



NIBINAMIK FIRST NATION

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May 22, 2026

VIA EMAIL

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Attention: Caitlin Cafaro

RE: Nibinamik First Nation's Comments on Ontario's Ministry Review and the Impact Assessment Agency of Canada's Draft Impact Assessment Report for the Webequie Supply Road

Nibinamik First Nation ("**Nibinamik**") is writing in response to the Government of Ontario's ("**Ontario**") and the Impact Assessment Agency of Canada's ("**IAAC**" or "**Canada**") requests for comment on Ontario's Ministry Review Report ("**Ontario Report**") and IAAC's Draft Impact Assessment Report ("**IAAC Report**") (together "**Government Reports**") for the Webequie Supply Road ("**WSR**").

Nibinamik continues to support Webequie First Nation's (the "**Proponent**") desire to build an all-season road to connect its community to the provincial highway system. Nibinamik shares this desire and is interested in exploring opportunities to build our own all-season road. However, as we have expressed numerous times, Nibinamik has serious concerns with Ontario's and Canada's

efforts to expedite the assessment and construction of the WSR, as well as the Marten Falls First Nation Community Access Road (“MFCAR”) and the Northern Road Link (“NRL”, or together the “Roads”); the inadequacy of the assessment of the Roads’ potential impacts on the environment and on our Aboriginal and treaty rights and interests; and the current imbalance our community faces between impacts from the Roads and lack of direct benefits.

Unless Ontario and Canada address our concerns regarding the WSR and other Roads, we are unable to provide our free, prior, and informed consent to these projects. Nibinamik cannot support development in our Homelands under these conditions.

Ontario’s and IAAC’s expedited and predetermined assessment processes are unconstitutional

As we stated in our March 20, 2025, letter—to which we have received no response from Ontario or IAAC—Nibinamik was worried that Ontario and Canada had already decided to approve the Roads assessments before the assessment processes were complete and without adequately consulting and accommodating us.¹ Reviewing the Government Reports confirmed our fears. None of the concerns we—and our neighbouring First Nations and environmental organizations—have repeatedly raised have been addressed, and Ontario and IAAC are both recommending the WSR proceed with minimal conditions despite clear information gaps and unmitigated adverse impacts to our Aboriginal and treaty rights.

From the start, these assessments have been flawed. Despite being one contiguous road that will enable mining access in our Homelands, Ontario and Canada allowed the Roads to be split into three separate projects and six separate environmental/impact assessments, none of which have assessed the impacts from reasonably foreseeable induced mining activity. This project splitting put a tremendous burden on Nibinamik and significantly limited our ability to participate meaningfully in the assessments.

Ontario and Canada’s efforts to accelerate the Roads assessments have made participating in these assessments an exercise in futility. Since Ontario paid the Roads proponents to deliver their Environmental Assessment Reports for the WSR and MFCAR months ahead of schedule,² meaningful opportunity for participation has evaporated. It became clear when IAAC sent its November 24, 2025, letter to Ontario committing to complete the federal assessments “before the provincial timeline for early works” on the WSR in June 2026, that both Ontario and Canada had already pre-determined they would approve the Roads. Ontario confirmed this on March 2, 2026,

¹ Letter from Nibinamik First Nation to Ontario Ministry of the Environment, Conservation, and Parks re “Nibinamik First Nation’s Comments on Inadequacy of EA/IA Process for Webequie Supply Road and Marten Falls First Nation Community Access Road” (20 March 2025).

² Government of Ontario, “[Ontario and Webequie First Nation Sign Historic Agreement to Unlock the Ring of Fire](#)” (News Release) (29 October 2025); Government of Ontario, “[Ontario and Marten Falls First Nation Sign Historic Agreement to Unlock the Ring of Fire](#)” (News Release) (27 November 2025).

when it announced it “is accelerating construction of the Ring of Fire road network, with shovels in the ground starting this year.”³

As Ontario and Canada are well aware, the Roads will change our lives and connection to our lands, waters, and resources forever. They will literally pave the way for industrial development in our Homelands, will cause irreparable harm to our lands and waters, and will have substantial impacts on our Aboriginal and treaty rights. Ontario and Canada’s decision to approve any of the Roads triggers a duty to consult and accommodate Nibinamik at the highest end of the spectrum. This duty must be discharged before a decision is made.⁴

Meaningful consultation requires the Crown’s “intention of substantially addressing [First Nation] concerns.”⁵ Ignoring our concerns and relying on assessments with a pre-determined outcome is a breach of the honour of the Crown and the constitutional duties Ontario and Canada owe Nibinamik. It also creates significant uncertainty about the legal validity of any eventual project approval. Nibinamik fundamentally disagrees with IAAC’s conclusion that Canada has met its duty to consult and accommodate Nibinamik regarding the WSR. Further consultation and accommodation are required, so that all parties can fully understand the impacts the WSR will have on our Homelands, community, and Aboriginal and treaty rights and we can co-develop accommodations to protect our interests and promote our community’s well-being for generations to come.

