



May 22, 2026

Delivered via email

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RE: Comments regarding the Webequie Supply Road ("**WSR**" or "**Project**") Ministry Review and Impact Assessment

On behalf of Eabametoong, I write in response to Ontario's Ministry Review of the WSR Environmental Assessment ("**EA**") and IAAC's Draft Impact Assessment Report. As we continue to wait for answers to our questions from previous submissions, we urge Ontario and Canada to do better in the final stages of this deeply flawed EA/IS process, and act to uphold the honour of the Crown in final decision-making.

1. Ontario has not met its duty to consult

It is predictable that the Ministry Review concluded that the EA was conducted in accordance with all legal requirements including the duty to consult.¹ By Ontario's own admission, the outcome of the EA process has long been predetermined as WSR construction is planned to start in June 2026.²

However, Ontario cannot approve an application until its duty to consult has been met. At best, the consultation process can be characterized as flawed for the reasons set out below.

¹ Ministry Review, pp 26-27, 30.

² <https://news.ontario.ca/en/release/1007104/ontario-releases-accelerated-plan-to-complete-construction-on-roads-to-the-ring-of-fire-five-years-ahead-of-schedule>

(a) The EA is based on an incorrect assessment of the scope of the duty

As noted in our previous letters, Webequie leadership has not directly engaged Eabametoong leadership regarding the WSR. Eabametoong first wrote to Webequie requesting Council-to-Council engagement in December 2021, and made repeated requests in our prior submissions, but have still yet to receive an invitation to meet.

We acknowledge that Webequie is in a unique position as a First Nation proponent of a public infrastructure project. The Crown is relying on Webequie and regulatory processes to discharge its procedural obligations with respect to the duty to consult. However, this reliance cannot and does not derogate from the Crown's ultimate responsibility to ensure the duty is met.³ Throughout the process, Ontario has failed to ensure the proponent has carried out adequate consultation with its neighbour Eabametoong, despite our significant concerns regarding the fast-tracked process and the findings of the EA.

In this case, deep consultation is owed to Eabametoong. Eabametoong's territory / area of interest, which Ontario has been made aware of for many years and attached again as Appendix "A", clearly shows our lands are directly adjacent to the WSR. Nonetheless, the Ministry Review states that the Memorandum of Understanding ("MOU") it entered into with Webequie to delegate consultation identified Eabametoong as entitled to consultation on an "interest basis" rather than a "rights basis".⁴ According to the EA and Ministry Review, rights-based consultation is reserved for First Nations who have established or credibly asserted Aboriginal or treaty rights, while interest-based consultation is for First Nations who "may be interested in the WSR." The exclusion of Eabametoong as a Treaty rights holder in relation to the Project stands out in relation to several of the First Nations that are included, many of whom are further in distance than the primary community of Eabametoong. A copy of the MOU was not provided to Eabametoong. Please provide a copy to us at your earliest opportunity.

Eabametoong strongly asserts that it has Treaty rights that will be impacted by the Project and has provided evidence to Ontario that demonstrates this, most recently in the preliminary data Indigenous Knowledge and Use Study ("IKUS") map and technical memo previously shared with Ontario and attached as Appendix "B". Ontario, Webequie and other parties have long conducted themselves in accordance with the Eabametoong's area of interest map. It is common knowledge that Webequie and Eabametoong were at one time part of the same band. If Ontario deemed Eabametoong to not be a rights holder for the purposes of the Project, Eabametoong is entitled to a strength of claim assessment from Ontario to document how its determination was made. We note that in Addendum 1 of the EA (released March 26, 2026) that Eabametoong is listed as a Local Study Area (LSA) community (see p. 24) where direct and indirect effects of the Project on Indigenous Peoples and Aboriginal and Treaty Rights are likely to occur. We take this to mean that the proponent has concluded that Eabametoong's Treaty rights will be affected. Please indicate in writing whether Ontario has now changed its arbitrary conclusion that Eabametoong is a mere interest holder.

³ *Haida Nation v British Columbia (Minister of Forests)*, 2004 SCC 73 at para 53; *Clyde River (Hamlet) v Petroleum Geo-Services Inc*, 2017 SCC 40 at paras 1, 22.

⁴ Ministry Review, p 52.

