



ATTAWAPISKAT FIRST NATION

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May 21, 2026

SENT BY EMAIL

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

Re: Attawapiskat First Nation's comments on the Webequie Supply Road Ministry Review and draft Impact Assessment Report

We are writing in response to a May 22, 2026 deadline to provide comments on the Webequie Supply Road (WSR) Ministry Review (Ontario) and draft Impact Assessment Report (Canada).

The regulatory review process for the WSR, at both federal and provincial levels, has been nothing short of a rubber-stamping exercise. At every stage we have raised concerns over the impact of this proposed frontier-opening project to our inherent and Treaty rights, and our entire Way of Life as Kattawapiskak people.

Instead of engaging with us in a meaningful way your regulatory teams tried to placate us with by saying that you take the Duty to Consult and Accommodate seriously, that you have provided funding, that you are happy to accept our comments, that everything is being done according to legislative requirements, and that there will be additional opportunities to comment at future stages of the regulatory timeline. Meanwhile, the proponent proceeded ever further along the pathway to project approval. Then, in February 2026, we were suddenly presented with a greatly expedited timeline for approvals of both the WSR and the Marten Falls First Nation Community Access Road (MFFN CAR). We were informed by email that the remaining steps in the approval process would be done by summer and that construction on the road segments would begin in June.

Neither Ontario nor Canada has engaged with the substance of our concerns on the WSR or the MFFN CAR, that we expressed over the course of nine letters sent between June 2025 and April 2026. We have been denied the information and time we need to exercise our right to free, prior, and informed consent. In so doing, Canada and Ontario have done serious harm to the Treaty relationship. The Treaty is a living agreement that remains the foundation for how we are to live together.

The Duty to Consult and Accommodate requires that you work with us in a collaborative fashion to assess the impact of this frontier-opening project on our Treaty rights. Canada also has commitments under the UNDRIP Action Plan, which include: “carrying out impact assessments in a manner that emphasizes the need to seek free, prior, and informed consent,” “maximizing Indigenous collaboration and partnership,” “respect for Indigenous rights, culture and jurisdiction,” “mandatory consideration of Indigenous Knowledge in impact assessment,” and “consideration of any cumulative effects that are likely to result from a designated project in combination with other physical activities that have been or will be carried out.”¹

This has not occurred. Instead, Ontario and Canada have publicly stated that they plan to approve this road, with or without our approval. Our Indigenous knowledge about the importance of Nipiy (Water), Atik (caribou), the peatlands, among other things, has not been considered. Our Indigenous knowledge about the type of cumulative effects assessment that we need to assess impacts to rights has also been ignored.

We have been given insufficient time to review the two Crown reports provided in April 2026, and the 718 pages worth of addenda the proponent provided between March 26 and April 8, 2026. There have also been numerous response tables provided by the proponent and Canada that have added to the consultation burden. The thirty-day review period, which is the same as for the general public, does not respect the Duty to Consult and Accommodate, nor our Treaty relationship. You are treating us as you would a stakeholder, not as a rights-holding Nation and a Treaty partner. Our offices were closed for two weeks at the end of April to early May, for our annual goose break, and we are currently in spring flood watch and emergency planning mode. There has been no time to consult with our members on the Crowns’ conclusions regarding the impact of this project to rights.

The comments in this letter must therefore be considered preliminary.

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. We remain firmly opposed both to the expedited timeline, and to the approval of the WSR project.

The below is a summary of our concerns.

1. **Canada in its draft Impact Assessment Report for the WSR concludes that the project “is not likely to result in adverse impacts on potentially impacted Indigenous communities’ existing governing structures” (p. 113). This conclusion, and the reasoning IAAC provides for it, is unacceptable and must be changed.**

¹ <https://www.justice.gc.ca/eng/declaration/ap-pa/ah/pdf/unda-action-plan-digital-eng.pdf>

In its draft Impact Assessment Report IAAC provides a number of reasons for its finding of no adverse impacts to Governance and Stewardship, including the claim that

Through the Regional Assessment, Indigenous communities would have access to information on current and future conditions within their traditional territory, which would be available to support and inform future decision-making in the Ring of Fire area. (p. 113).²

IAAC makes the same statement about the Regional Assessment in the section on Impacts on the Right to a Continued Way of Life (p. 111).

It is entirely inappropriate to suggest that Regional Assessment will mitigate impacts to rights stemming from a decision to approve the WSR, when the keystone decision to approve this growth-inducing piece of infrastructure (the Road to the Ring of Fire) is being made now, not later when results of the Regional Assessment may become available. Furthermore, most of the decisions that are to come, such as the opening of mines, the expansion of forestry operations, and the construction of hydroelectric facilities, are unlikely to require environmental/impact assessments, are decisions that will be made by Ontario, and are therefore unlikely to be informed by the Regional Assessment.