The WSR assessments are incomplete and inadequate

Another major concern is that Ontario and Canada are set to approve the WSR despite major issues with and gaps in the Proponent’s Final Impact Statement/Environmental Assessment Report (“**Proponent Report**”) and in the Government Reports. In June 2025, Nibinamik provided extensive technical comments on the WSR draft Proponent Report.⁶ Nibinamik highlighted fundamental issues with, among other things, the report’s assessment of cumulative effects and climate change; analysis of impacts to water and peatlands; incorporation of Indigenous knowledge and land and resource use data; socio-economic baseline determination and existing conditions report; and mitigation and monitoring plan development timeline and commitment.

Critically, we highlighted that these deficiencies limited the ability to evaluate the WSR’s effects fully, particularly regarding Nibinamik’s Aboriginal and treaty rights and interests, and the broader

³ Government of Ontario, “[Ontario Releases Accelerated Plan to Complete Construction on Roads to the Ring of Fire Five Years Ahead of Schedule](#)” (News Release) (2 March 2026); Government of Ontario, “[Unlocking the Ring of Fire: Accelerated construction timelines for roads to the Ring of Fire](#)” (March 2026).

⁴ *Rio Tinto Alcan Inc v Carrier Sekani Tribal Council*, 2010 SCC 43 at para 35; *Tsilhqot’in Nation v British Columbia*, 2014 SCC 44 at para 78; *Ross River Dena Council v Government of Yukon*, 2012 YKCA 14 at paras 18, 45.

⁵ *Haida Nation v British Columbia (Minister of Forests)*, 2004 SCC 73 at para 42; *Metis Settlements General Council v Canada (Crown-Indigenous Relations)*, 2024 FC 487 at para 173; *Tsleil-Waututh Nation v Canada (Attorney General)*, 2018 FCA 153 at paras 558–563.

⁶ Nibinamik First Nation, “Webequie Supply Road Draft Environmental Assessment/Draft Impact Statement Technical Review,” (7 October 2025).

regional context of development.⁷ We received a response table from the WSR team; however, the table did not adequately address our numerous concerns. The majority of the Proponent’s responses indicated that our concerns “will be addressed outside of the EAR/IS review process”, will be “taken on by the ultimate owner/operator,” or will not be addressed at all. None of these issues were addressed in the final Proponent Report and, therefore, were not considered by IAAC and Ontario in their respective Government Reports.

The information/analysis we requested is crucial for understanding potential impacts the projects may have on our Aboriginal and treaty rights and must be incorporated into IAAC and Ontario’s review of the WSR assessments. Currently, the final Proponent Report and Government Reports are inadequate and cannot be relied on as an accurate assessment of the WSR’s impacts on our Aboriginal and treaty rights.

Cumulative Effects Assessment

One of the most significant gaps in the WSR assessments is its failure to assess cumulative effects adequately, particularly effects from induced activities that the roads are intended to enable (e.g. mining, transmission lines, forestry, tourism). The Proponent, IAAC, and Ontario have all concluded that the WSR team conducted a cumulative effects assessment consistent with the WSR Terms of Reference, Tailored Impact Assessment Guidelines (“TISG”), and IAAC’s guidance on cumulative effects.⁸ However, this is incorrect.

The TISG, and the IAAC technical guidance on cumulative effects⁹ it references, advise the Proponent to consider induced development within the cumulative effects assessment. IAAC’s technical guidance specifically states:

A future physical activity could be considered reasonably foreseeable and should generally be included in the cumulative effects assessment if one or more of the following criteria are met: ...

- A physical activity is required in order for the project to proceed (e.g., rail or port transportation facilities, or a transmission line).

⁷ Nibinamik First Nation, “Webequie Supply Road Draft Environmental Assessment/Draft Impact Statement Technical Review,” (7 October 2025) at section 3.