To date, the consultation approach has proven insufficient to meet the deep duty to consult Eabametoong, or even the duty at a lowest level, in light of the fact that our submissions on the Project to date have been substantively ignored. For example, despite our repeated efforts to inform the proponent and Ontario, the Aboriginal and Treaty Rights and Interests (“**ATRI**”) analysis with respect to Eabametoong appears to be limited to the Taashikaywin Land Use Plan. Addendum 1 indicates that the WSR may in fact have “potential” to impact Eabametoong’s rights and interests,⁵ acknowledges our concern regarding the ATRI assessment being limited to the Taashikaywin Land Use Plan, and states an assurance that the addenda would address this correction by conducting a further evaluation of impacts.⁶ However, neither Addendum 1 or the Ministry Review appear to provide any level of detail or revise the findings of the flawed ATRI assessment based on our territory as being limited to the Taashikaywin Land Use Plan. Further, Addendum 1 does not include any community-specific analysis other than with respect to Webequie, making it difficult if not impossible to understand how the conclusions were reached and how they relate to Eabametoong. In *Gitxaala Nation v Canada*, the Court rejected an approach to the assessment of Aboriginal rights through a ‘generic’ approach.⁷

These issues were not identified or considered by Ontario in the Ministry Review. If Ontario had conducted even a surface level review of the evidence and materials we provided, it would have been obliged to question why Eabametoong was determined to have only an “interest” in the WSR, and would have required the proponent to conduct a new ATRI analysis that is specific to Eabametoong. The community-specific ATRI approach was taken by Marten Falls First Nation and is unclear why a distinct approach was taken by Webequie in this case despite the risk of similar impacts on section 35 rights and interests.

It is notable that the Ministry Review stands in contrast to IAAC’s draft Impact Assessment Report, which acknowledges the WSR is located entirely within Matawa territory, which is shared among Eabametoong First Nation and eight other First Nations, and that Eabametoong’s Aboriginal and Treaty rights stand to be impacted by the WSR.⁸ While we disagree with IAAC’s findings with respect to likely impacts, which are largely identified as not significant or significant to a low extent, it appears IAAC considered Eabametoong as a rights-holder rather than a mere interest-holder. Likewise, IAAC came closer to properly assessing the scope of the duty to consult Eabametoong.

(b) The process has been unfair

As a ‘fast-tracked’ process, Eabametoong has not had adequate opportunity to participate in the EA review. Ontario provided just 50 days to respond to the EA (including thousands of pages of technical information) and five weeks to respond to the Ministry Review. These default timelines, set by O. Reg 616/98, could have been amended by cabinet to accommodate First Nations whose territories and way of life stand to be forever changed by the WSR. Due to the scale of change and impacts that are being proposed, Ontario and Webequie should have and could have worked together to amend the Terms of Reference for the WSR or pass regulations extending the comment periods to ensure impacted First Nations have adequate opportunity to provide detailed feedback.

⁵ Technical Addendum 1, p 15.

⁶ Technical Addendum 1, p 4/19 (pdf 114); Ministry Review, p 21.

⁷ 2016 FCA 187 at para 236.

⁸ Draft IA Report, p 93.

Moreover, it is a serious procedural flaw that the Ministry Review does not include or address the several addenda that were prepared and submitted after the initial comment period for the EA expired. As a matter of fair process and meaningful consultation, Eabametoong is entitled to know the Ministry's views on the addendums and how these will be factored into decision making.

Further, due to a lack of sufficient capacity funding, Eabametoong has not had an opportunity to conduct a thorough IKUS study or fully engage members despite the high probability of significant and intergenerational impacts of the WSR. It takes significant resources to collect IKU information, summarize and present that information, thoroughly review and respond to an EAs and technical addenda, and communicate the details of EA findings to members, many of whom do not have experience with the technicalities and subject matter. The scarce resources that Eabametoong was provided were grossly insufficient to participate in this fast-tracked process, especially when a completed IKUS and membership-involvement is critical to our culture, traditions, and decision-making process.

We have yet to receive written responses from Ontario or Canada regarding our previous submissions dated February 27, 2026, and March 20, 2026. Providing responses after the comment periods have passed leaves us in an untenable position as we do not yet have answers to our substantive and procedural concerns. As the EA process moves towards final decision-making, Eabametoong is left to guess about the answers and forced to reiterate its questions and concerns without the benefit of meaningful feedback and information from Ontario, Canada or the proponent which could inform our understanding of the benefits and impacts of the Project.

None of this EA process has been in keeping with the honour of the Crown, our treaty relationship, or our right to free, prior, and informed consent pursuant to the UN Declaration on the Rights of Indigenous People.