The issues regarding impacts to Governance and Stewardship rights and a continued Way of Life are therefore not lessened by the mere fact that there is an ongoing Regional Assessment. Rights of Governance and Stewardship and a continued Way of Life include the right to make decisions over the future of our territory. While our people agreed to share the land with the newcomers, we did not give up our decision-making authority over the land. Treaty 9 resulted in co-, dual or shared Jurisdiction whereby the Crown could not oust or automatically interfere with our Way of Life (which includes our Jurisdiction), especially when such interference threatens our Way of Life. The rights of decision-making governance authority over land are referred to as rights of Jurisdiction which is specifically pleaded in the case with court file number CV-23-00701700-0000.

Our right of Jurisdiction encompasses so much more than what is included in the “existing governance structures” to which the draft Impact Assessment Report refers on p. 113:

IAAC notes that the federal decisions on the assessment under the IAA [Impact Assessment Act] is limited to the project and does not alter Indigenous governance systems. Future developments would be subject to separate legislative frameworks, assessment processes, and consultation requirements, including opportunities for Indigenous participation.

This is completely missing the point that we, and other First Nations, communicated to you (as summarized on p. 112-113 of the draft Impact Assessment Report), regarding Jurisdiction, and Governance and Stewardship Rights.

The proponent acknowledged in Addendum 1 (Indigenous Rights) that there will be a “moderate” level of severity of Project-related impacts on Indigenous rights associated with self-determination and self-governance:

It is anticipated the other LSA [Local Study Area] and RSA [Regional Study Area] communities will experience Moderate level of severity of Project-related impacts on Indigenous rights associated

² In this submission, the page numbers of documents by proponent and Crown governments correspond to the page number of the PDF.

with self-determination and self-governance. This assessment reflects the central importance of self-determination and self-governance of Indigenous communities, and is based on the information provided to the Project Team to-date, with consideration of proposed mitigation and enhancement measures, and it reflects current predictions made with information available. (Addendum 1, p. 77)

Attawapiskat First Nation requests an explanation from IAAC as to why this finding of impacts to self-determination and self-governance was downgraded by the Agency to “not likely to result in adverse impacts” (draft Impact Assessment Report, p. 113).

- 2. Our rights to protect Nipiy (Water) and to maintain the integrity of all of the interconnected bogs, fens, islands, creeks, lakes, and the quality and quantity of water that flows through and under all of these features, is at the core of who we are as Kattawapiskak people. Canada considers the impact of the project to the exercise of rights related to fishing and water as “potentially low.” This is unacceptable and must be corrected.**

We are all of water. Nipiy (Water) is the essence of life, and we have the sacred duty to protect it. The proposed industrial access road and the planned mines would be built in the ecologically and spiritually sensitive headwaters of our rivers. What is at stake, in the decision on whether or not to approve this road, is our very existence as Kattawapiskak people.

There is still a great deal of information missing from the proponent’s Impact Statement regarding the impacts of the road to water. It is therefore inappropriate for IAAC’s draft Impact Assessment 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. 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. (draft Impact Assessment Report, p. 119-120)

Environmental monitoring will not prevent impacts from happening. In order for an environmental monitoring program to be meaningful we must first have confidence that significant impacts will not take place, and that impacts are expected to be minor and manageable through monitoring and adaptive management. There is not enough information in the proponent’s impact statement to come to this conclusion.

In fact, ECCC has raised serious concerns about the lack of detail on the proposed “floating road” construction method. In their response to Targeted Questions for Federal Analysis, ECCC commented that “based on the information provided in the Draft Impact Statement, much of the information required to adequately characterize baseline conditions and potential effects from the Project has yet to be collected or produced,” and that “Without further information on the existing characteristics of each wetland affected and culvert design details, there remains uncertainty whether the residual effects will, in fact, be negligible, particularly with respect to the aforementioned indirect effects to hydrology.”

In terms of regional impacts, ECCC commented that:

Characterization and monitoring of the local existing hydrological connectivity within the wetland is required to adequately assess the geographical extent of the project's net effects to peatland hydrology. Therefore, until the monitoring program is in place and initial assumptions on the success of mitigation measures and estimated peat compression under the road can be confirmed, there remains uncertainty on the possibility of effects extending outside the local geographic context. [underlining added]

ECCC concluded that:

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. [underlining added]

On April 10, 2026, we wrote to IAAC noting that the proponent's addenda do not address ECCC's concerns regarding peatland hydrology, nor the recent ECCC comments regarding caribou. We received an email on May 6, 2026 from IAAC saying that the Agency does not require the proponent to respond. On May 15, 2026, IAAC confirmed by email that they will not be asking the proponent to respond to comments from the federal authorities. This is unacceptable and Attawapiskat First Nation is still waiting to receive a response from the proponent on these serious issues raised by ECCC.

In our letter of March 17, 2026 we raised concerns about the impact of the "floating road" structure on peatlands and water flows, citing 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 an up-to-date and comprehensive review of environmental impacts of "floating roads" on peatlands soils, hydrology and the peatland ecosystems.

As we already communicated to you in our letter of March 17, 2026, the proponent's cumulative effects assessment considers the planned Eagle's Nest mine and the named chromite deposits only in terms of physical footprint, and not in terms of the impacts to water stemming from mining activities. The draft Impact Assessment Report reproduces this gap (p. 103-104).

