



ATTAWAPISKAT FIRST NATION

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SENT BY EMAIL

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

Re: Preliminary comments on the Webequie Supply 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 Webequie Supply Road (WSR) proponent's draft Impact Statement (draft IS).

The WSR draft IS follows the familiar pattern of proponent-driven impact statements, in which impacts to the environment are considered fully mitigatable, or nearly so. Any left over, "residual," impacts are either labeled as insignificant, or are considered to be manageable through offsetting projects.

It is important to note that the mitigation measures proposed in this draft IS are already the industry standard – they offer a set of "best practices" for excavating, blasting, clearing, working in water, and building that are commonly used at construction sites across Canada. Where there are impacts to environments or species that cannot be avoided, the mitigation measures apply only "to the extent practicable." The proponent promises to monitor and seek the necessary permits, but this provides little comfort as it will not prevent the types of impacts that we see in mining districts and industrialized regions to our south.

The proponent tries to determine the significance of impacts using a technique that is commonly used in brain-storming or for coming up with "rules of thumb," but is unheard of in any type of serious scientific analysis. For each potential impact, the proponent scores the magnitude, geographic extent, duration,

frequency, reversibility, etc. with anywhere between zero and four points. The proponent then looks at the sum of those scores and assigns a value of “significant” if the score is 16 or higher (see for example Section 13, p. 500-501, or Section 10, p. 111-112). Such a scoring system is completely arbitrary and is not calibrated to real-world, scientifically validated or ecologically relevant evidence. Our Kattawapiskak people have a strong commitment to evidence-based decision-making, and what we see in this draft IS is the opposite of that. In their current state, the significance determinations offered by the proponent must not form the basis of decision-making by the Crown.

The draft IS offers no explanation of how the expansion of the road network, the mining of critical and precious minerals, the growth of the outfitting industry, and other developments will change our homeland. The proponent has hand-picked a few developments to include in a cumulative effects analysis – an analysis that does not come anywhere close to considering the full scope of clearly foreseeable impacts. The routine and unavoidable contamination produced by mines is never mentioned in this draft IS, and the transmission lines and hydro developments that are already announced to use the road corridor are not considered. The fact that climate change will multiply the cumulative effects of the road, with impacts to peatlands, fish and wildlife, forms no part of the proponent’s analysis. This is unacceptable.

In June 2025, when the WSR proponent chartered a plane to Attawapiskat to drop off bankers boxes filled with 11,000 pages of draft IS documents, we were still in the midst of reviewing the more than 10,000 page-long Marten Falls Community Access Road draft IS. 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.

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. Your regulatory process for approving the WSR project does not meet the Crown’s Treaty obligations, nor the duty to consult and accommodate Attawapiskat First Nation. The process we are engaged in here is a one-sided, Crown regulatory process that is at odds with the Treaty relationship.

Please refer to points 1, 2, and 3 of our June 11, 2025 letter on the Marten Falls Community Access Road draft IS, attached here.

2. 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.

In nearly every section of the draft IS, we are told by the proponent that we might be able to participate in an Environment Committee to “facilitate communication and engagement during construction and

operations of the Project; facilitate use of Indigenous Knowledge in project activities; facilitate evaluation of land use information; and facilitate development of appropriate monitoring programs, protocols and management plans as it relates to [the] VC [Valued Component].”

Our concerns about cumulative effects will not be addressed through a post-construction “Environment Committee.” As we have repeatedly told Ontario and Canada, Attawapiskat First Nation requires a properly scoped cumulative effects analysis, so that we can determine the impacts to our rights.

The WSR is one segment of an industrial access road to the Ring of Fire. If built, it will connect to the provincial highway network via the Northern Road Link (NRL), for which Webequie First Nation is also a proponent. Contrary to what the proponent claims in various parts of the draft IS,¹ the WSR would not work as a stand-alone road. Without a connection to the south the deposits in the Ring of Fire cannot be developed, and Chief Wabasse’s stated purpose for this road – “an economic development road that would connect Webequie First Nation to existing and future mineral development in the Ring of Fire area”² – will not be possible to realize. If the mining frontier is pushed into our territory via an access road to the south, we will inevitably experience multiple waves of development with severe impacts to our rights. These impacts must be considered as part of the cumulative effects analysis of this frontier-opening road.