⁸ AtkinsRéalis, “Webequie Supply Road Final Environmental Assessment Report / Impact Statement: Section 21: Cumulative Effects Assessment” (30 January 2026); Ministry of the Environment, Conservation and Parks, “Ministry Review of the Webequie Supply Road Environmental Assessment” (April 2026) at p 24; IAAC, “Notice of required information and studies complete” (20 April 2026) online: <<https://iaac-aeic.gc.ca/050/evaluations/document/166137>>.

⁹ The Tailored Impact Assessment Guidelines states, on p. 138, that “Until the Agency releases Technical Guidance under the Impact Assessment Act, refer to [Technical Guidance of Assessing Cumulative Effects under the Canadian Environmental Assessment Act, 2012](#). No new technical guidance has since been issued, and a May 2023 Policy Framework update states that “The Policy Framework replaces the Agency’s March 2015 Operational Policy Statement titled Assessing Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012, to reflect the language and requirements of the IAA. However, the overall approach and steps for assessing cumulative effects have not been changed.” <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>.

- The economic feasibility of the project is contingent upon the future development.
- The completion of the project would facilitate or enable the future development.

The criteria in the last three preceding bullets often relate to what is described as ‘induced development.’ If the induced development is certain or reasonably foreseeable, it should be considered in the cumulative effects assessment.¹⁰

IAAC completed its own cumulative effects assessment in the IAAC Report. However, contrary to its own guidance, it also ignores the cumulative effects that induced development will have on the environment and Nibinamik’s Aboriginal and treaty rights.¹¹ Ontario has repeatedly stated that the Roads are intended to facilitate development.¹² The WSR and IAAC’s cumulative effects assessments must therefore consider projects the Roads would directly enable, including a Ring of Fire transmission line, new hydro developments, expanded forestry, increased mining exploration, and new mines. The current cumulative effects assessments are unacceptable and must be remedied before any decision on the WSR is made.

Impacts on water and peatlands

There is still a great deal of information missing from the Proponent Report regarding the WSR’s impacts on water, including wetlands and peatlands. It is therefore inappropriate for the draft IAAC Report to claim that the severity of impacts to rights related to Fishing and Water are “potentially low” and that impacts can be mitigated through future monitoring and offsetting. The Report states that:

The Indigenous communities expressed concern about potential project-related contamination of water, affecting food security, physical, mental, and spiritual health; however, these concerns would be mitigated by a proposed environmental monitoring program.¹³

First off, environmental monitoring is not a mitigation measure, as it will not prevent impacts from happening. Environmental degradation is not mitigated by simply measuring its progress. Monitoring is a follow-up measure to verify the accuracy of the assessment, and assess the effectiveness of mitigation measures. This is clearly set out in section 2 of the *Impact Assessment Act*. IAAC cannot conclude that impacts will be mitigated by a monitoring program.

¹⁰ IAAC, “[Technical Guidance of Assessing Cumulative Effects under the Canadian Environmental Assessment Act, 2012](#)” (updated March 2018) (emphasis added).

¹¹ IAAC, “Webequie Supply Road: Draft Impact Assessment Report” (April 2026), s 1.2.2.3.

¹² Ministry of the Environment, Conservation and Parks, “Ministry Review of the Webequie Supply Road Environmental Assessment” (April 2026), s 3.1.2; Government of Ontario, “[Ontario and Webequie First Nation Sign Historic Agreement to Unlock the Ring of Fire](#)” (News Release) (29 October 2025); Government of Ontario, “[Ontario Releases Accelerated Plan to Complete Construction on Roads to the Ring of Fire Five Years Ahead of Schedule](#)” (News Release) (2 March 2026); Government of Ontario, “[Unlocking the Ring of Fire: Accelerated construction timelines for roads to the Ring of Fire](#)” (March 2026).

¹³ IAAC, “Webequie Supply Road: Draft Impact Assessment Report” (April 2026), at 119-120 (emphasis added).