While the proponent states that for surface water, effect pathways "may include alteration, or loss of water features; and changes to water quality from excavation, blasting; emissions, discharges and waste," the impact is still only considered in terms of the physical footprint of the mine and the percentage of the Regional Study Area that this represents (final Impact Statement, Section 21, p. 32). The proponent has done the same superficial analysis in the sections on cumulative impacts to groundwater, and fish and fish habitat (final Impact Statement, Section 21, p. 42 and 52). This gap must be remedied, and IAAC's conclusions about impacts to rights related to Water adjusted accordingly. We remain extremely concerned about the potential cumulative impact of the road, together with the planned mines, on Water.

There are a number of important water-related mining activities that will take place at Eagle's Nest and the chromite mines that are not reflected in the proponent's cumulative effects assessment. The

decades-long dewatering at Eagle’s Nest and the neighbouring chromite mines will shift the quantity and seasonal patterns of streamflow to the tributaries of the Muketei and Attawapiskat Rivers. These changes will impact the health of aquatic species, river navigability, flooding, and by extension, traditional land use. In the long term, the cumulative impact of mine dewatering and climate change will have very significant impacts to the exercise of our inherent and Treaty rights.

Compromised ecohydrological function of these [destabilized peatland] systems has implications beyond regional water availability, also affecting wildfire frequency and severity (Davies et al., 2023), integrity of caribou habitat (Bradshaw et al., 1995), the stability of subsistence fisheries (Hori et al., 2012), and the efficacy of the carbon sequestration function of bogs and fens (Strack & Waddington, 2007).³

The road under consideration here is designed to enable the development of mines, which, in combination with climate change, will bring about conditions that are potentially catastrophic to our Way of Life. We are also very concerned that the chemical balance needed for healthy fen ecosystems will be disrupted by the mining directly facilitated by the construction of this road. Based on research at the Victor Mine, it will take decades to centuries for peatland geochemistry to return to pre-dewatering conditions.⁴ All of this needs to be considered in the cumulative effects analysis.

As we shared in our letter of April 10, 2026 regarding the MFFN CAR, the ore, host rock, and tailings at Eagle’s Nest are classified as “potentially acid generating” (PAG) and are potentially metal leaching.⁵ Furthermore, the rocks being mined and stored underground could release acid and metals into surrounding waterways through groundwater leaching or surface discharge. This indicates a high potential for harm to fish and aquatic environments. We also have concerns about changes to water quantity. To facilitate the underground mine, dewatering operations will draw down groundwater during construction and operations.⁶ Groundwater will also be used for mine site supply water, and there is a potential for surface water withdrawal from the Muketei River if there is not a suitable groundwater supply.⁷ This could cause flow impacts to local streams and wetlands around the mine as well as to the Muketei River.

We have received no substantive response from the Crown on these issues, nor any of the issues raised in our letters on the WSR of March 17, 2026, October 6, 2025, and January 14, 2026.

Instead of responding to us about our concerns, Canada sent a letter, dated March 20, 2026, that says that IAAC will continue consulting, that the Agency “remains available for ongoing dialogue” and that the Agency is “happy to accept comments” from us. Consultation is a two-way street. It is completely unacceptable that our concerns have not been responded to, that we have not received the information

³ Sutton, O.F., Balliston, N.E., and J.S. Price. 2024. Mining and climate change alters water storage and streamflow dynamics of northern peatland-dominated catchments. *Water Resources Research* 60, e2024WR037310, P. 16.

⁴ Balliston, N., Sutton, O., and J. Price. 2024. Solute depletion and reduced hydrological connectivity in subarctic patterned peatlands disturbed by mine dewatering. *Science of The Total Environment* 913, 169442.

⁵ Knight-Piesold Consulting and Noront Resources Ltd. 2013. Eagle’s Nest Project: A Federal/Provincial Environmental Impact Statement/Environmental Assessment Report – Draft Copy. Volume 1 – Executive Summary. 54 pp. P. 29. Available at: <https://wyloo.com/wp-content/uploads/2024/02/1-EA-EIS-Volume-1-Executive-Summary-compressed.pdf>

⁶ Knight-Piesold Consulting and Noront Resources Ltd. 2013. P. 39.

⁷ Knight-Piesold Consulting and Noront Resources Ltd. 2013. P. 11.

we require to undertake an analysis of impacts to rights, and that in the absence of this information, IAAC has rated the significance of the majority of impacts to rights as “potentially low” (draft Impact Assessment Report, Table 12, p. 117-121).