- (c) Ontario and Canada do not adequately assess impacts to section 35 rights and consider sufficient mitigation and other accommodation measures

Eabametoong continues to work toward completion of its IKUS to inform potential mitigation, accommodation and other measures in dialogue with Webequie and Ontario. We have attached the report of the first round of community interviews and expect that Ontario and Canada will meet with us to discuss how this information will be meaningfully considered prior to a decision, leading to written reasons on how this information was considered by Ontario in its decision making.

The Ministry Review and Draft Impact Assessment Report appear to take the proponent's findings with respect to impacts on Aboriginal and Treaty rights at face value, including numerous unsubstantiated findings that the WSR will not have significant impacts on Eabametoong, or downplay the findings altogether. These conclusions are questionable given the flawed basis of the ATRI assessment as explained above.

For example, the proponent acknowledged in Addendum 1 that there will be "moderate" Project-related impacts on Indigenous governance rights,⁹ yet Ontario does not acknowledge this in their

⁹ Technical Addendum 1, p 76.

review while Canada concluded that adverse impacts are “not likely.”¹⁰ It is unclear why these impacts were ignored by Ontario and downplayed by Canada.

With respect to impacts to harvesting, and in particular caribou, the proponent found opportunities “may decline in quantity and quality” and “may persist for decades in the absence of effective mitigation and habitat restoration.”¹¹ Despite the significance of this conclusion, the proponent concludes that impacts are expected only to be “moderate, mostly negative, and in some cases long-lasting”. In our view, Addendum 1 does not explain why and when impacts are predicted to be moderate, given the high risk of long-term impacts to First Nations’ harvesting rights. This does not seem to be aligned with the proponent’s own scale for assessing the degree of severity for adverse impacts, which requires a finding of “high severity” where impacts are likely to be major in scale and “permanent/long-term” and possibly irreversible.¹²

Further, neither the Ministry Review nor the Draft Impact Assessment Report consider the findings to date of the Ring of Fire Regional Assessment. These findings, albeit preliminary, should have been considered, particularly with respect to community members’ concerns regarding the prospect of extensive induced development on a regional scale, and the effects of past and ongoing development and activity on our cultures and ways of life.

As a result of the sweeping conclusions of insignificant impacts, the Ministry Review appears to assume that minimal mitigation and other accommodation measures are required to reduce impacts to Eabametoong’s Aboriginal and Treaty rights. The lack of analysis with respect to mitigation measures is a serious flaw of the Ministry Review and the EA. Even if we consider only identified impacts, the mitigation measures fall far short of any meaningful accommodation of Eabametoong’s Aboriginal and Treaty rights and interests.

The Ministry Review summarizes the EA findings with respect to impacts to wildlife (with particularly significant impacts to caribou and wolverine); vegetation, peatlands, soil, and groundwater; air pollution; impacts to traditional activities harvesting, hunting, fishing and access and use of traditional sites; and impacts to community well-being and safety. The Ministry Review states that “standard conditions of approval are recommended for the implementation of the project.”¹³ The meaning of standard conditions is unclear and are not clearly identified in Appendix V (Mitigation and Monitoring Commitments). Without specific information regarding what “standard conditions” will be applied, Eabametoong cannot meaningfully respond to the Ministry Review. Moreover, the EA mitigation measures identified by the proponent are largely restricted to baseline regulatory measures, post-approval plan development and monitoring without Crown oversight, or are deferred to future permitting processes. Attached as Appendix “C” is a table setting out our detailed comments on the mitigation measures set out in the EA. As stated in the table, any Crown approval of the Project must ensure that mitigation measures are legally required and enforceable as a condition of approval.

¹⁰ Draft IA Report, p 113.

¹¹ Technical Addendum 1, p 3.

¹² Table 45-3, p 32.

¹³ Ministry Review, p 2.

While the Ministry Review largely defers to the EA with respect to mitigation measures, it proposes three general conditions to “address comments received on the final EA”: documentation requirements, annual compliance reporting, and an invitation for all consulted First Nations to participate in the Environment Committee. To be clear, Eabametoong’s inclusion in the Environment Committee should most certainly be a condition of Project approval. Eabametoong also supports binding commitments for documentation and reporting on compliance with mitigation commitments. As noted above, Eabametoong has provided detailed comments with respect to key mitigation measures in Appendix “C”.

