of Fire mining operations in the absence of access to the provincial highway system and consequently does not envision the WSR as the primary means to supply the mines, other than use by any staff or contractors living in the community. Noront's intent and plans are to use the Muketei Airstrip for moving people to and from the site. **Noront believes there are two reasons to develop the WSR:***

(1) Access to the Ring of Fire developments for employment, supplying services and monitoring the impacts of the mines by community members, and

⁴ *ibid*

⁵ August 26, 2019 EFN CEAA INITIAL COMMENTS re WSRP

⁶ August 12, 2019 Letter from Neskantaga FN to WSR proposal.

(2) Connection to the provincial highway system.

The Ring of Fire region could be active for over 100 years, given the large amount of chromite and other minerals. This should be noted in the PD since it helps with the justification for the WSR.

Dayna Scott, associate professor Osgoode Hall Law School:

Any environmental assessment process undertaken now should be a regional, strategic impact assessment in partnership with Indigenous governing authorities, ***as contemplated by the provisions of the new federal legislation***, the Impact Assessment Act. This is the bare minimum that is required in order to meaningfully capture the major social and ecological impacts that are anticipated to flow from mining and infrastructure developments in the Ring of Fire.

Opening up this ecologically and culturally unique region to mining and road access raises significant policy concerns, the potential for cumulative effects, and the need for the meaningful consideration of multiple alternatives. As such, any developments in the Ring of Fire, including this Supply Road, should be assessed as a part of a larger inquiry, given the known limitations of project-level environmental assessments, and the demonstrated potential of 'next-generation' approaches as have been adopted into the new legislation.⁷

Gerry Racey, retired Provincial Ministry caribou advisor:

Thank you for the opportunity to comment on the Impact Assessment of the Webequie Supply Road Project and Impact Assessment of the Marten Falls Community Access Road Project. The placement and intent of both these projects are predicated on an inevitable next phase or end-game that results in construction of a north-south or east-west all-weather access road to one or more potential mine locations within the Ring of Fire. Neither of these two projects can be adequately assessed independent of that context. The true and consequential impacts will be the cumulative effects of the longer-term full road network and associated construction, maintenance, and subsequent use on a wide range of ecosystem functions. A regional environmental assessment is essential to anticipating long term effects at an adequate scale to protect economic, social and environmental interests.⁸

In this last, Mr Racey flags (the current analog to the un-reconciled proposals Wildlands flagged ten years ago from Cliff's and Noront) the two separately proposed individual projects, regionally linked in purpose and impact. WSC comments echo this circumstance. In pairs, these individual proposals reveal strategic assessment gaps even more dramatically, through contrasts and discrepancies in approach and/or in the realization that positioning either project in a strategic "foreseeable future" is an overlapping and a properly integrated activity.

Until the Agency recognizes the need to bring its regional tools to bear on this development area, individual projects will continue to bubble up and crash against the vacuum of missing regional strategic assessment.

⁷ August 12, 2019 Letter from Dayna Scott, Osgoode Hall Law School, sustainability clinic

⁸ Gerry Racey, January 18, 2020. Comments on Tailored Impact Statement Guidelines and Public Participation Plan - Webequie supply Road

Comments submitted by the Wildlife Society of Canada to this proposal succinctly articulates this gap, the responsible party, and the appropriate path forward:

The Federal government has the capacity under the new Impact Assessment Act to assess the region broadly and can use the Ring of Fire as an effective example of the benefits of the new legislation including: addressing other risks to social-ecological systems that cannot be addressed in project-level assessment or Ontario's environmental assessment program; addressing cumulative effects; and, addressing Aboriginal and Treaty rights, claims and interests that stand to be directly and cumulatively impacted by individual projects and the larger Ring of Fire development.⁹

Wildlands League requests the initiation of a long-overdue regional assessment. We again support this widespread call for a strategic regional assessment, at a minimum to establish a common baseline and a coherent and consistent regional framing for the consideration of individual projects.

[B] SPECIFIC IES GUIDELINE COMMENTS:

Our additional specific comments on the EIS Guidelines are similarly focused on specific examples where the requirements for the assessment treads into the regional assessment void. Overall, these circumstances illustrate the high burden contributed by the current absence of a regional assessment for a variety of critical themes, and the over-riding need to provide an adequate baseline, and regionally-ready (or capable) metrics and assessment approaches for them, for a maximum foreseeable development scenario:

(2.2) If the project is part of a larger sequence of projects, the Impact Statement must outline the larger context, including likely future developments by other proponents that will use project infrastructure, and activities that may be enabled by the current project.