- 3. The first time we have seen the proponent’s claims about impacts to rights was through the addendum on the topic that they submitted on March 26, 2026. We have had no opportunity to engage with either the proponent or the Crown on the claims made in that submission. The proponent does not explain their “low to moderate” rating of impacts to rights, when they found that for caribou, there will be “an adverse cumulative effect of moderate to high magnitude, lasting from the medium to long-term” (Addendum 1, p. 5).**

The proponent states that “Net cumulative effects on changes to Woodland Caribou are predicted to be adverse, moderate to high in magnitude, occurring within the RSA [Regional Study Area], and medium to long-term in duration” (final Impact Statement, Section 21, p. 158),

Despite the findings of moderate to high impacts to caribou, the proponent assesses net cumulative effects to rights as “low to moderate”:

based on the Project Team’s current understanding of the other [other than Webequie First Nation] LSA [Local Study Area] and RSA [Regional Study Area] communities’ concerns, information that have been provided by the communities, and current understanding of the Project and RFDs effects, it is anticipated that the net cumulative effects on these [Aboriginal and Treaty] rights have a low to moderate level of effect for the LSA and the RSA communities.” (Addendum 1, p. 104).

To arrive at this ‘net cumulative effects to rights’ rating, the proponent relies on measures that they say will mitigate impacts to harvesting rights (Addendum 1, p. 104, and Addendum 1, Section 6.5, p. 77-81).

Many of these mitigation measures are aimed at biophysical components impacted by the project, and are standard, “best practices” that would apply to any construction site affecting lands and waters in Canada. These measures include things like “Construction fencing will be used to demarcate the boundaries of the work zone to prevent habitat destruction beyond the limits of the work area,” “Vegetation removal will be avoided during species-specific, or group-specific timing windows when practicable,” “Areas of the construction footprint that require ground hardening and site grading will be minimized,” and “The piling of logs, branches and other biomass will be avoided or minimized if they will impede the movement of SAR [Species at Risk]” (final Impact Statement, Section 13, Table 13-43, referenced in Section 6.5 of Addendum 1). There are also many references in the mitigation measures to provincial regulations and future permitting requirements.

It would be unthinkable for any modern infrastructure project to not implement such measures. They are part of baseline construction practices in 2026. No additional benefit will be derived from implementing them.

Not only will these measures not mitigate impacts to fish, wildlife, water, species at risk, and peatlands, they are also inappropriate as measures to address impacts to rights. The proponent suggests that in addition to basic mitigation measures associated with construction and operation of the road, a CRP, or “Community Readiness Plan” would be developed as a mitigation for cumulative effects to rights (Addendum 1, p. 153). This CRP is provided in Appendix N of the final Impact Statement, but the

document gives only very general information about the types of monitoring and management plans that would be developed in the future.

It is highly concerning that Canada has adopted the proponent's idea of a CRP into its Draft Potential Conditions, in Section 5.1, and is relying on it to "mitigate adverse effects on the social conditions of Indigenous peoples." The CRP was developed without any consultation with Attawapiskat First Nation and the measures it contains are at this point still entirely speculative. This plan does not address impacts to our inherent and Treaty rights. And as explained in point #2 above, monitoring will not prevent impacts from happening.

The disconnect between impacts to caribou and impacts to rights is reproduced in IAAC's draft Impact Assessment Report. Canada has limited its analysis of impacts to caribou to those on "federal lands" (p. 42-27) which is a major impediment to its understanding of the impacts of the project to caribou habitat and whether caribou will be able to maintain populations that would support the exercise of Indigenous rights over the long term. The draft Impact Assessment Report considers that cumulative impacts to the use of lands and resources for traditional purposes is "likely to be significant to a low extent," except for the cumulative effect on "hunting of caribou and other ungulates, for which the effect would be significant to a moderate extent" (p. 60, and p. 70).

There is therefore an unexplained disconnect between IAAC's finding of "low" impacts to caribou (p. 47), and a "moderate" finding of cumulative impacts to harvesting caribou (p. 60 and 70), which also does not accord with the proponent's own finding of "moderate to high" impacts to caribou (final Impact Statement, Section 21, p. 158 and Addendum 1, p. 5), and a downgrading by the proponent of those impacts to "low to moderate" when it comes to cumulative impacts to Attawapiskat First Nation's rights (Addendum 1, p. 104). There is no apparent logic to these determinations.

The proponent has admitted a "low level of confidence" in the assessment of impacts to rights for communities other than Webequie, citing the "limited information provided by communities" (Addendum 1, p. 156). As we have already pointed out in our letter of February 26, 2026, these information gaps are a direct consequence of the lack of response from the proponent, Canada, and Ontario to our questions on the biophysical impacts of the project.

4. We are alarmed by the serious information gaps identified by the MNR, with respect to moose, caribou, eskers, peatlands, and biodiversity. Attawapiskat First Nation needs this information in order to understand impacts to rights. The Crown needs this information too, and without it, cannot adequately assess the impact of the project to Indigenous rights. It is unacceptable that Ontario and Canada are moving ahead with the approval process without having this information in place.

The MNR response table that was shared with us (dated March 16) shows that a great number of MNR's comments, across many categories, were not addressed by the proponent in the final Impact Statement. In some cases, the proponent promised to address MNR's concerns within addenda. MNR indicated that they will need to review the addenda in order to determine whether their concerns have been sufficiently addressed. The MNR's comments on caribou largely fall into this category.

