



# ATTAWAPISKAT FIRST NATION

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April 10, 2026

## SENT BY EMAIL

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

## **Re: Attawapiskat First Nation's preliminary comments on the Marten Falls Community Access Road Final Impact Statement**

We are writing in response to an April 10, 2026 deadline to provide comments to Ontario on the Marten Falls First Nation Community Access Road (MFFN CAR) proponent's Final Impact Statement (Final IS).

On March 9, 2026, Attawapiskat First Nation and Fort Albany First Nation wrote to request additional time to review and comment on the Webequie Supply Road and Marten Falls Community Access Road final impact statements. On March 16, 2026, four days before the deadline to provide comments on the WSR final impact statement, and having not yet received an acknowledgement of our letter, we again requested a response. That evening we received an email from the MECP stating that "the request in that letter is being reviewed by the Ministry and we will respond as soon as we are able." As of this writing, we have received no further response from the MECP.

Attawapiskat First Nation continues to strongly object to the expedited assessment processes for both projects.

The Final IS is more than 16,510 pages in length. Ontario has allotted 50 days for the First Nations to review this document – the same as the public review period, and overlapping with the 50 day review period for the Webequie Supply Road (WSR) Final Impact Statement, which is over 27,000 pages in length. The timeline that is being imposed has placed an enormous consultation burden on Attawapiskat

First Nation. Given the short time allotted and the number of pages involved, we have not had the opportunity to fully review the Final IS. The structure of the MFFN CAR Final IS makes review extremely time-consuming and laborious, requiring an endless amount of flipping back and forth between the main document and the appendices, where essential information and important conclusions are buried.

We have also not had the time to discuss the Final IS with our members, and the plain language summaries that have been provided, whether in English or in Cree, do not contain key information on what the proponent is claiming will be the cumulative impacts of the project, and most importantly, how they came to that conclusion.

The comments in this letter must therefore be considered preliminary. 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 in that area.

We have already raised many concerns about the claims made in the proponent’s draft Impact Statement, as you know from our letters of June 11, July 28, August 19, and September 11, 2025. Neither the proponent nor the two Crown governments have adequately responded to those concerns.

The outcome of the impact/environmental assessment process appears to be predetermined. Ontario and Canada have greatly compressed the timeline for environmental/impact assessment and have vowed that ministerial approval for two of the three segments of the industrial access road to the Ring of Fire will be in place by the summer. Ontario has already announced that construction of the road will begin in June 2026.<sup>1</sup>

The way in which this regulatory process is unfolding is disrespectful of the Treaty relationship and does not provide us with the time needed to understand, ask questions about, and receive meaningful answers on the impacts of this project. It also does not allow us to exercise our right to free, prior, and informed consent – an international standard that Canada committed to when it adopted the UN Declaration on the Rights of Indigenous Peoples into domestic law in 2021.

We remind you that there is a hierarchy of law, and that the Constitution Act, 1982 is Canada’s supreme law. The Treaty rights at the core of Treaty 9 are affirmed and guaranteed by Section 35 of the Constitution Act, 1982. Accordingly, in the hierarchy of law, Canada’s Impact Assessment Act and Ontario’s Environmental Assessment Act fall below the Canadian Constitution.

When our Kattawapiskak people entered into Treaty to protect our Way of Life, the Crown and the Indigenous peoples made solemn promises to one another – promises that remain the foundation for how we are to live together. 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 below is a summary of our concerns:

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<sup>1</sup> <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>

**1. Canada is not respecting the principle of free, prior and informed consent. IAAC is not “carrying out impact assessments in a manner that emphasizes the need to seek free, prior, and informed consent,” as promised in Canada’s UNDRIP Action Plan (2023-2028).**

Due to the large amounts of missing information on cumulative effects and the greatly compressed timeline, we are unable to understand the true impact of this project to our inherent and Treaty rights.

In a March 20, 2026 letter, IAAC writes that

the Government of Canada remains committed to implementing the Impact Assessment Act in a manner that is consistent with the UN Declaration. IAAC understands the free, prior, and informed consent standard in the UN Declaration as requiring a robust process of consultation. As part of a robust consultation process, IAAC wants to ensure Attawapiskat First Nation has access to the necessary information to exercise their free, prior, and informed consent. To that end, I would like to clarify IAAC’s approach to meeting your request to access federal expertise on the potential impacts on caribou from the WSR project, as outlined below.