(d) The Ministry Review fails to address road classification and operation

The primary purpose of the WSR is to induce and serve industrial development in the Ring of Fire by enabling “the movement of materials, supplies and people from the Webequie First Nation’s Airport to mineral exploration and proposed mine developments in the McFaulds Lake area.”¹⁴ Although the road will also accommodate light vehicles, it has been designed to support “heavy industrial/commercial transport trucks and trailers... that are envisioned to use the WSR, including their weight/load (maximum 18-ton truck).”¹⁵

Despite the clarity of the road’s purpose, its legal classification remains unresolved. The proponent and Ontario have declined to explain how the WSR will be classified under the *Public Transportation and Highway Improvement Act*, RSO 1990, c P.50 (the “**Highway Act**”), or to identify who will be responsible for road operations. Eabametoong continues to be limited in its ability to provide informed input on the WSR in light of ongoing uncertainty about who will operate and manage the road. It remains unclear how much of a role Webequie will have in managing the road, including use and access, as well as the implementation of any conditions or commitments made in the EA/IS documents, such as the mitigation measures in Chapter 19.4 of the EA.

The proponent’s position is that Webequie is not responsible for addressing questions regarding road access and use controls because its analysis is limited to “the scope of the Project assessment, as outlined in the Ontario EA Terms of Reference and federal Tailored Impact Statement Guidelines.” This framing reveals a deliberately narrow conception of the proponent’s responsibilities — one confined to the TOR/TISG process and disconnected from the broader regulatory framework governing the road itself post-approval.

Webequie, as the proponent, appears to be suggesting that it is solely a conduit for the EA process by facilitating the preparation of the EA/IS, while abdicating all responsibility for meaningful mitigation measures post-approval in relation to road access and use controls. In effect, the scheme artificially separates the proponent from considering post-approval mitigation measures before the EA approval. This forecloses meaningful dialogue about mitigation measures, which depends on understanding the road’s classification and the regulatory tools available to control access and use. Without clarity on who will operate the road and under what legal framework, it is impossible to identify — let alone discuss — mitigation measures capable of meaningfully protecting our Aboriginal and treaty rights and interests. As Eabametoong has stated in all its correspondence on the WSR, impacts on our Aboriginal and Treaty rights to harvest resources in and around the road

¹⁴ Executive Summary, WSR EA, p 3-12.

¹⁵ Project Description, s 4.3.1.3, p 4-10.

corridor must be mitigated by road regulations and controls. It is unprecedented for an environmental assessment to be conducted and a certificate issued to an unknown owner and operator.

(e) Regulatory uncertainty

Our understanding from Chapter 19 of the EA is that the following measures are being contemplated to mitigate impacts resulting from road access and use:

- “Physical deterrents to road access such as tolls or fencing and signage to limit overhunting (road tolls are pending ongoing discussions and agreements between the First Nation and the province)” (p 19-207)
- “Providing access and making accommodations for harvesters and/or wildlife observation and land users throughout the construction phase” (p 19-208)
- “Implementation of measures or security by Webequie First Nation monitors that would allow the community to know who is using the road and for what purposes” (p 19-211)
- “Possibility of searching individuals who are accessing the community by road for drugs and alcohol” (p 19-211)
- “Revenue generated from roads or related development projects should be directed towards acquiring equipment necessary for Marten Falls First Nation members to live off the land, thereby promoting cultural preservation and lifestyle maintenance.” (p 19-211)
- “Establish checkpoints for equipment and vehicles (during construction and operations phases) including boats for invasive species and micro-organisms” (p 19-214)

As noted in our previous submissions, there appears to be no realistic intention, requirement or plan for such conditions, all of which appear to be optimism with no basis.¹⁶ or vague, unsupported promises. This is unacceptable, in light of the Crown duty to consult and accommodate Eabametoong based on the proximity of the WSR to our Area of Interest and the broader impacts acknowledged in the EA to wildlife in the region, and quiet enjoyment of what is now a pristine environment.

Since the WSR was described as an “industrial supply road” in the initial project description, our understanding was that the WSR could be designated an “industrial road” pursuant to section 43 of the Highway Act. That provision authorizes the Minister to designate as an industrial road any “private road... for the development or operation of the lumbering, pulp or mining industry but which in his or her opinion should also be used by the public for road purposes other than those of the industry.” Where such a designation is made, the Minister and the road's owner may enter into an agreement governing road use and management, provided that public access is maintained. Such an agreement could, in principle, serve as a practical and effective vehicle for implementing

¹⁶ See *Gitanyow Hereditary Chiefs v. British Columbia (Minister of Forests)* 2026 BCSC 18 at para 71.

meaningful mitigation measures for impacts to Aboriginal and Treaty rights relating to road access and use.