There is also a long list of MNR's concerns that the proponent simply failed to address (with no stated intention to address them in future addenda). This includes MNR's concerns about moose. In their

comments, the MNR point out that information is still missing, and that some statements made by the proponent are misleading and/or unsubstantiated.

It is highly concerning that these gaps on impacts to moose remain (with seemingly no plan on the part of the proponent to fill those gaps), and that the MNR has not yet had the opportunity to complete their review of impacts to caribou, given that the addenda were only recently received.

Furthermore, regarding peatlands, MNR points out that "several conclusions related to peatland impacts and greenhouse gas (GHG) emissions are not fully supported by the information provided." In particular, MNR states that the proponent's statements regarding peatlands "do not align with scientific literature or with the expected peat compression, altered hydrology, and ditching."

The proponent also appears to have declined to answer the MNR's questions and concerns on impacts to eskers, saying they are "out of scope." The MNR responded, writing that "MNR maintains their request to action these comments and have eskers (and other raised scattered glaciofluvial features) be directly assessed and addressed for their habitat value to wildlife and the impact this project might have on these features within the project footprint, LSA and RSA. MNR considers this mandatory, and provided rationale in the 'GRT follow up' (Draft EA comment #159), including reference to the approved ToR. [underlining added]"

The same issue can be seen in the response table on the topic of species richness and diversity. The proponent considered MNR's concern "out of scope." The MNR responded, writing that "MNR maintains its request for a more robust discussion of the species richness and diversity results, including an explanation of what these findings mean, their significance, and how they inform potential mitigation measures and future project actions (also see Final EA comment #41 (b and c)). If not actioned through an EA addendum, MNR requests a response to clarify the issues identified."

There are a number of other topics for which the MNR indicates that the proponent's response is inadequate.

When we raised this issue with Canada (IAAC) and Ontario (the environmental assessment team at MECP), on April 15 (and again on April 28, with IAAC), we were told that the regulators had decided all the information requirements of the environmental assessment/impact assessment had been met.⁸ IAAC told us that

IAAC acknowledges that potential effects of the project on caribou, moose, peatlands, and biodiversity raised in your email could be potential pathways to impacts on Indigenous Peoples, including Attawapiskat First Nation. IAAC is leveraging provincial legislative frameworks meant to protect groundwater, hydrology, water quality, wildlife and vegetation communities to address those project-related effects and minimize the associated impacts on Indigenous Peoples.⁹

⁸ Email from Sasha McLeod to Dorothee Schreiber, 5 May 2026, and email from Caitlin Cafaro to Dorothee Schreiber, 6 May 2026.

⁹ Email from Caitlin Cafaro to Dorothee Schreiber, 6 May 2026.

Neither Canada or Ontario seem to care that the Crowns' conclusions are based on information, that to date, MNR has identified as incomplete, unsubstantiated, and/or not aligning with current scientific understandings.

We reiterate that without access to correct and complete information, Attawapiskat First Nation cannot understand the impact of the proposed project to rights, nor exercise its right to free, prior, and informed consent.

It is also highly inappropriate for IAAC to point to "provincial legislative frameworks" to address impacts to rights, given the pace of environmental deregulation in Ontario – deregulation that shows no sign of slowing down, and that is relentlessly stripping away protections for species at risk, water, and fish and wildlife habitats.

5. The cumulative impact of the project to Wolverine, and its resulting impacts to the exercise of rights are high, and have been glossed over in both Ontario's Ministry Review and Canada's draft Impact Assessment Report.

Ontario concluded that significant cumulative effects are predicted for wolverine (Ministry Review, p. 14). Canada has indicated that cumulative effects of the project to wolverine habitat are "likely to be significant to a low extent due to habitat loss and degradation on Webequie First Nation Reserve interacting with habitat changes from other projects" (draft Impact Assessment Report, p. 42).

Based on the Ontario Ministry Review, it is unclear just how significant Ontario considers the cumulative impact to wolverine to be.

Canada's rating of "low" significance is not explained, except by reference to the limited consideration of effects on federal lands, in the immediate vicinity of the road, that Canada is willing to consider (draft Impact Assessment Report, p. 46-47). In that same section, there is also mention of "federal and provincial legislative frameworks [that] would apply to manage the effects of the projects on species at risk" (p. 46), and promises by the proponent to "follow best practices where possible including implementing speed limits" (p. 45).

In section 4.3.1 of the draft Impact Assessment Report, IAAC states that "the proponent's modelling shows that, despite local losses, suitable habitat for these species remains abundant across the other wildlife RSA [Regional Study Area]" and that standard work practices and monitoring programs would be implemented as mitigation measures (p. 66).

We have already explained in points #2, 3 and 4 above why legislative frameworks, monitoring programs, and standard work practices will not mitigate impacts to biophysical components, nor our rights.

For its part, the proponent has rated net cumulative effects of the project to wolverine as Moderate to High magnitude, and as extending throughout the Regional Study Area. (WSR final Impact Statement, Section 21, Table 21-55, p. 170). The proponent has rated the impacts due to sensory disturbance, loss of habitat connectivity, and increased access as "Reversible."

