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RE: Aroland First Nation Comments on Webequie Supply Road draft Impact Assessment Report and draft Potential Conditions

Dear Caitlin Cafaro,

Aroland First Nation (AFN) appreciates the opportunity to review and provide comments on the Impact Assessment Report (IAR) and proposed conditions for the Webequie Supply Road (WSR) Project.

Consistent with previous communications regarding the WSR, AFN remains concerned about the significant cumulative effects that increased industrial activity, traffic, and access may have on our Traditional Territory, including impacts to lands, waters, wildlife, harvesting, and the exercise of Aboriginal and Treaty Rights.

The Proponent characterizes the WSR as a stand-alone right-of-way from the WFN airport to Esker Camp at McFaulds Lake. However, AFN contends that the rationale for the Project is only logical if it connects to the provincial highway network through the proposed Northern Road Link (NRL) and the Marten Falls Community Access Road (MFCAR). Given the high likelihood of the proposed road corridor being interconnected in this way, and the reasonable assumption that significant volumes of industrial traffic will use the road corridor, AFN is concerned that the Environmental Assessment Report/Impact Statement does not attempt to adequately analyze and understand the potential impacts along the complete proposed road network. While the project-specific assessment process is important, AFN views the regional assessment as essential to understanding the broader long-term implications of interconnected development throughout the region.

At this stage, AFN continues to hold the expectation that the Proponent will work collaboratively with our Nation to identify and address potential adverse impacts to AFN's rights, interests, and values, while also ensuring meaningful opportunities and accommodations for our members and community.

In reviewing the draft Impact Assessment Report and proposed conditions, AFN's key priorities include mitigation measures that prioritize the following:

- Protection of Aboriginal and Treaty Rights and the continued use of the land and resources within AFN's Traditional Territory

- Minimizing impacts related to contamination, pollution, noise, dust, and increased roadway access, ensuring adequate accommodations where mitigation is not feasible
- Protection of wildlife and fisheries, particularly culturally and regionally important species
- Ensuring safeguards for community health, safety, and well-being
- Implementation of effective access management measures
- Ensuring AFN participation in monitoring, oversight, and ongoing decision-making processes
- Mitigation of cumulative and downstream impacts associated with broader Ring of Fire development and connected road infrastructure

Specific to the Impact Assessment Report, AFN notes that, while the report captures many of the concerns previously raised by AFN within the review of the Draft Environmental Assessment Report/Impact Statement, the Impact Assessment Report continues to analyze the WSR largely as a standalone project. As a result, many impacts within the Impact Assessment Report are characterized as “residual” despite the likelihood that the WSR will function as part of a broader and interconnected regional road and industrial network, including the proposed NRL and MFCAR. This overarching issue is reflected consistently throughout the Impact Assessment Report and is similarly carried forward into the proposed conditions. Many proposed conditions are either project-specific and do not adequately address the broader regional context or are future cumulative pressures likely to arise from connected development or, inversely, are overly generic and high-level, lacking specificity to the local area.

The comments and recommended revisions below are provided to assist in strengthening the draft Impact Assessment Report and related proposed conditions.

Section 2.0: Consultation

Aroland First Nation notes that conditions under this section largely establish procedural minimums for consultation, focused primarily on notification and information sharing following key decisions or milestones. While these requirements align with baseline consultation expectations under the *Impact Assessment Act*, AFN emphasizes that meaningful consultation requires ongoing, transparent, and proactive engagement throughout all Project phases.

AFN recommends that the conditions be strengthened to require that the Proponent make all reasonable efforts to keep potentially affected Indigenous communities (including AFN) informed on an ongoing basis regarding Project activities, emerging issues, monitoring results, incidents and proposed changes.

Consultation should not be limited to discrete engagement points triggered only where required by a condition. AFN requests that the Proponent and agency commit to the creation of a working group with impacted First Nations to support monitoring throughout the Project and the sharing of relevant data and monitoring results. Additionally, AFN requests a commitment from the current Proponent and any future owner/ operator to immediately share any information related to operational accidents and incidents throughout the Project lifespan.

AFN further recommends that the conditions explicitly require the Proponent to maintain regular communication and relationship-building processes with Indigenous communities, ensuring opportunities for Indigenous participation in Project oversight and decision-making throughout the life of the project.