Please refer to point 5 of our June 11, 2025 letter on the Marten Falls Community Access Road draft IS, attached here.

3. The proponent’s cumulative effects methodology does not follow the guidance provided in the Tailored Impact Statement Guidelines (TISG), nor does it meet the expectations of Attawapiskat First Nations for a properly scoped cumulative effects analysis done in collaboration with affected First Nations.

The proponent has chosen to include in the cumulative effects analysis only projects that overlap spatially or temporally with the residual impacts of the road, seen in isolation. The proponent refers to the included projects as “known past, present and RFDs [reasonably foreseeable developments] and future activities that could overlap spatially and temporally with the net environmental, health, social or economic effects of the Project” (Section 21, p. 11). The key phrase here is “net effects,” meaning that the proponent considers only projects that overlap with the effects of the road if it were a stand-alone project.

This is an impossible, illogical abstraction. It results in a narrow cumulative effects analysis that does not match the approach laid out in the TISG for this impact assessment, nor our expectations for a rigorous and meaningful cumulative effects analysis.

¹ See for example p. 13 of the draft IS Executive Summary. “From the perspective of the community, the WSR could be constructed and operated to provide a connection between Webequie First Nation and the McFaulds Lake area to serve mineral exploration and future mining development activities, with no connection to the provincial highway system.”

² Chief’s Message, draft IS.

The TISG issued by Canada advise that “the cumulative effects spatial boundaries will generally be larger than the boundaries for the Project effects alone.”³ We agree with this guidance because it builds on the fact 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 It is therefore not defensible for the proponent to exclude projects from the cumulative effects analysis simply because they judge the impacts of the WSR itself to be minor.

In general, the proponent’s cumulative effect analyses for the valued components has relied on simplistic qualitative summations of individual cumulative effects, expressed as ratings, rather than considering the ecological pathways by which effects to fish, wildlife, land and water, can be described at various spatial scales. There is therefore a major gap between the conservation science that should inform a cumulative effects analysis and the check-box approach the proponent chose to take.

The cumulative effects analysis in its current state does not allow us to understand the impacts of the proposed WSR to our inherent and Treaty rights.

4. The effects and cumulative effects analyses for caribou greatly underestimate the impact of the proposed WSR.

We refer the proponent to our letter of July 28, 2025 on the Marten Falls Community Access Road draft IS, attached here. Please see point 3, in particular the following sections, which apply also to the WSR draft IS:

- a. The proponent underestimates the importance of the project area as winter habitat for boreal caribou
- b. The proponent underestimates caribou habitat loss from the project due to sensory disturbance
- c. The proponent minimizes the importance of the destruction of nursery habitat, winter habitat, and eskers in the ecozone boundary
- 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.
- e. The proponent fails to integrate information about the interactive effect of mining development and climate change into the cumulative effects analysis for caribou
- f. The proponent fails to consider the effect to caribou of the north-south transmission line that is planned along the road corridor

5. 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.

In 2017, COSEWIC (the Committee on the Status of Endangered Wildlife in Canada) assessed Eastern Migratory caribou as Endangered. Under Section 27 of the Species at Risk Act (SARA), Canada has 9

³ Webequie Supply Road, Tailored Impact Statement Guidelines, p. 138.

⁴ Webequie Supply Road, Tailored Impact Statement Guidelines, p. 137.

months from receiving the COSEWIC assessment to make a listing decision. Eight years later, we are still waiting for the listing decision on this species that is at the core of our Kattawapiskak people's cultural, social, and spiritual life.

The proposed WSR would pass through habitat used by Eastern Migratory caribou: 27 of the 29 caribou collared by the proponent for their caribou study calved on the coast and were therefore identified as Eastern Migratory caribou (Section 13, p. 61).

The proponent makes no mention of Eastern Migratory caribou in Section 21, the cumulative effects analysis. Attawapiskat First Nation requires that Eastern Migratory caribou be included as a separate unit of analysis within the cumulative effects analyses for caribou. 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, including to climate change, need to be carefully considered as part of a complete cumulative effects analysis. Without this information, we will be unable to determine the impact of the WSR to our rights.