Second, multiple federal and provincial departments have cast doubt on IAAC’s conclusion there will only be “potentially low” impacts on rights related to water and fishing and that they can be effectively mitigated, specifically relating to impacts on peatlands. Environment and Climate Change Canada has raised serious concerns with the lack of detail on the proposed “floating road” construction method in peatland areas. In their response to Targeted Questions for Federal Analysis, they concluded:

Overall, the level of uncertainty related to construction methodology, culvert placement, characterization of residual effects, and the long-term viability of specific mitigation measures (floating road and equalization culverts), as provided within the Draft Impact Statement, remain high. Therefore, ECCC cannot confidently assess likely or worst-case scenarios for maintaining long-term peatlands function with respect to hydrology within the LSA or RSA.¹⁴

Similarly, in its comments on the final Proponent Report, the Ontario Ministry of Natural Resources (“MNR”) concluded that:

The Final EA includes several conclusions related to peatland impacts and greenhouse gas (GHG) emissions [that] are not fully supported by the information provided. ... Numerous studies ... demonstrate that the Hudson Bay Lowland is a major global carbon store. Even moderate disturbances (e.g. compaction, vegetation loss, hydrologic changes) can accelerate carbon gas (CO₂ and CH₄) release, increase oxidation, heighten wildfire severity, and eliminate future carbon sequestration. ... based on the Project descriptions/designs that indicate anticipated peat compression of 40%- 50% (Appendix D1), changes to water movement, vegetation loss, and localized ditching, it is reasonable to expect that peatland impacts will occur, even with “reduced impact” or floating road designs.¹⁵

MNR’s comments confirm that the Proponent has not addressed the gaps in the assessment to peatlands. Neither has IAAC in the IAAC Report. We echo the concerns of the Wildlife Conservation Society of Canada (WCS) that the “floating road” method is already the standard method for constructing roads in peatland environments, that the Proponent must demonstrate how they will avoid and mitigate impacts within this approach, and that the Proponent must provide up-to-date and comprehensive review of environmental impacts of “floating roads” on peatlands soils, hydrology and the peatland ecosystems.¹⁶

¹⁴ Environment and Climate Change Canada, “ECCC Response to Targeted Questions for Federal Analysis: Federal Impact Assessments of the Proposed Ring of Fire Road Projects” (23 June 2025) at 18 (emphasis added).

¹⁵ Ministry of the Environment, Conservation and Parks, “Ministry Review of the Webequie Supply Road Environmental Assessment” (April 2026) at Appendix B, pp 34–35 (emphasis added).

¹⁶ Wildlife Conservation Society, “Comments on the Webequie Supply Road Project Environmental Assessment Report/Impact Statement” (26 February 2026) online:

<<https://registrydocumentsprd.blob.core.windows.net/commentsblob/project-80183/comment-65844/WCSC%20WSR%20EAR%20IS%20Feb%2026%202026.pdf>>.

Impacts on Aboriginal and treaty rights

First, the Proponent released its “Assessment of Impacts on Indigenous Rights” (“**Proponent Rights Assessment**”), as an addendum on March 26, 2026, 6 days after comments on the final Proponent Report were due. This is the first time impacted First Nations have seen the Proponent Rights Assessment. Rather than postpone the release of the final Proponent Report until the rights assessment was complete and provide Nibinamik with a meaningful opportunity to review it,¹⁷ Ontario and IAAC are expecting First Nations to review and comment on the Proponent Rights Assessment during the expedited comment period on the Government Reports. This is unacceptable and procedurally unfair. IAAC and Ontario should have waited to consider and incorporate our feedback on the rights assessment into their draft Government Reports, not draft and release their reports before we’ve had an opportunity to review the rights assessment.

Second, the Proponent Rights Assessment does not meet the requirements set out in the TISG and does not adequately assess the impacts the WSR will have on Nibinamik’s Aboriginal and treaty rights. Section 6.2 of the TISG requires the Proponent to “where potential impacts on rights of Indigenous peoples are identified, provide a description of how each potential impact would be avoided, managed, mitigated, or accommodated (and provide this information for each Indigenous group separately).”¹⁸ However, rather than conducting a separate assessment on Nibinamik’s Aboriginal and treaty rights, the Proponent grouped Nibinamik in with other Local Study Area and Regional Study Area First Nations, and assessed their rights together. This led to a significant downgrading of the potential impacts to Nibinamik’s rights. IAAC’s rights assessment followed a similar flawed approach.