The letter then goes on to say that response tables on caribou-related impacts, from both the MECP and ECCC are attached, and proposes to meet with Attawapiskat First Nation “to provide Attawapiskat First Nation with an opportunity to engage federal and provincial experts on the responses to the caribou-related questions.”

The fact that IAAC has permitted Environment and Climate Change Canada (ECCC) to fill out a response table about the impacts of the project to caribou, and has proposed a meeting, is a start, but the Crown governments are still very far from a robust process of consultation. Major gaps and inaccuracies remain throughout the proponent’s impact statement, and the cumulative effects analyses for all valued components are completely inadequate. We are unable to understand the long-term impacts to our Treaty and inherent rights with the information we currently have, in this rushed impact assessment process.

In an August 7, 2025 meeting we were told that the priority for IAAC is to get a sense of Attawapiskat’s “issues.” These “issues” were then presented to us by IAAC in bullet point form in the document entitled “Summary of information on potential impacts of the Marten Falls Community Access Road Project on Attawapiskat First Nation,” sent to us on February 9, 2026. Please know that your list of “issues” is not a substitute for meaningful responses to our requests for information.

**2. The proponent’s cumulative effects analysis does not follow the advice laid out by IAAC in the Tailored Impact Statement Guidelines (TISG), nor the technical guidance referenced in the TISG.**

The proponent takes an extremely restrictive approach to cumulative effects assessment. Neither the TISG for the MFFN CAR, nor the 2012 Technical Guidance referenced in the TISG,<sup>2</sup> mandate such

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<sup>2</sup> 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

a restrictive approach. In fact, both the TISG and the Technical Guidance advise the proponent to think more broadly about cumulative effects and to tailor the cumulative effects assessment based on Indigenous input. The proponent has not taken this advice and has in fact done the opposite of what we understand to be the direction given by the federal guidance.

As stated in the TISG for this project, “A cumulative effect on an environmental, health, social or economic component may be important even if the Project’s effects to this component by themselves are minor” (underlining added, p. 137). The proponent has taken the opposite approach, looking first at what it considers the “residual” impacts of the road segment, seen in isolation, to any given valued component, and then considering the overlap of those “residual” impacts with an extremely restricted list of other projects. For example, in the analysis of cumulative effects to surface water, the proponent defines the “residual effects” of the road segment as being limited to temporary effects to water quality and quantity during the construction phase. This finding of project-specific effects is itself deeply flawed due to the approach taken to significance ratings by proponents, which we discussed in our letter on the WSR (October 6, 2025, and March 17, 2026). The proponent then looks for overlap between these temporary, construction phase impacts with only two other projects, namely the Rapid Lynx Broadband project, and the Northern Road Link. The proponent concludes that “the predicted cumulative effects are negligible and do not appear to be significantly greater than the predicted residual effects for the Project” (Final IS, Appendix G, p. 227). The proponent comes to this conclusion based on their finding that the temporary, construction-related impacts of the Northern Road Link and Rapid Lynx Broadband projects will be minimal and that therefore the cumulative effect of all three projects together is minimal. Considering only temporary, construction-related impacts from other projects fails to take into account the full scale of reasonably foreseeable future impacts to a given “valued component,” in this case, surface water.

The geographic scoping and the selection of projects to be included in the cumulative effects analysis of the final IS is artificially restricted by the proponent’s interest in minimizing findings of significant cumulative effects, and denying the problem of induced development. In their letter to us of February 20, 2026, the proponent claims that “under the federal regime, the Final EA/IS Report considers ‘projects’ and ‘activities’ which are either active (and thus causing effects now) or reasonably foreseeable (such that they are in planning and have defined future in available documents from their proponents).”

The Technical Guidance referenced in the TISG does not take such an approach to the definition of “reasonably foreseeable” future projects. In fact, 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:

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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>

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.

The completion of the project would facilitate or enable the future development.<sup>3</sup>

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 MFFN CAR.

