

9 December 2022

Marten Falls Community Access Road Project
Impact Assessment Agency of Canada
600-55 York Street
Toronto, Ontario M5J 1R7

Via e-mail: martenfalls@iaac-aeic.gc.ca

Re: Request for Time Limit Extension from Marten Falls First Nation to the Impact Assessment Agency of Canada (Project reference number: 80184)

Thank you for the opportunity to comment on the Request for Extension Report, prepared by AECOM Canada Ltd. and Dillon Consulting Ltd. on behalf of Marten Falls First Nation as the Proponent for the purpose of the Impact Assessment (IA) of the Marten Falls First Nation All Season Community Access Road (MFCAR) Project.

Our remarks draw on our applied and field-based experience as conservation scientists working in the region for the last two decades. Our expertise is in land use planning, impact assessment, and conservation and science research focused on intact forests, freshwater, and peatlands, and the wildlife and fish that rely on these ecosystems.

In summary, we support the request by the Proponent for an extension of three and a half years to July 24, 2026. Of the factors listed in Section 2, we agree in particular that COVID-19 had significant impacts on First Nations communities in the far north in Ontario and have concerns that the Proponent chose not to pause the MFCAR Project despite First Nation community requests to do so given health and safety concerns, capacity, and social crises. We continue to think this experience highlights the limitations of impact assessment as a tool for social justice in northern Ontario.

We appreciate that the COVID-19 global pandemic, starting in March 2020, affected the ability of the Proponent to address the IA and provincial Environmental Assessment (EA) for the Project resulting in delays to the collection of baseline data from field surveys and also forced the Proponent to create and establish virtual options for consultation and engagement with First Nations, the public, and stakeholders to meet the timelines established under *the Impact Assessment Act, 2019*.

However, we take this opportunity to highlight that a number of First Nation communities requested the Proponent pause this IA/EA process due to health, safety, and social crises that

affected capacity of Indigenous communities to respond. These requests were not taken up by the Proponent. The Impact Assessment Agency of Canada (IAAC) was also impotent in the face of these requests.

We also highlight that both the IA for the Webequie Supply Road (WSR) Project and the federal government's Regional Assessment for the Ring of Fire were also occurring at the same time. While the Proponent may argue these issues are beyond the scope of the MFCAR Project, multiple IA/EA processes have cumulative demands on time, resources, and capacity for engagement, consultation, and commentary.

In Section 2, a delay in the provincial Terms of Reference (TOR) was also noted as a cause for the delay. As we noted in our comments on the provincial MFCAR TOR in December 2020, we remain concerned and skeptical about the ability of Ontario, specifically MECP, to manage up to 3 individual road segment projects in coordination with the federal government to develop one north-south industry supply road to the Ring of Fire. Given Ontario's efforts to reduce red tape and be more efficient, we see the current piecemeal approach to impact assessment of roads to the Ring of Fire as an excessive yet inadequate approach to enhance so-called community access. There should be clearer descriptions of how the six disparate assessment processes will be coordinated, i.e., between Ontario and IAAC, including between the different road segment "projects", and between the federal regional assessment and this project. Part of the issue is driven by the piecemeal approach and dividing the Projects into multiple segments.

While we overall support the Request for Time Limit Extension, we do have some concerns that the interruptions and delays in data collection may impact the quality of data collected, and the usefulness of collected data to informing potential impacts on ecosystems and wildlife. However, the Request for Time Limit Extension provides only a very brief overview of the extent and types of engagement with Indigenous communities, the public, and stakeholders, field work conducted to date, secondary sources reviewed, progress to date, and the planned revised schedule. There was not sufficient detail provided on the sampling and field surveys in the Request for Time Limit Extension to provide comments on these aspects, or how the request for an extension may impact the data collected. Therefore, our recommendation is that the Proponent provide more detail on how data collection was impacted, and how data collection will be undertaken under the revised timeline, in order to address these concerns.

Sincerely,

<Original signed by>

Cheryl Chetkiewicz, PhD
Director, Indigenous Communities & Conservation

<Original signed by>

Constance O'Connor, PhD
Director, Ontario Northern Boreal