Third, both the Proponent and IAAC acknowledged that their rights assessments have data gaps and significant uncertainty. The Proponent explicitly stated that “[t]he confidence in the net effects assessment of the current and historical use of lands and resources for traditional purposes and cultural continuity Indigenous Values as it relates to other LSA and RSA communities [including Nibinamik] is **low** due to limited information provided by the communities.... Data gaps and limited information introduce uncertainty in the predicted outcomes and magnitude of effects for the other LSA and RSA communities.”¹⁹ Similarly, IAAC, in concluding that the WSR would have irreversible residual effects on the current use of lands and resources for traditional purposes by Indigenous Peoples, acknowledged that the “level of uncertainty would be moderate, as the cause-and-effect relationship between the project and traditional activities are not fully understood.”²⁰

Nibinamik is the closest First Nation to Webequie both by proximity and by kinship. Many of our community members live in Webequie and exercise their Aboriginal and treaty rights in the surrounding area, including the immediate WSR project footprint. As we have repeatedly

¹⁷ As required by section 27 of the *Impact Assessment Act*, and the duty to consult.

¹⁸ IAAC, “Webequie Supply Road Project: Tailored Impact Statement Guidelines” (24 February 2020), p 27 (emphasis added).

¹⁹ AtkinsRéalis, “Webequie Supply Road Final Environmental Assessment Report / Impact Statement: Addendum 1: Indigenous Peoples and Assessment of Impacts on Indigenous Rights” (26 March 2026) at 26/29.

²⁰ IAAC, “Webequie Supply Road: Draft Impact Assessment Report” (April 2026), s 4.3.1.2.

requested,²¹ we must be provided the resources and time to conduct a fulsome community-specific Aboriginal and treaty rights assessment, that includes traditional knowledge from our community members. It is impossible to assess the impacts on our Aboriginal and treaty rights through a desktop exercise without hearing from our grass-roots members. Due to Ontario and IAAC's expedited and unflexible process, and multiple community crises, we have not had an opportunity to discuss the Proponent or IAAC's rights assessments with our grass roots members.²² Currently, the Proponent and IAAC's rights assessments are inadequate and cannot be relied on as an accurate assessment of the WSR's impacts on our Aboriginal and treaty rights.

Impacts on Nibinamik's rights to self-determination and self-government and stewardship responsibilities

Another major deficiency is the Proponent's and IAAC's conclusions on the WSR's impacts on Nibinamik's rights to self-determination and self-governance and our stewardship responsibilities. The Proponent Rights Assessment concludes that Nibinamik and "other LSA and RSA communities will experience **Moderate** level of severity of Project-related impacts on Indigenous rights associated with self-determination and self-governance."²³ In contrast, "[b]ased on the scope of the project and the evidence on the record," in the IAAC Report, "IAAC concludes that the project is not likely to result in adverse impacts on potentially impacted Indigenous communities' existing governing structures."²⁴ IAAC must explain why they downgraded impacts to Nibinamik's governance and stewardship rights, despite "evidence on the record" that impacts will be more severe.

Additionally, to date Nibinamik has been excluded from discussions regarding ownership, management, access, and control of the WSR and other proposed Roads. These are vital questions that go to the core of exercising our self-governance rights. Ontario, IAAC, the proponents, and Nibinamik must determine these questions together, as they will influence the long term impacts the Roads will have on Nibinamik and our Aboriginal and treaty rights. Impacts to our Aboriginal and treaty rights cannot be assessed fully until these questions are answered.

Nibinamik submits that the WSR will have high severity impacts on our rights to self-determination and self-government and stewardship responsibilities. As we have told IAAC, Ontario, and the

²¹ Nibinamik First Nation, "Webequie Supply Road Draft Environmental Assessment/Draft Impact Statement Technical Review," (7 October 2025) at section 2.13.3; Nibinamik First Nation, "Nibinamik First Nation's Comments on Inadequacy of EA/IA Process for Webequie Supply Road and Marten Falls First Nation Community Access Road" (20 March 2026).

²² In February 2026 Nibinamik suffered a 5-day long power outage that resulted in the community declaring a state of emergency. The state of emergency has not been lifted, as the community continues to assess and address the damage from the outage and aging infrastructure. Since the Government Reports and the Proponent Rights Assessment were released, Nibinamik has suffered multiple community member deaths that have left the community in a repeated cycle of grieving that have made effective community engagement on these reports impossible in the timelines IAAC and Ontario have imposed.

²³ AtkinsRéalis, "Webequie Supply Road Final Environmental Assessment Report / Impact Statement: Addendum 1: Indigenous Peoples and Assessment of Impacts on Indigenous Rights" (26 March 2026) at 76 (emphasis in original).