The proponent has responded, however, that the WSR is not an "industrial road" under the Highway Act. The only classification information provided by the proponent is that the WSR is designed as a two-lane "Rural Collector Undivided highway facility." Under Ontario's highway classification system, rural collector roads "collect traffic from local roads and feed it to arterials or distribute it from arterials to locals," and "provide direct traffic service for development such as tourist areas, mining areas and the small towns and villages." Such roads typically accommodate average daily traffic volumes ranging from 200 to 10,000 vehicles, with posted speeds between 60 and 90 km/h. "Undivided" indicates that no physical barrier or median separates opposing lanes of traffic.¹⁷

This response, however, addresses design criteria only — not legal classification. The proponent has yet to identify the WSR's status under the Highway Act, and Ontario has not explained what regulatory tools will be available to control road access and use. That distinction is not merely technical; it is fundamental to the legitimacy of the EA and proposed mitigation measures. Without knowing the road's proposed legal classification, it is impossible to assess what mechanisms exist to manage traffic, restrict access, or impose conditions that could serve as meaningful mitigation measures.

The proponent is responsible for predicting impacts from road access and use and proposing mitigation measures to address those impacts. Nonetheless, the proponent asserts the matter of how the road will be regulated is a matter solely for Ontario, Canada, and the future operator to resolve, stating that "[d]ecisions regarding legislative or regulatory approval timelines, ultimate classification of the road under the *Public Transportation and Highway Improvement Act*, determinations of consultation adequacy and accommodation, and the future ownership, operation, or governance of the road are the responsibility of the Crown (Ontario and Canada) and the future owner/operator of the WSR Project."¹⁸ In this case, it is all the more problematic that the Ministry Review and draft Impact Assessment Report are silent on these issues, leaving the following questions unanswered:

- What will be the classification of the WSR under the Highway Act and other applicable legislation?
- What authority does Ontario and Canada have to impose restrictions on road access and use, and how will that authority be exercised to mitigate impacts to our Aboriginal and Treaty rights?
- Is Ontario contemplating any type of private agreement with the proponent or future operator governing road access and use?

¹⁷ Ministry of Transportation, Design Supplement for TAC Geometric Design Guide (GDG) for Canadian Roads (June 2023).

¹⁸ Ministry Review, pp 167-168.

- Is Ontario contemplating road access and use controls, such as road tolls, check points, access restrictions during peak harvesting periods, signage or guardian programs? If so, who is involved in these discussions and why has Eabametoong not been invited to participate to date? Further, has Canada participated in these discussions?
- Will a further permit and/or other authorizations be required for construction, that will provide Eabametoong with an opportunity to provide input into conditions to protect its Aboriginal and Treaty rights?

Without clear answers, Eabametoong is left to guess what regulatory tools Ontario will have at its disposal and what mitigation measures are even possible. The road's classification and potential regulatory tools for mitigation are not peripheral details; it is foundational to understanding the full range of measures to address direct and indirect impacts of the WSR.

Webequie has explicitly acknowledged that "[t]he issue of access control will be addressed outside the EAR/IS review process by the future owner or operator... no definitive measures have been established."¹⁹ This admission reveals a serious and consequential gap in the EA process — one that undermines the integrity of the assessment and casts doubt on the validity of any future regulatory authorizations. Deferring this question to future phases of project design is a failure of due diligence on the part of both the Province and the proponent and is a breach of the duty to consult. As found by the Court in *Gitxaala Nation v Canada*, the Crown cannot leave issues affecting First Nations to be decided after a project is approved.²⁰

We have been raising these concerns with Webequie and the Crown for over a decade. That neither has been able to provide a clear answer to questions so fundamental, after so many years, confirms that mitigation measures have not been sufficiently prioritized, or even meaningfully considered.

As we shared in our letter to you dated March 20, 2026, Eabametoong, along with Webequie and other Matawa First Nations worked in good faith with Ontario in 2016-17 to consider this vital set of issues at the Joint Jurisdiction Working Group and collaboratively developed a Statement of Joint Commitments to address the inter-connected issues of joint decision-making, road ownership and control, permitting, and related land management issues and opportunities together. Eabametoong is deeply concerned that Ontario and Webequie have planned this WSR while avoiding any constructive dialogue with Eabametoong regarding any impact avoidance or accommodation measures that may mitigate impacts to Eabametoong's rights.