**3. The proponent’s own record of consultation shows that they rejected the feedback from Indigenous communities on the need for expanded scoping of the cumulative effects analysis, but accepted feedback from Wyloo/Ring of Fire Metals and the Ontario government to change the scoping of the cumulative effects analysis.**

Numerous First Nations, including Ginoogaming, Fort Albany, Neskantaga, Long Lake #58, and Animbiigoo-Zaagi’igan Anishinabek First Nations are recorded in Appendix XD as expressing concern about the limited scoping of the cumulative effects analysis. In response, the proponent justifies their existing approach, referencing the Project Inclusions List and claiming that the approach to cumulative effects includes “reasonably foreseeable projects.” On p. 31 of Appendix XD, the proponent doubles down on their approach to cumulative effects, saying that “for an activity to be considered reasonably foreseeable and included in the cumulative effects assessment” the project must be “in the planning/approvals/design stage.” As we note above, no such limitation exists in the TISG or in IAAC’s technical guidance – on the contrary, the inclusion of induced development in the cumulative effects analysis is encouraged.

The response table in Appendix XD shows that when representatives from Wyloo/Ring of Fire Metals, or the Ontario government, gave comments regarding the cumulative effects analysis, those comments were taken into account. The proponent’s response table in Appendix XD indicates that Wyloo/Ring of Fire Metals’ comments resulted in the removal of two mining projects from the

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<sup>3</sup> <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/assessing-cumulative-environmental-effects-ceaa2012.html>

cumulative effects analysis, and as a result of comments from MNR, the Wataynikineyap Powerline was added to the cumulative effects analysis.

**4. The cumulative effects analysis presented in the Final IS does not allow us to understand the long-term impacts of this industrial access road to our land, our Way of Life, and our Treaty and inherent rights.**

The project that is being proposed is not just any project – it is a frontier development. What we mean by this is that the road would open the door to regional development on a massive scale – a door that, once opened, can never be closed again. This development would affect future generations and our Way of Life forever.

The cumulative effects assessment for this project must therefore include induced development. Once the access road is in place we can expect the growth of secondary and tertiary road networks, and the expansion of forestry, mining exploration, mining, and recreational hunting and fishing, among other industries. This type of development is routinely seen around the world, including in Canada, after a road is built into a previously roadless area. Induced development grows over time, and is of enormous concern to our Kattawapiskak people. Canada and Ontario must not ignore induced development, and must not hide behind the fiction that future projects must have already been announced and intending to seek regulatory approval if they are to be included in the cumulative effects assessment.

Projects that fall under the category of induced development must be included in the cumulative effects assessment for the MFFN CAR, because while it is too early for mining proponents, or hydro dam proponents (to name just two examples) to announce their intent to seek regulatory approvals, we all know that once an access road is built, such developments will be announced as moving forward, and it would be irrational and foolhardy for the regulators (MECP and IAAC) to not consider the full scale of intended development stemming from the industrial access road to the Ring of Fire. As Minister Pirie said in a 2024 interview with NetNewsLedger in Thunder Bay, “permanent roads will have to be developed, so we’ve been focusing on one road, or three roads, but there’ll be lots of roads that have to be developed ... and when that happens you’re going to see an incredible boom in mining.”<sup>4</sup> In that interview, he also referred to our Omushkegowuk territory as “largely empty and begging for exploration drillholes.”

As stated above, the Technical Guidance referenced in the TISG for the MFFN CAR specifically mentions that induced development is a type of reasonably foreseeable activity. The Oxford English Dictionary gives the following definition of the verb “induce:” to “succeed in persuading or leading (someone) to do something” or to “bring about or give rise to ... by induction.”<sup>5</sup> In the context of induced effects of the road, this means that what must be considered are the ways in which a road would persuade, lead to, or stimulate development due to the much reduced cost of access to the territory. Such induced effects are no less important than effects that occur over the short term, because they continue to unfold over decades and centuries. As road networks expand, the induced effect of the initial road only multiplies.

It would be unacceptable to defer an analysis of induced development to the Regional Assessment. The results of cumulative effects assessments done as part of the Regional Assessment are not yet available,

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<sup>4</sup> <https://www.youtube.com/watch?v=CynB8Cxegys>

<sup>5</sup> The Concise Oxford Dictionary, Tenth Edition, 1999.

and will not be available for some time – certainly not by the time an approval decision on the WSR or the MFFN CAR is made. And since the industrial access road to the Ring of Fire is the trigger for induced development, any analysis of induced development done after the road is approved will be too little, too late.