6. The draft IS contains misleading and contradictory information on the impact of anthropogenic disturbance to caribou, in particular road avoidance and the resulting habitat loss to caribou. This must be corrected and presented in a revised draft to Attawapiskat First Nation.

Throughout Sections 13 and 21, the proponent uses 500 metres as the relevant distance at which anthropogenic disturbance impacts caribou, referencing on p. 98 various Environment Canada publications in order to justify the choice of the 500m buffer. The 2011 Scientific Guidance referenced by the proponent uses the 500 m buffer because "A sensitivity analysis indicated that the disturbance-recruitment relationship applied with a 500 m disturbance buffer width produced stable estimates of the effect of anthropogenic disturbance on caribou recruitment."⁵ This does not mean that the 500m disturbance buffer is an appropriate metric to use when considering the zone of influence of anthropogenic disturbance. In fact, the zone of influence of anthropogenic disturbance on caribou described in the scientific literature is considerably greater, and can extend up to 15km.⁶ It is misleading and a misrepresentation of caribou science to take the 500 m buffer zone used in the Environment Canada scientific guidance, where it is used for coming up with a metric of total disturbance within a range, and bring it into the context of habitat loss due to sensory disturbance.

On p. 100 of Section 13, and p. 133 of Section 21, the proponent briefly acknowledges that pregnant cows avoid suitable nursery areas due to sensory disturbance at a distance of between 10 and 15 km. On p. 324-325 of Section 13, the proponent again briefly mentions sensory disturbance and the 10 km avoidance zone. Yet, throughout sections 13 and 21 of the draft IS, the proponent falls back on the

⁵ Environment Canada, 2011. Scientific Assessment to Inform the Identification of Critical Habitat for Woodland Caribou (*Rangifer tarandus caribou*), Boreal Population, in Canada: 2011 update. Ottawa, Ontario, Canada. 102 pp. plus appendices. P. 23

⁶ 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.

500m buffer as the distance at which caribou avoid human developments such as roads, even when discussing “habitat alteration or degradation due to sensory disturbance” (Section 13, p. 98).

According to the draft IS, around 30%, or 232 hectares of the existing Category 1 high-use nursery habitats located in the local study area would be directly lost due to clearing activities (Section 13, p. 96). We assume that these clearings are for quarries or other infrastructure to support the road, although this is not explained. It is unclear why the proponent believes that the rest of the Category 1 nursery areas will remain available to caribou, given the impact of sensory disturbance. It would appear that the entire area of Category 1 nursery areas in the Local Study Area will be lost due to the project. Category 1 habitats are high-use areas that have the lowest tolerance to alteration before their function, or usefulness, in supporting caribou is compromised.⁷ These areas would normally be protected from development, including road development, by a 10 km buffer zone. The proponent must explain why they chose to include these habitats within the area that will be cleared, given that the Category 1 areas are located several kilometres away from the planned road route.

The road itself would pass within approximately 5.5 and 2.6 km of two Category 1, high use, caribou nursery areas. Given that the appropriate buffer zone for sensory disturbance is on the order of 10 – 15 km, it is wrong for the proponent to suggest that no Category 1 nursery areas will be altered or degraded due to indirect effects (Section 13, p. 97). The 500 m buffer is clearly inappropriate given that road avoidance in the scientific literature has been described to be more than 20 times that distance, and given that Ontario’s best management practices for activities in caribou habitat recommend that there be no sensory disturbance within 10 km of known or potential high use (Category 1) nursery areas between May 1 and September 15.⁸

The proponent offers the following as mitigation measures (Section 13, p. 230):

Speed limits will be posted in areas where high use is known, or key habitat for Caribou has been identified.

Maintenance activities will occur outside of critical life cycle periods, such as calving season for Caribou.

There is no evidence that these measures would change in any meaningful way the impact of this road, which is slated to cross within a few kilometres of Category 1 nursery habitats, and which will remain in place year-round. Again, Category 1 habitats would normally be protected from development, including road development, by a 10 km buffer zone. It is also important to remember that the mapped high-use Category 1 nursery areas represent only a subset of the existing sensitive caribou calving areas in the study area, and that the road will impact sensitive caribou habitats throughout the ecozone boundary.