The proponent then appears to have changed their mind about the reversibility of impacts in Addendum 6 (Table 3-7, p. 36), rating the Irreversibility of all impacts to wolverine as "Very High," "High," and "Medium," except for the impact from sensory disturbance which the proponent kept at "Low."

It is worth noting that the MECP Species at Risk Branch, in its December 1, 2025 comment table, submitted dozens of questions expressing concern about the proponent's conclusions about wolverine, including that the "Project Team's conclusion above [regarding sensory disturbance] does not align with the threat assessment for potential effects on habitat alteration and degradation for Wolverine" (comment #89). The proponent promised to address this issue in an Addendum, but thus far we have not seen any follow-up comments from the MECP Species at Risk branch to indicate that the issues the proponent promised to address in the addendum have indeed been addressed.

There has been no explanation from the proponent – in either the final Impact Statement, or Addendum 6 – as to why impacts to Wolverine during the operations phase of the project could be considered in any way "Reversible."

Wolverine is a species at risk, listed on Schedule 1 of Canada's Species at Risk Act. Ontario assessed Wolverine as threatened when the Endangered Species Act took effect in 2008, and reassessed Wolverine as threatened in 2014. We are very concerned for the impact of this project on Wolverine, our relative. Wolverine needs large areas of undisturbed, roadless, habitat to survive. Climate change is an additional threat to Wolverine that will magnify the human impacts. The cumulative impacts that will come with the opening of our region to development, via the industrial access road to the Ring of Fire, will put Wolverine at great risk, and we expect to see the extirpation of Wolverine from parts of our territory as a result. The "federal and provincial legislative frameworks" that Canada believes would mitigate impacts to Wolverine will not significantly reduce impacts to wolverine, when Canada is deferring to the province to manage species at risk, and where Ontario has recently gutted its Endangered Species Act, making it much easier for the province to permit activities that will harm species at risk and their habitat.

The cumulative impact of this frontier-opening project, including the secondary roads, mining exploration, transmission lines, and mines that are still to be announced, will have a serious impact to Wolverine and the exercise of our inherent and Treaty rights – not just to hunting and trapping rights, but also to our Governance and Stewardship rights, the cultural and spiritual values that our ancestors passed on to us, and our entire Way of Life. We have a right to protect Wolverine for future generations, and neither Canada nor Ontario has considered this right in their respective reports.

- 6. Canada and Ontario have provided no substantive response to our demand for a cumulative effects assessment that considers the Road to the Ring of Fire as a keystone decision – a piece of growth-inducing infrastructure, that if approved, will set in motion a series of cascading impacts to our Omushkegowuk lands and waters, and future generations of our people. We maintain our position that the Crown governments must not accept the proponent's cumulative effects assessment. This road must not be approved until we can understand the cumulative impacts of the project, which includes the impacts that will come from induced development that will have profound impacts to our rights.**

The proponent takes an extremely restrictive approach to cumulative effects assessment. In response to our concerns about the limited range of projects included in the cumulative effects assessment, the proponent states in their March 31, 2026 response table, that "there are limitations to identify all potential induced developments related to forestry, mining exploration, mining, and recreational hunting and fishing and would be difficult to predict with any confidence from a spatial or temporal perspective."

We remind the Crown governments and the proponents that the Road to the Ring of Fire is a frontier development. Its approval would be the keystone decision, responsible for opening up the Ring of Fire to development. Not only will the road enable the development of mines – mines whose owners have publicly stated that they are waiting for this road to be built – but it will also trigger developments that span different resource sectors and large parts of our Ojibwe homelands. It does not provide us any comfort to be told that future developments will have to apply for permits from Ontario and/or Canada. The point is that induced development is inevitable once a keystone piece of infrastructure, like the Road to the Ring of Fire, is approved. This process is not restricted to “low governance” regions of the world like the Amazon – in fact, it is just as likely to occur in “high governance” countries like Canada.¹⁰

The proponent and the Crown cannot rely on the excuse that it is too difficult to consider induced development. We do have ways of incorporating induced development into cumulative effects assessment for individual projects.

The full assessment of growth-inducing projects should not be constrained by a lack of data, technical capacity, or regulatory tools. Analytical methods are available for forecasting rates of industrial growth and corresponding impacts.¹¹

This type of analysis is expected, for example, for assessments submitted to the Mackenzie Valley Environmental Review Board, as described in our letter of June 11, 2025. There is no reason why it cannot be done for the WSR project.

In fact, both the Tailored Impact Statement Guidelines (TISG) for the WSR and the 2012 Technical Guidance referenced in the TISG,¹² advise the proponent to consider induced development within the cumulative impact assessment. The Technical Guidance specifically states that “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,” the last three bullet points of which read as follows:

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

The economic feasibility of the project is contingent upon the future development.

¹⁰ Johnson, C.J., Venter, O., Ray, J.C., and J.E.M. Watson. 2020. Growth-inducing infrastructure represents transformative yet ignored keystone environmental decisions. *Conservation Letters* 13: e12696. P. 2.