2. The cumulative effects assessment is too narrow

The EA scope was largely limited to the construction, operation, and maintenance of the WSR, excluding reasonably foreseeable future developments and activities that will be induced by the Project. The EA purported to account for such developments and activities the cumulative effects assessment (Chapter 21).

¹⁹ Technical Addendum 1, p 3/19.

²⁰ 2016 FCA 187 at para 237.

The EA did not include any assessment of cumulative effects of reasonably foreseeable future developments on First Nations and their Aboriginal and Treaty Rights, deferring this to the Technical Addendum that was released after the final comment period for the EA.

As noted in our previous submission the list of future mining activities considered within the cumulative effects assessment is unduly narrow, with consideration of only the Black Horse Project and Big Daddy Project, and the Eagle's Nest Project. This is but a small sample of reasonably foreseeable future developments that will be induced by the WSR. As a reminder, as of May 2025, there were 43,000 mineral claims in the Ring of Fire region.²¹ A massive swath of additional claims were staked in Eabametoong Territory within two days of the public announcement of the Marten Falls First Nation Community Partnership Agreement (see Appendix "D"). Staked claims are in themselves an impact on Eabametoong's Aboriginal and Treaty rights. As we have communicated to Ontario previously, we are unable to do Land Use Planning or select our Treaty Entitlement lands on staked lands.

Addendum 1 focuses on cumulative effects on Webequie, and does not clearly identify effects on neighbouring First Nations including Eabametoong. For example, section 7.5 and Table 7-2 is unclear about whether it is referring to Webequie and/or other First Nations within the Regional Study Area. This is a methodological issue, as it is difficult to assess the many findings that cumulative effects will have a "Low to Moderate" level of impact.²² Without community-specific findings, it is difficult if not impossible to critique findings with respect to Aboriginal and Treaty Rights and Interests. It is also unclear why the cumulative effects portion of Addendum 1 was conducted in this manner.

The Ministry Review does not consider the shortcomings of the cumulative effects assessment on the basis that such analysis is not required under the *Environmental Assessment Act*. Consequently, the Ministry Review seemingly defers to the findings of the EA and is therefore useless with respect to reviewing the adequacy of the cumulative effects analysis.

IAAC's analysis of cumulative effects is similar to the EA and Addendum 1, finding that they are "likely to be significant to a low extent for traditional activities except for hunting of caribou and other ungulates, for which the effect would be significant to a moderate extent."²³ With respect to impacts to wildlife, IAAC largely restricts its recommendations to ensuring First Nations' participation in monitoring programs, despite clear risk of change of caribou migration patterns, and habitat loss for moose, deer, and other furbearers which Eabametoong relies on.²⁴ Without binding conditions related to monitoring programs, this is not sufficient to address acknowledged Aboriginal and Treaty right impacts.

²¹ <https://www.aptnnews.ca/national-news/mining-claims-in-ring-of-fire-up-66-per-cent-over-past-3-years-environmental-group/>

²² Technical Addendum 1, p 91.

²³ Draft IA Report, p 60.

²⁴ E.g., see Draft IA Report, pp 65-66.

3. Benefits to Offset Impacts

Section 27.2 of the EA summarizes the benefits and advantages of the Project, including increased employment and contracting opportunities, increased education and learning opportunities, increased income and associated improvement of food security, and resulting benefits to social and health conditions of Indigenous communities. There are no facts to support this conclusion with respect to Eabametoong. Due to the lack of clarity regarding Project ownership or operation, Eabametoong has had no opportunity to secure any of the benefits set out above. To date, neither Webequie, Ontario or Canada has sought to engage with Eabametoong regarding an impacts and benefits agreement. Therefore, Eabametoong and can only be expected to suffer the adverse impacts.

4. Conclusion and Next Steps

Eabametoong requires further engagement with Ontario and Canada in light of the substantive and procedural fairness concerns set out in this letter. Eabametoong requests prompt responses and proper engagement with respect to the questions and concerns it has outlined in this and our previous letters, prior to any Project approvals. In light of the outstanding and significant issues related to the Project, we recommend that the Minister hold a hearing under s. 17.13(3) of the Ontario Environmental Assessment Act

If Ontario confirms its view that Eabametoong is not a Treaty rights holder entitled to section 35 rights consultation on the Project, we are entitled to a clear statement from Ontario in that regard and we request a prompt reply, in writing.

Sincerely,

<Original signed by>

Chief Solomon Atlookan,
Eabametoong First Nation