**5. The cumulative effects analysis does not consider the impact of waste and contamination, nor the impact of dewatering and water takings, resulting from the Eagle’s Nest mine and the exploitation of the named chromite deposits.**

The proponent considers only the physical (spatial) footprint of Eagle’s Nest mine and not the mine’s impacts to water quality and quantity. The cumulative effects Project Inclusion in Appendix E indicates that the Eagle’s Nest mine is considered for only two of the “valued components,” namely Wildlife, and Ungulates. The Eagle’s Nest mine is excluded from the cumulative effects analysis for all other components, including: Surface Water, Fish and Fish Habitat, Groundwater and Geochemistry, Peatlands, Vegetation, and Aboriginal and Treaty Rights and Interests. The named chromite deposits are excluded from the cumulative effects analysis of all valued components.

This exclusion is unacceptable, given that the Eagle’s Nest mine is already announced to proceed as soon as the industrial access road to the Ring of Fire is built, and given that the ore, host rock, and tailings at Eagle’s Nest are classified as “potentially acid generating” (PAG) and are potentially metal leaching.<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup> This could cause flow impacts to local streams and wetlands around the mine as well as to the Muketei River.

As explained in our letter of September 11, 2025, our concern for the water goes to the core of who we are as Kattawapiskak people. The proposed industrial road and the planned mines would be built in the sacred headwaters of our rivers. The omission of the impacts of the Eagle’s Nest and chromite mines to water is unacceptable and the Final IS must be revised to include this information. Without it, we cannot understand the impacts of the industrial access road to our Treaty and inherent rights.

**6. The analysis of cumulative impacts to caribou is deficient. It does not consider the true impact of reasonably foreseeable development, as discussed in point 4 above. In addition, there has still been no assessment of impacts to eastern migratory caribou. Given the importance of Atik (caribou) to our people, and to our Treaty and inherent rights, these gaps mean that it will be impossible to undertake a meaningful impacts to rights analysis.**

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<sup>6</sup> 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>

<sup>7</sup> Knight-Piesold Consulting and Noront Resources Ltd. 2013. P. 39.

<sup>8</sup> Knight-Piesold Consulting and Noront Resources Ltd. 2013. P. 11.

Our concerns about caribou have not been addressed in the Final IS. The proponent's February 20, 2026 response letter to us doubles down on the original approach to cumulative effects taken in the draft IS, claiming that "the cumulative effects assessment adheres to the approved TOR [Terms of Reference] and TISG [Tailored Impact Statement Guidelines] for the CAR [Community Access Road]." The proponent considers a handful of existing and future projects in the caribou cumulative effects analysis (Appendix M, Table 8-4 p. 466-470). This scope does not capture the impact of the industrial access road on caribou, as it would unfold for the future generations of our Kattawapiskak people. Please refer to point #4 above for more information about what Attawapiskat First Nation expects in terms of cumulative effects scoping.

While the proponent did conclude that "the combined residual cumulative effects from the Project and past, present and reasonably foreseeable developments on caribou and caribou habitat are determined to have a significant influence on self-sustaining and ecologically effective caribou populations in the caribou effects assessment Regional Study Area" (Appendix M, p. 556), the rest of the analysis minimizes the severity of the potential impact. This is unacceptable. We must understand the true extent of the cumulative impact of the project to caribou, if we are to understand the project's impacts to our inherent and Treaty rights.

The proponent focuses on the fact that disturbance in the Regional Study Area is below the 35% threshold (Appendix M, p. 552). We have previously shared our deep concern with both Canada and Ontario on the application of the 35% habitat disturbance threshold (which was derived primarily using data from southern caribou ranges) to northern caribou herds, as recent studies strongly suggest that the relevant threshold for anthropogenic disturbance in northern boreal caribou ranges lies somewhere between 3% and 11% of the range being impacted by industry.<sup>9</sup>

The proponent also draws attention to Ontario's data suggesting that "the short-term population trend is increasing in the Missisa Range," adding that "the Project and past, present, and reasonably foreseeable developments ... represents an overall increase to 7.7% disturbance in the range ... [and] the availability of habitat for caribou is expected to remain above the threshold of 65% undisturbed habitat that is considered necessary to maintain a self-sustaining population" (Appendix M, p. 553).