¹¹ Johnson et al. 2020. P. 5.

¹² The TISG for the project 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: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/assessing-cumulative-environmental-effects-ceaa2012.html> 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 completion of the project would facilitate or enable the future development.¹³

The Technical Guidance then states:

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. Examples of induced development include housing development that could arise due to the approval of the project.

Ontario has repeatedly stated that the industrial access road to the Ring of Fire is intended to facilitate development. This means that projects that will be directly facilitated, or enabled, by the road, such as a transmission line to the Ring of Fire, new hydro developments, expanded forestry operations, road networks, expanded mining exploration and new mines, need to be considered as part of cumulative effects analysis for the WSR.

7. The analysis of cumulative impacts to caribou is unacceptable. This means that an important pathway of impacts to our rights as Kattawapiskak people has not been adequately considered.

After finally allowing ECCC to complete a response table on the potential impact of the project to caribou – IAAC had earlier claimed that the Agency would be relying on provincial advice on caribou only – IAAC is now claiming this concession as evidence that the Agency is meeting their commitment under Canada’s UNDRIP Action Plan.¹⁴

We were warned in the minutes IAAC produced after our August 7, 2025 meeting that “should Attawapiskat First Nation choose to request an additional technical review from ECCC of the sections of the draft IS pertaining to impacts to caribou, ECCC would likely be limited in their response.” We have now seen just how limited that response is. It appears that ECCC and IAAC are only prepared to go so far as to say that caribou distribution and movement patterns across the Regional Study Area may be affected (ECCC response table, item #8, and draft Impact Assessment Report, p. 65).¹⁵

Canada’s findings rely on the caribou cumulative effects analysis done by the proponent, which considers a small number of existing and announced projects. The scope of the cumulative effects analysis is not sufficient to understand impacts to our inherent and Treaty rights, as explained in point #6, above. And, as we have stated many times before, it is completely unacceptable that Canada and Ontario are using a threshold of 35% habitat disturbance before they will start to be concerned about the state of caribou range, when we know from recent studies that the relevant threshold for

¹³ <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/assessing-cumulative-environmental-effects-ceaa2012.html>

¹⁴ Letter from IAAC to Attawapiskat First Nation, March 20, 2026.

¹⁵ The ECCC response table on caribou, item #8, also makes reference to a “worst case scenario” (it is not explained what types of cumulative effects this worst case scenario is based upon), in which there could be impacts to “individual survival and reproduction and leading to potential impacts to population genetic structure.” No explanation is provided as to why impacts to survival and reproduction would be limited to the “individual,” and not have consequences at the level of population dynamics (i.e. why this would not induce declines).

anthropogenic disturbance in northern boreal caribou ranges lies somewhere between 3% and 11% of the range being impacted by industry.¹⁶

ECCC and IAAC's predictions of localized movement impacts only are not consistent with the Precautionary Principle.¹⁷ As described below in point #8, we know from the scientific literature, as well as from Indigenous people's experiences across the north, that the impacts to caribou will not be limited to localized changes in migration routes.

The proponent promised to address many of our questions about caribou in their Addendum on ungulates (Addendum 7). However, the response table we received on May 6, 2026, referred us to entire sections in the addendum, and did not include any pinpoint page references that would explain where, or whether, our questions have been answered. Even in the case of very specific questions, such as in item #6 of the response table, where we asked about proponent's use of contradictory buffer zones for caribou, and where we asked specific questions about the amount of Category 1 habitat that will be cleared (questions that refer to the number of hectares, distance from the road, and percentages of existing habitat that will be lost), the proponent failed to provide a direct, clear answer, but again referred us to entire sections of Addendum 7. This is unacceptable.

We have not received a clear response from the proponent to our comment that eastern migratory caribou must be considered separately from the boreal caribou population. The proponent has not explained, except by again referring in their May 6, 2026 response table to entire sections of their addendum on caribou, how separate analyses of impacts for the two ecotypes were done. The proponent did not answer the MECP Species at Risk Branch's question on this matter either, (MECP SARB question #23), as there is no entry for this question in the proponent's list of responses to the MECP in Addendum 7.

We are therefore still a long way from an acceptable cumulative effects analysis of the impact of the project to any biophysical component. When it comes to caribou, we are particularly concerned about the way in which impacts have been minimized and brushed aside, left for future consideration once the keystone decision of this frontier-opening road has already been made.

- 8. The cumulative impact of this project poses a serious threat to the long-term survival of our relative, Atik, and to the exercise of our inherent and Treaty rights. This significance of the impact goes beyond the "moderate" rating claimed in Canada's draft Impact Assessment Report. If there are declines in caribou populations, or if caribou move away from large parts of our territory, our people will see highly significant impacts that go to the core of our language, culture, hunting economy, spirituality, Governance and Stewardship rights, and entire Way of Life. Our very existence as Kattawapiskak people would be at risk.**

¹⁶ The mathematical modeling that resulted in the 35% disturbance threshold, outlined in the Recovery Strategy for Boreal Caribou in Canada as a management goal, was based primarily on data collected in southern caribou ranges where higher productivity drives so-called "disturbance-mediated apparent competition." See: McLoughlin, P.D. 2022. *Conservation of northern populations of boreal and migratory woodland caribou*. Department of Biology, University of Saskatchewan, Saskatoon. 43 pp. p. 30-32.