²⁴ IAAC, "Webequie Supply Road: Draft Impact Assessment Report" (April 2026), s 4.4.5 (emphasis added).

Proponent on numerous occasions,²⁵ Nibinamik has inherent, Aboriginal, and treaty rights throughout our Homelands—which includes the WSR project area—, including the rights to self-determination and self-government. These rights require that Nibinamik be involved in decision-making and careful environmental stewardship and consideration of how development and other activities will affect the lands, waters, and exercise of our rights for future generations. They also entitle us to benefit from development activities in our Homelands. Allowing the WSR to proceed without our free, prior, and informed consent, and without co-developed accommodations for our community is a direct and unmitigated impact on our governance rights and stewardship responsibilities.

The only way to mitigate the severe impacts the WSR will have on our governance rights and stewardship responsibilities is to ensure the deficiencies in the Proponent Report and Government Reports we—and other First Nations, environmental organizations, and government departments—have identified are addressed, and Nibinamik is provided an opportunity to make an informed decision on whether to support the WSR project before it is approved. Our community must agree to the changes the WSR will bring on the basis of co-developed conditions and accommodation measures.

Notwithstanding the above, if the project is approved, IAAC and Ontario must impose a legally binding condition requiring that the Proponent co-develop, co-approve, and co-implement the Construction Environmental Management Plan and Operation Environmental Management Plan with Nibinamik. It is not sufficient for the Proponent to “invite [Nibinamik] to participate” in these integral plans, as proposed by Ontario in its draft conditions.²⁶ Nibinamik must be provided the resources and opportunity to co-develop, approve, and implement these plans to ensure they respect Nibinamik’s laws, customs, land-management protocols, and stewardship responsibilities. This must include resources for Nibinamik to co-lead long-term monitoring and adaptive management to ensure that mitigations are effective and achieve their intended objectives.

Incorporating Findings from the Regional Assessment in the Ring of Fire

As we—and other impacted First Nations—have stated numerous times, the Regional Assessment in the Ring of Fire (“**Regional Assessment**”) should be completed before the regulatory decisions on the WSR and Roads are made, and its findings and recommendations should be incorporated into the impact/environmental assessments for the Roads. The Regional Assessment will provide critical information on the potential impacts (negative and positive) that the Roads and the industrial development they will enable may have on the environment, on the health and well-being of our community, and on our Aboriginal and treaty rights. Incorporating its conclusions into the Roads assessments before regulatory decisions are made is the most efficient way to remedy many of the

²⁵ Nibinamik First Nation, “Webequie Supply Road Draft Environmental Assessment/Draft Impact Statement Technical Review,” (7 October 2025) at section 2.13.3; Nibinamik First Nation, “Nibinamik First Nation’s Comments on Inadequacy of EA/IA Process for Webequie Supply Road and Marten Falls First Nation Community Access Road” (20 March 2026).

²⁶ Ministry of the Environment, Conservation and Parks, “Ministry Review of the Webequie Supply Road Environmental Assessment” (April 2026) at 30.

information and analysis gaps that we've identified—and that the Proponent and IAAC have acknowledged.²⁷

At minimum, IAAC and Ontario must impose a binding condition requiring the Proponent, in partnership with Nibinamik and other impacted First Nations, to integrate the findings and recommendations from the Regional Assessment, once completed, into the design, construction, and operation phases of the WSR. In the Terms of Reference, Canada committed to undertaking the Regional Assessment “honourably and diligently” and recognized that both Canada and First Nations have “responsibilities to make careful and informed decisions” regarding development in the Ring of Fire.²⁸ It would be a breach of the honour of the Crown and Canada’s commitments to Nibinamik and its First Nation Partners in the Regional Assessment to not require its findings and recommendations to be incorporated into later phases of the WSR. This is also consistent with the TISG and WSR Terms of Reference, which the Proponent acknowledged requires “relevant information from the regional assessment, if available, [to] be used to inform the Project effects assessment.”²⁹ Further, the Proponent has already signaled this could be implemented through the Community Readiness Plan,³⁰ however, it must also be incorporated into the Proponent’s Environmental Management Plan Framework and apply to environmental impacts and mitigation measures.