Section 3.0: Fish and Fish Habitat

Generally, the proposed conditions related to fish and fish habitat do not provide adequate detail. The proposed follow-up program suggests monitoring water quality but does not include any monitoring of impacts to fish habitat or fish themselves. The follow-up-program seems to be designed to verify the accuracy of the IA and effectiveness of the mitigation measures at crossings. There is no indication of the spatial scale of the follow-up-program and whether it would extend beyond the local study area or regional study area. Aroland First Nation is requesting more comprehensive and clearly defined follow-up conditions for fish and fish habitat, including direct ecological monitoring and clarification of the geographic extent of the program.

Condition 3.1.1 indicates plans to “monitor, beginning during construction and continuing” but there is no indication of the location or extent of monitoring. It is hard to tell if monitoring is planned for every road crossing over fish-bearing streams/wetlands or whether monitoring will be selective. This condition needs to be more prescriptive so that it can be enforced.

Within the IAR, AFN notes that there is no mention of prohibitions against non-Indigenous recreational fishing during construction, including in the Regional Study Area. The draft states that “the project is likely to cause residual and cumulative adverse effects on fish and fish habitat through degradation and loss of habitat, harm to fish populations, and increased recreational fishing.” Aroland First Nation is concerned that prohibitions applied solely along the WSR may encourage people to fish more heavily in other surrounding areas, negatively impacting Aroland First Nation. Aroland First Nation requests a revision to ensure the inclusion of recreational fishing management measures to ensure this impact is not realized.

Although the three major rivers that the WSR crosses are outside AFN territory, AFN remains concerned about potential impacts to lake sturgeon, a species of special concern under the federal *Species at Risk Act*. Lake sturgeon may move between these three river systems and the Albany River, through Hudson Bay/James Bay. Given existing population decline and genetic limitations, AFN emphasizes that lake sturgeon should be considered as a regional population rather than on a watershed-by-watershed basis.

Aroland First Nation is concerned that degradation of habitat within the Attawapiskat, Winisk, and Ekwano River systems could contribute to broader regional impacts on lake sturgeon populations. The Nation also notes the Proponent’s indication that offsetting opportunities near the WSR may be limited due to the relatively pristine condition of local habitat, raising the possibility that offsetting measures could instead occur in other areas, including within AFN territory, which may offset cumulative impacts expected over time.

Section 4.0: Migratory Birds

Within the IAR, the Impact Assessment Agency of Canada notes that the Project is likely to cause limited residual and cumulative adverse effects on migratory birds. Aroland First Nation understands that a follow-up program would be required to determine if the predicted effects to traditional uses (game and cultural use) would be “limited” or not.

Additionally, per setback distances for nest(s) under draft **Condition 4.4**, the general nesting period is established by Environment and Climate Change Canada as a guide to when the highest number of birds is likely to be nesting in a given zone. However, birds may nest outside of the general nesting

period, and the *Migratory Birds Convention Act* prohibits disturbance of active nests regardless of timing.

Nest sweeps should be conducted in the weeks leading up to and following the general nesting period. Breeding bird species have variable tolerances to disturbance. Active nests should be located, and nesting species should be identified so that appropriate mitigations can be applied. The federal *Guidelines to Reduce Risk to Migratory Birds* recommends two benchmark measurements to determine the appropriate setback distance from an active nest: alert distance and flush distance (Environment and Climate Change Canada, 2021).

Active bird nests are difficult to locate due to the secretive nature of their placement and the inconspicuous behaviour of breeding birds. An inexperienced surveyor is unlikely to locate many nests in a vegetated area. Completing pre-disturbance nest sweeps in complex habitats during the breeding season requires more comprehensive surveying than what was completed for the baseline surveys (e.g., considers factors such as nest site characteristics bird behaviour and survey methods). If inexperienced surveyors are completing these complex surveys, this will likely result in nesting species going undetected during the survey period, increasing harm to nesting birds. This additional guidance should be detailed as part of draft conditions.

Aroland First Nation notes that the Proponent must prepare the outstanding band swallow management plan for review as per **Condition 4.5**.

Lastly, **Conditions 6.3.2, 6.4, and 6.8** should be updated to include the additional wording “for birds and wildlife of importance to Indigenous groups” throughout the text.

Section 5.0 Health and socio-economic conditions of Indigenous peoples

Condition 5.1 refers to a Community Readiness Plan to mitigate adverse effects on the social conditions of Indigenous peoples” but the scope of the plan remains unclear, including the adverse effects to be addressed through the plan and the period it is proposed to encompass. Mitigations for adverse effects on the social conditions of Indigenous Peoples must be developed and agreed upon with affected Indigenous groups, including AFN, in advance of Project approval, and should not be addressed post-approval as part of an additional plan.