¹⁷ We remind IAAC that the Impact Assessment Act incorporates the Precautionary Principle at s. 6(2) which says "The Government of Canada, the Minister, the Agency and federal authorities, in the administration of this Act, must exercise their powers in a manner that [...] applies the precautionary principle".

Our threshold for impacts to caribou is much more sensitive than the threshold at which the Crown governments start to be concerned about the state of the caribou herds. Subsistence harvesting requires a sufficient quantity of resources. Maintaining high population levels is part of our conservation ethic and it is a harvest management strategy used to sustain our resources for seven generations into the future.

Our people are attempting to recover their harvesting traditions from the major interruption that took place during the residential school era. Attawapiskat's population is also growing and with it, the need for caribou. All of this means that our people need caribou populations to be maintained at high population levels and with sufficient habitat to be resilient against climate change. If current trends continue, we expect significant caribou habitat loss and a deeply concerning decline in caribou as a species.

We are concerned that caribou will soon decline to a point where our people will no longer be able to meaningfully carry on the practices and teachings related to caribou hunting, with cascading impacts to all the interconnected parts of our culture linked to caribou. If there is an interruption of access to caribou even for just one generation our people will suffer immeasurable, irreversible losses to a Way of Life that we were promised under Treaty 9 would "in no way" be interfered with. The protection of the caribou and their habitat is directly connected to our ability to practice our rights and Way of Life, which Canada and Ontario are constitutionally obligated to protect. These rights include governance and stewardship rights to protect caribou for future generations.

As Treaty partners, we allowed settlers to live on our lands, but we did not give up the right to co-manage the land and share in control of its development. We require a precautionary approach to caribou management in our territory that takes into account cumulative impacts, the importance of the ecozone boundary for caribou, and climate change. It must also be recognized that there can be several decades of lag time between caribou habitat disturbance and observable declines in caribou populations.¹⁸ We believe that ongoing mining exploration in the Ring of Fire – which overlaps with the ecozone boundary so important to caribou as winter habitat – is already negatively affecting caribou with population-level impacts we will only see over time. As critically low levels of caribou from natural population cycles intersect with industrial development, and with accelerating climate change, we will see the vulnerability of caribou exposed only once it is too late. The caribou scientist, Dr. Phil McLoughlin has warned that

Mistakes made at the level of a caribou range are not suffered by the governments and industries taking responsibility for initiating developments. Rather, it is the local people, and in the north we are talking about largely Indigenous communities, that are left to deal with the fallout of mismanagement.¹⁹

¹⁸ Vors, L.S., Schaefer, J.A., Pond, B.A., Rodgers, A.R., and B.R. Patterson. 2007. Woodland caribou extirpation and anthropogenic landscape disturbance in Ontario. *The Journal of Wildlife Management* 71(4): 1249-1256.

¹⁹ McLoughlin, P.D. 2022. *Conservation of northern populations of boreal and migratory woodland caribou*. Department of Biology, University of Saskatchewan, Saskatoon. 43 pp. P. 31.

When it comes to safeguarding our relative, Atik, we must consider that Atik always moves his home range away from the front of advancing human development.²⁰ Atik's original instructions are to travel – to space himself far away from predators. Predators are facilitated by the linear features and clearings that come with industrial development. Our Dene brothers and sisters in the Tłı̄chǫ territory are now living with a near total collapse of the Bathurst caribou herd. They report that mining development acts as a “wall,” blocking caribou migration routes, and they have seen physiological abnormalities and health issues begin to occur in caribou.²¹ An entire generation of Tłı̄chǫ people can now no longer hunt caribou.²² If this were to happen in our territory, the damage would be immeasurable. It would go to the heart of who we are as Kattawapiskak people.

In conclusion, the Crown cannot reasonably conclude that the project's effects are well enough understood to support approval. We have told you this in numerous letters. Yet, every communication we have received from you over the past months confirms that you remain committed to your expedited timeline. We firmly oppose the way in which you are conducting this environmental/impact assessment process as a rubber-stamping exercise. It is dishonourable conduct on the part of the Crown. It disrespects the Treaty relationship, and does not adhere to the international standard (adopted into Canadian law) of free, prior, and informed consent.

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

Sincerely,

<Original signed by>

Chief Sylvia Koostachin-Metatawabin

Attawapiskat First Nation

cc.

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²⁰ Schaefer, J.A. 2003. Long-term range recession and the persistence of caribou in the taiga. *Conservation Biology* 17(5): 1435-1439.

²¹ Tłı̄chǫ Research and Training Institute. 2016. *Ekwò zò gha dzò nats'êdè - "We Live Here For Caribou." Cumulative Impacts Study on the Bathurst Caribou.*

²² McLoughlin 2022. P. 31.