All mitigation measures must be implemented through legally binding conditions and enhanced reporting and compliance measures

Nibinamik has serious concerns with the lack of legally binding conditions Ontario and IAAC have proposed for the WSR. IAAC relies on many voluntary commitments in the Proponent Report to mitigate impacts and conclude that there will be minimal residual adverse effects on different valued components. However, unless translated into conditions in the federal Minister’s Decision Statement or Ontario’s Notice of Approval, the proponent’s commitments will not be legally binding or enforceable.

Section 64(4)(a) of the *Impact Assessment Act* requires the federal Minister to include any mitigation measures they consider in their decision as binding conditions in their Decision Statement, unless the Minister is satisfied their implementation “will be ensured by another person or by a jurisdiction.” Should the federal Minister approve the WSR, they have a statutory duty to include all of the proponent’s voluntary commitments in Appendix V and Appendix E as binding project conditions.³¹ Ontario must also include a condition in its Notice of Approval that the Proponent shall fulfill all commitments made in the Proponent Report, including all appendices,

²⁷ See e.g. AtkinsRéalis, “Webequie Supply Road Final Environmental Assessment Report / Impact Statement: Addendum 1: Indigenous Peoples and Assessment of Impacts on Indigenous Rights” (26 March 2026) at 26/29; IAAC, “Webequie Supply Road: Draft Impact Assessment Report” (April 2026), s 4.3.1.2.

²⁸ IAAC, “[Terms of Reference for the Regional Assessment in the Ring of Fire Area](#)” (20 January 2025) at 4.

²⁹ AtkinsRéalis, “Webequie Supply Road Final Environmental Assessment Report / Impact Statement: Appendix P2.M: Comment Response Tables for Draft EAR/IS” (30 January 2026) at PDF 271.

³⁰ AtkinsRéalis, “Webequie Supply Road Final Environmental Assessment Report / Impact Statement: Appendix N: Community Readiness Plan” (30 January 2026), s 7.7.1.

³¹ *Impact Assessment Act*, SC 2019, c 28, s 1, s 64.

comment response tables, and addenda, as it has for other projects with serious potential impacts on the environment and Indigenous peoples.³²

Note that while Nibinamik recommends the Proponent's commitments be incorporated as legally binding conditions, Nibinamik does not agree that they are sufficient to mitigate impacts on the environment and to our rights. Most of the mitigation and monitoring commitments the Proponent has made are qualified with discretionary language, such as "where practicable", "where feasible", "as appropriate", "the ultimate owner will consider the request", etc. Nibinamik expects that mitigation measures and accommodations will evolve through Nibinamik's ongoing involvement in the design, construction, and operation phases of the project, as acknowledged by the Proponent.³³

Given the significant uncertainty regarding the effectiveness of proposed mitigation measures and the uncertainty regarding the eventual owner, operator, and builder of the WSR, Nibinamik requests a condition requiring enhanced reporting and compliance measures for the lifetime of the project. The Proponent must submit its annual compliance reporting to the Crown and potentially impacted First Nations. The Crown, in consultation with potentially impacted First Nations, must review and decide on whether the compliance reporting is complete and achieving its intended goals. The Crown must provide written reasons for its decision to the potentially impacted First Nations and the public.

Nibinamik must benefit from the WSR and any development it enables in our Homelands

Currently there is a profound imbalance between the supports Webequie will receive to benefit from the WSR and the negative impacts our community will face. Ontario has committed to provide Webequie 39 million dollars to "address urgent community priorities", "build infrastructure in the community and start community readiness projects", and "explore additional all-season road links."³⁴ Further, the Proponent Report recommends enhancement measures to invest \$60 million in new and upgraded community assets for Webequie "to best participate in the Project and capture its benefits."³⁵

Nibinamik will face many of the same impacts from the WSR as Webequie but has been entirely cut out from the investment necessary to ensure our community can benefit from the WSR and the opportunities it will bring. The WSR will fundamentally change our way of life and connection to our Homelands. We need investment in our community so we can develop a foundation to rely on our Homelands in new ways and continue to sustain our community and members culturally,

³² See eg. Government of Ontario, "Schedule – Order in Council 1279/2024" (9 September 2024), art 2.1 and 2.6; Government of Ontario, "Schedule – Order in Council 1279/2024" (9 September 2024), conditions 2.1 and 2.6: online <<https://www.ontario.ca/page/schedule-order-council-12792024>>; Government of Ontario, "Approval of the Detour Lake Power Project Environmental Assessment" (6 December 2010), conditions 2.1, 7.2: online: <<https://www.ontario.ca/page/approval-detour-lake-power-project-environmental-assessment>>.