7. The proponent acknowledges that new hydroelectric development on the Attawapiskat and Albany Rivers is likely if an access road to the Ring of Fire is built. However, the proponent relegates these

⁷ <https://www.ontario.ca/page/general-habitat-description-forest-dwelling-woodland-caribou>

⁸ See for example: Best Management Practices for Mineral Exploration and Development Activities and Woodland Caribou in Ontario. <https://www.ontario.ca/page/best-management-practices-mineral-exploration-and-development-activities-and-woodland-caribou>. The 10 km buffer zone can also be found in the Best Management Practice documents for the aggregate, tourism, energy, and forestry sectors.

future developments to the “social environment valued component,” and then proceeds to exclude them from the cumulative effects analysis altogether. This is unacceptable. Potential new dams and transmission lines must be included in the cumulative effects analysis of the WSR to water, wetlands, fish and fish habitat, wildlife, species at risk, traditional land uses, and Treaty rights.

During the WSR proponent’s Indigenous knowledge sessions, Marten Falls First Nation members commented on planned new hydro developments and transmission lines. The proponent summarized these concerns as: “The community is aware that the Independent Electricity System Operator (IESO) has already started planning potential transmission into the Ring of Fire.” (Table 21-1 “Cumulative Effects Assessment – Summary of Inputs Received During Engagement and Consultation”, p. 9).

This concern on the part of Marten Falls First Nations members is well founded. 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.”⁹ The 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 transmission network.”¹⁰ Hydroelectric development on the Attawapiskat River would therefore be enabled and supported by the right-of-way and transportation corridor provided by the Marten Falls First Nation Community Access Road (MFFN CAR) and its connector, the NRL.

On p. 19 (Section 21, Table 21-2), the proponent includes “hydroelectric generation and transmission connection development opportunities in Albany and Attawapiskat Rivers area” in its table of “Future Reasonably Foreseeable Developments and Physical Activities That Will Likely Be Carried Out,” but relegates these development to the “Social Valued Component.”¹¹ The proponent does not explain why only the “social valued component,” would be affected by hydro dams and transmission lines, and not water, fish and fish habitat, wildlife, wetlands, and traditional land uses.

After excluding this future activity from consideration of all valued components other than the “Social Valued Component,” the proponent claims that there is no “spatial overlap” of new hydro and transmission lines on the Attawapiskat and Albany Rivers with the WSR project, leading it to be excluded from the cumulative effects analysis (Section 21, Table 21-84, p. 212). The exclusion of these clearly foreseeable developments on spatial grounds is not justified. Without the road connection to the south, the mines to which the WSR hopes to connect would not be viable. The NRL, in turn, would facilitate the building of new hydro developments, as announced by Ontario’s Independent Electricity Operator. There is therefore a direct causal link between the building of the Webequie Supply Road and the development of dams on the Attawapiskat River that must be considered.

⁹ 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>

¹⁰ 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>

¹¹ The identified Social Environment VCs are: Population and Demography; Housing and Temporary Accommodations; Community Services; Education, Training and Traditional Learning; Emergency and Protective Services; Community Infrastructure; and Community Well-Being and Safety.

8. Climate change is not considered in the proponent’s cumulative effects assessment. This is unacceptable and must be corrected.

In the summary table of Indigenous knowledge in Section 13 (p. 41), in response to concerns from Weenusk First Nation about climate change impacts, the proponent claims that “Cumulative effects on Caribou, including climate change, are discussed in Section 21.” Nowhere in the draft IS section on Cumulative Effects, Section 21, is climate or climate change mentioned. The proponent’s failure to integrate this important concern, shared by Attawapiskat First Nation, into the analysis of cumulative effects is an example of how Indigenous knowledge, even when provided, is erased from the impact assessment process.

Our territory is warming at between two and three times the rate of the planet as a whole.¹² 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.

Climate change does not simply “add” to the cumulative impact of the road; climate change has synergistic effects that 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.¹³ None of this is discussed in the cumulative effects section of the draft IS.

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

Sincerely,

<Original signed by>

<Original signed by>

Chief Sylvia Koostachin-Metatawabin
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cc.

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¹² <https://www.cbc.ca/news/canada/sudbury/climate-change-international-court-united-nations-1.7593323>

¹³ 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.

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