Buried within Appendix M of the Final IS is a reference to the landmark Rempel et al. (2021) study – a study that models caribou population trends if the Ring of Fire were to be developed. By the proponent's own admission, the MNR scientists in that study found that "when development was included in the simulation [of the impact of climate change on caribou], the population declines increased to 17% by 2070." (Appendix M, p. 521). The proponent fails to mention that Rempel et al.'s outlook for caribou at the ecozone scale is even more dire, with a "26% decline in the caribou population during the climate change scenario with high development."<sup>10</sup>

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<sup>9</sup> 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.

<sup>10</sup> Rempel, R.S., et al., 2021. "Modeling cumulative effects of climate and development on moose, wolf, and caribou populations." *The Journal of Wildlife Management* 85(7): 1355-1376. P. 1364.

It is therefore incomprehensible that the proponent concludes there will be “a low magnitude of change to habitat availability, distribution, and survival and reproduction ... in the Caribou Regional Study Area and in the Missisa, Ozhiski and Pagwachuan ranges” (Appendix M, Table 8-24, p. 548). The proponent rates the change as “not significant” for these ranges (Appendix M, p. 553-555).

The proponent draws this conclusion despite Rempel et al.’s warning that “management thresholds derived from simple empirical relationships between key vital rates and disturbance (ECCC 2011) risk overestimating the amount of disturbance that can occur within a range before the probability of caribou persistence drops below desirable levels.”<sup>11</sup> A potential caribou population decline of 17%, or 26%, as estimated by Rempel et al., would certainly reduce caribou populations “below desirable levels,” – in fact, this outcome would result in severe impacts to our inherent and Treaty rights as Kattawapiskak people.

The proponent’s treatment of boreal caribou as a “stand in” for all caribou, including the eastern migratory caribou, is unacceptable. In their letter to us of February 20, 2026, the proponent claims that in 2021, the MFFN CAR Project Team

informed the regulators that the intention was to keep boreal caribou as a Valued Component and to conduct a qualitative assessment of eastern migratory caribou in the description of existing conditions in the EA/IS. The rationale was that given both ecotypes group together in the winter, then eastern migratory caribou would be expected to experience the same predicted effects as boreal caribou in the season that they occur in the study areas, and mitigation measures applied to boreal caribou would protect “all caribou.” Neither the provincial or federal regulators responded at that time with concerns about the proposed approach.

Even if it is true that the provincial and federal regulators did not respond at the time (2021) with concerns about this approach, it does not resolve the problem that eastern migratory caribou have distinct ecologies, population dynamics, and vulnerabilities, and must be considered in the impact assessment separately from the boreal ecotype. The proponent further justifies its position by saying that eastern migratory caribou, while assessed as Endangered, are not yet listed federally on Schedule 1 of the Species at Risk Act.<sup>12</sup> The proponent’s reasons, and the federal and provincial regulators’ lack of attention to this issue have resulted in a giant gap in the analysis of the impact of the project to our relative Atik (caribou), and by extension the exercise of our rights. The proponent’s current approach is disrespectful of the enormous importance of eastern migratory caribou to Attawapiskat and other First Nations.

Finally, the proponent’s suggestion in Appendix AB that a protected area in the Pym Island region of the Attawapiskat River will be able to offset cumulative impacts to caribou, wolverine, and other wildlife, does not make sense. The proponent argues that “Given the potential future developments in the Regional Study Areas, a protected area would provide the greatest benefit to address residual effects of habitat loss and increased mortality...” (Appendix AB, p. 45). How will a protected area be able to offset cumulative effects of the road, when the proposed protected area is still fully intact? Future development in the Ring of Fire will result in degraded lands and waters, and that loss will have

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<sup>11</sup> Rempel et al. 2021, P. 1368

<sup>12</sup> Letter from MFFN CAR Project Team to Attawapiskat First Nation, February 20, 2026.

irreversible, serious impacts to the Way of Life our ancestors passed on to us. Our entire Way of Life and the continued exercise of our inherent and Treaty rights is at stake.

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

<Original signed by>

Deputy Chief Kara Fireman  
Attawapiskat First Nation

cc.

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