³³ AtkinsRéalis, "Webequie Supply Road Final Environmental Assessment Report / Impact Statement: Addendum 1: Indigenous Peoples and Assessment of Impacts on Indigenous Rights" (26 March 2026) at 2.

³⁴ Government of Ontario, "[Ontario and Webequie First Nation Sign Historic Agreement to Unlock the Ring of Fire](#)" (News Release) (29 October 2025); Government of Ontario, "[Ontario Releases Accelerated Plan to Complete Construction on Roads to the Ring of Fire Five Years Ahead of Schedule](#)" (News Release) (2 March 2026).

³⁵ AtkinsRéalis, "Webequie Supply Road Final Environmental Assessment Report / Impact Statement: Section 15: Assessment of Effects on Economic Environment" (30 January 2026) at 15-150-15-151.

spiritually, and economically for generations to come. Development in our Homelands, including the WSR, must start with meeting our community's critical needs, not just Webequie's.

The Proponent and IAAC's proposed solution is for the Proponent to develop and implement a Community Readiness Plan.³⁶ In the IAAC Report, "IAAC recognizes that a strong Community Readiness Plan ... [is] critical to supporting cultural continuity and the right to a continued way of life."³⁷ We agree, however, the generic Community Readiness Plan that the Proponent and IAAC propose is weak and will not respect Nibinamik's rights, as it was unilaterally developed by the Proponent and is largely tailored to Webequie's individual needs. An opportunity to participate in overseeing and implementing the generic CRP through the "Community Readiness Working Group," as suggested by Webequie, is similarly insufficient.³⁸

Nibinamik requests that a binding condition require the Proponent to co-develop, co-approve, and co-implement with Nibinamik a Nibinamik-specific Community Readiness Framework. This Framework must be fully funded by Ontario and/or Canada, tailored to Nibinamik's individual context and needs, and include commitments for investment in Nibinamik community assets—commensurate with those provided to Webequie—and a process to discuss benefit sharing and community readiness with Ontario and Canada.

Conclusion and Necessary Accommodations

Overall, we support Webequie's desire to build an all-season road to connect their community to the provincial highway system. However, we cannot support the WSR, as described, until our concerns with the Proponent Report and Government Reports are addressed. We must ensure that the potential effects from these projects and future industrial development that they will enable are adequately studied and our way of life is adequately protected. We must also ensure that our community has the resources and capacity it needs to benefit equally from this proposed development that will change our way of life forever. As Ontario and Canada cut roads through the heart of our Homelands, we will not be left by the wayside.

We request a commitment that Ontario and Canada will:

- Not approve the WSR until Nibinamik's concerns and the information and assessment gaps we've identified are adequately addressed;
- Impose a condition requiring the Proponent, in partnership with Nibinamik and other impacted First Nations, to integrate the findings and recommendations from the Regional Assessment into the design, construction, and operation phases of the WSR;
- Impose a condition requiring the Proponent to co-develop, co-approve, and co-implement the Construction Environmental Management Plan and Operation Environmental Management Plan with Nibinamik, and providing that Nibinamik can co-lead long-term

³⁶ IAAC, "Webequie Supply Road: Potential conditions established under section 64 of the *Impact Assessment Act*" (April 2026), s 5.1.

³⁷ IAAC, "Webequie Supply Road: Draft Impact Assessment Report" (April 2026), s 4.4.4.3.

³⁸ AtkinsRéalis, "Webequie Supply Road Final Environmental Assessment Report / Impact Statement: Appendix P2.M: Comment Response Tables for Draft EAR/IS" (30 January 2026) at PDF 257.

monitoring and adaptive management to ensure that mitigations are effective and achieve their intended objectives, with funding provided by Ontario and/or Canada;

- Impose a condition requiring the Proponent to work with Nibinamik to co-develop, co-approve, and co-implement a Nibinamik-specific Community Readiness Framework, with funding provided by Ontario and/or Canada, as described above;
- Impose a condition ensuring that Nibinamik is included in all discussions and agreements regarding ownership, management, access, control, and revenue sharing relating to the WSR; and
- Impose a condition requiring enhanced reporting and compliance measures, as described above.

We look forward to your response without delay.

Sincerely,

<Original signed by>

Chief Stanley Oskineegish

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