There is no mention of how the plan will address community readiness as it relates to employment and training support, an issue that AFN has previously raised. Additionally, the plan is proposed to be developed and implemented within four months of the start of construction, which does not allow adequate advance time to support community readiness for employment and procurement opportunities. The availability of an on-duty community liaison officer only during Project construction does not allow for conflict resolution during other phases of the project or on an ongoing basis, and plans do not identify an alternate grievance mechanism. The timeline and duration of the plan must be updated to ensure it is both in place before construction and that the community liaison officer position is maintained into the operational phase to address ongoing challenges from the new road.

Within **Condition 5.2** there is an absence of involvement from Indigenous groups, including AFN, in the development of appropriate anti-discrimination and culturally appropriate policies and processes specific to the Project. The draft condition indicates that counselling and culturally sensitive care will be provided, but there are details surrounding what this will entail or how AFN and other affected groups

will be involved (e.g. ability to access support from Elders, Indigenous counsellors, etc.) Aroland First Nation requests appropriate revisions to address the above concerns.

Section 6.0: Current use of lands and resources for traditional purposes

Outside of establishing/delineating setbacks/buffers around wetlands, riparian habitats, and known wildlife features/seasonal habitats (which are nursing areas for wildlife species of importance to Indigenous groups as indicated in **Condition 6.4**), there are no draft conditions that protect wetlands. A significant portion of the right-of-way is considered wetland Ecological Land Classification classes. AFN would like to see quantification on setback limits that consider various sensitivities, features, and wetland functions (i.e., springs, wildlife features including critical habitat, mineral licks, dens, nests) or at minimum for the Proponent to be required to rationalize setback distances. This should be added to the draft conditions.

In the IAR, the application of buffer zones around wetlands, riparian habitats, and known wildlife features will be completed “where feasible” (p. 66). The indication of a minimum limit would be advisable, especially related to areas that may require a floating road design and equalization culverts.

Section 7.0: Physical and cultural heritage of, and structures, sites or things of historical, archaeological, paleontological or architectural significance to, Indigenous peoples

AFN requests that within **Condition 7.2** the Proponent provide adequate capacity funding for monitors, and a commitment to protect all information shared by monitors confidential Indigenous Knowledge.

Section 8.0: Species at Risk

The conditions pertaining to species at risk lack detail and specificity to species that are federally important and of cultural significance to AFN. Section 2.3 of the IAR notes that the Project is likely to cause residual adverse effects on federal lands, through changes to federal species at risk, eastern migratory caribou, and the atmospheric environment. Despite IAAC specifying that this effect would be observed within the Reserve lands, there are no conditions related to eastern migratory caribou which are endangered under the Committee on the Status of Endangered Wildlife in Canada.

Conditions should include other federal species at risk which have the potential to occur, including eastern red bat and hoary bat. The Ministry of Environment, Conservation and Parks have been requesting that the Proponent provide species at risk assessments to address these species since 2024.

Reptiles and amphibians are not considered in the draft conditions, which lack information regarding potential habitat conditions and design requirements. Aroland First Nation believes that northern map turtle and potentially snapping turtle could have the potential to occur in the larger study areas. Additionally, eastern garter snake, northern leopard frog, mink frog, boreal chorus frog, and blue-spotted salamander are all near the edges of their habitat ranges (indicating increased sensitivity). These species are considered traditionally important and should be included in the follow-up programs and noted as part of conditions.

In line with AFN priorities and values, the conditions should include an enforceable reporting protocol/system to report incidental wildlife observations and/or vehicle collisions during all phases. Additionally, wildlife sweeps (i.e., ground-based pre-clearing surveys) to search for sensitive wildlife features must be completed along the entirety of the Construction Disturbance Area by a qualified

professional immediately ahead of construction activities. Protections should be in place for (at minimum) the following wildlife features: mammal dens/burrows, beaver lodges, amphibian/reptile habitats (hibernacula/overwintering/breeding), bat maternity roosts, mineral licks, calving grounds, and nests.

Once again, AFN appreciates the opportunity to review and provide comments on the Impact Assessment Report and proposed conditions for the WSR Project and looks forward to seeing the changes above within the final conditions.

Respectfully,

<Original signed by>

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Aroland First Nation

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