Specific key cumulative effect themes demand a regional baseline and assessment framing: carbon, caribou, fisheries, water quality (including key parameters such as mercury in all species). Because the proposal anticipates additional related development, these baseline activities must necessarily be provided at a pre-development scale that can be used to adequately consider these developments pressures both now strategically, and later as more specific proposals are developed. It is an assessment burden that would more appropriately be considered in a preliminary regional strategic assessment. If this is instead undertaken in this individual project assessment, the more comprehensive assessment burden must still be respected.

3.2.3 Suspension, abandonment or decommissioning

⁹ Wildlife Society Canada, Nov 12, 2019. Formal Request for a Regional Assessment with respect to Marten Falls Community Access Road Project (Reference number: 80184) and Webequie Supply Road (Reference number: 80183).

... the preliminary outline of a suspension, abandonment, decommissioning or reclamation plan for any components associated with the project; ... If the proponent does not anticipate decommissioning and abandonment, it must state clearly under what circumstances decommissioning would occur, and demonstrate a commitment to following environmental and social best practice in all its activities.

The assumption of permanence for this road - only connected to a remote site of mineral exploration in the first instance - is highly contingent on other uncertain projects. It would be reasonable for the IA to include the “preliminary outline of a decommissioning”.

*In its **alternative means analysis**, the proponent must address all project elements, including ...: highway route or corridor, including proposed widths of right-of-way, cleared area, and road surface; choice of engineering and design standards for roads; ... route or corridor and means options for electrical transmission lines; ... location and type of bridges and culverts (permanent and temporary); ... timing options for various components and phases of the project; and suspension, abandonment or decommissioning options.*

In the context of extended-purposes of the proposed road, to what extent must consideration for suitability of route, of engineering standards for road and water-crossing structures be considered? Particularly in the context of this road segment likely pre-directing the route of ore-hauling for a potential mine site, and the engineering standards required for that purpose, and for the potential environmental impacts of that significantly different standard, loading, traffic volume, and range of impacts.

As relevant, the alternatives to and alternative means assessments should be informed by, but not limited to, the following: any regional or strategic assessment; ... other studies or assessments realized by other proponents.

We note that the absence of a relevant regional or strategic assessment does not satisfy the question of the need for such guidance for projects such as this subject proposal.

Baseline Conditions

There is no need for the Impact Statement to provide detailed descriptions of existing features of environmental, health, social or economic components that would not be impacted by the project as determined by the Agency through engagements with FAs, lifecycle regulators, Indigenous groups, the public and interested parties.

We flag here that, in the absence of a regional assessment, the need for detailed descriptions must be informed by a full range of potential development influenced or associated with this access proposal, in the context of it as a potential region-opening gateway.

In describing the biophysical environment, the Impact Statement must take an ecosystem approach that considers how the project may affect the structure and functioning of biotic and abiotic components with the ecosystem using scientific, community and Indigenous knowledge regarding ecosystem health and integrity, as applicable. The Impact Statement must provide a description of the indicators and measures used to determine ecosystem health and integrity, identified during early planning and reflected in the TISG. The presence of endangered ecosystems potentially affected by the designated project should be included in the description of the biophysical baseline conditions.

The Impact Statement must consider the resilience of relevant species populations, communities and associated habitats to the effects of the project. Ecological processes should be evaluated for potential susceptibility to adverse effects from the project. Considerations include: patterns and connectivity of habitat patches; continuation of key natural disturbance regimes; structural complexity; hydrogeological or oceanographic patterns; nutrient cycling; abiotic-biotic and biotic interactions; population dynamics, genetic diversity, Indigenous knowledge relevant for the conservation and sustainable use of relevant species populations, communities and associated habitats.

We are pleased to see ecosystem approach, integrity, and species resilience criteria broadly in this discussion. The success of the assessment will be in how key VCs are traced through these concepts, such as caribou and fisheries for example.

Geochemistry. *The Impact Statement must: ... provide a characterization of the geochemical composition of expected construction materials, in order to predict metal leaching and acid rock drainage including oxidation of primary sulphides and secondary soluble sulphate minerals.*

Wetlands. *... provide a **carbon budget of wetlands** to identify and describe capacity to act as a carbon sink vs. source. Include rates of uptake and emission, and estimates of carbon pools in the wetlands that may be released when removed or altered during construction and operation;*

The geochemistry and carbon content of wetlands are important elements for this assessment. In the absence of a regional assessment, the baseline characterization, scope, metrics and overall approach should reflect the full potential for these themes across the connected hydrology and full foreseeable/potential regional development scope for the region. The same is true of fisheries and species at risk VCs as well. In the absence of a regional assessment, the baseline and assessment scope cannot be diminished.

Please contact the undersigned with any questions that may arise from these comments.

Sincerely,

<Original signed by>

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