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To Whom it May Concern:

Re: Marten Falls Community Access Road Project – Comments on Draft IA Report

Ecojustice, Canada's largest environmental law charity, submits the following comments on the draft Impact Assessment Report and proposed conditions for the Marten Falls Community Access Road (MFCAR) project (Draft IA Report).

Our primary submission is with respect to the IAAC's June 11, 2025, letter of direction, which confined the scope of the remaining federal assessment of the MFCAR to three issues: fish and fish habitat, migratory birds, and impacts on Indigenous Peoples, citing reliance on provincial oversight mechanisms for all other matters.¹ This scope is narrower than required by the legal definition of adverse effects within a federal jurisdiction, and narrower than what a project of the MFCAR's scope demands, particularly given that (i) the project cuts through pristine and ecologically sensitive terrain; and (ii) it is one part of a much larger road network planned for the region, to support not only community access but mining and other industrial development.

Under the amended *Impact Assessment Act*, "adverse effects within federal jurisdiction" include non-negligible adverse changes to fish and fish habitat and to migratory birds.² Peatland hydrology changes caused by floating road construction can alter downstream fish habitat. Cumulative habitat disturbance across the project footprint can affect migratory bird populations. Both fall within IAAC's own stated categories, yet the Draft IA Report defers them to the provincial process rather than assessing them federally.

¹ Impact Assessment Agency of Canada, Letter from IAAC A/Director Amy Sen to Chief Bruce Achneepineskum, Marten Falls First Nation (11 June 2025), online: Canadian Impact Assessment Registry <iaac-aeic.gc.ca/050/evaluations/document/161922>.

² *Impact Assessment Act*, SC 2019, c 28, [s 2](#) (definition of "adverse effects within federal jurisdiction", paras (a)(i), (a)(iii)), as amended by *Budget Implementation Act, 2024, No. 1*, SC 2024, c 17, s 271.

While the Draft IA Report references peatland hydrology and cumulative migratory bird effects, it does not assess them as adverse federal effects, instead treating them as proponent's mitigation commitments.³ Peatland hydrology itself has no dedicated assessment section in the report. Similarly, the draft potential conditions include a water quality monitoring program under condition 3.1, but that condition only addresses water quality parameters in waters frequented by fish.⁴ It does not require independent assessment of whether the floating road design maintains peatland hydrology, and does not respond to the concern raised by ECCC, WCS Canada, and multiple First Nations that the proponent has not provided sufficient evidence on this point.⁵

The provincial process IAAC relies on is not adequate to fill these gaps. For example, public comments during the MECP's review under Ontario's *Environmental Assessment Act* raised concerns about peatlands, cumulative effects, and mitigation. The MECP "Ministry Review" confirms that these comments "largely echo concerns raised by Indigenous communities",⁶ several of whom wrote that the assessment understates negative effects and relies too heavily on future monitoring to manage present uncertainty about peatlands and other components.⁷ IAAC cannot rely on a process that contains the same deficiencies it is meant to fill.

IAAC's reliance on provincial oversight also assumes the provincial framework will remain in place. It is being actively dismantled. For example, the *Protect Ontario by Unleashing our Economy Act, 2025*, terminated the environmental assessment requirement for the Eagle's Nest mine, located in the same region.⁸ IAAC then declined to designate Eagle's Nest for federal assessment.⁹ That project will now proceed to closure without either level of government having conducted an environmental assessment. This is directly relevant to the MFCAR because it is the southernmost component of the planned Ring of Fire road network, which is intended to support access to the Eagle's Nest mine and other future industrial development. The weakening of the provincial assessment frameworks undermines the basis for relying on provincial oversight to address the broader environmental effects associated with the project. The *Special Economic Zones Act, 2025*, goes even further, authorizing exemptions from provincial legal requirements

³ Impact Assessment Agency of Canada, [Draft Impact Assessment Report: Marten Falls Community Access Road](#) (May 2026) at 14.

⁴ Impact Assessment Agency of Canada, [MFCAR Draft Potential Conditions](#) (May 2026) at condition 3.1.

⁵ Impact Assessment Agency of Canada, [Draft Impact Assessment Report: Marten Falls Community Access Road](#) (May 2026) at 75.

⁶ Government of Ontario, "Ministry Review of the Marten Falls Community Access Road Environmental Assessment", online: Ontario.ca <<https://www.ontario.ca/page/ministry-review-marten-falls-community-access-road-environmental-assessment#:~:text=Public%20comments,and%20Indigenous%20rights.>>

⁷ *Ibid.*

⁸ *Protect Ontario by Unleashing our Economy Act, 2025*, SO 2025, c 4, Sched 3; Eagle's Nest Multi-Metal Mine, online: Ontario.ca <ontario.ca/page/eagles-nest-multi-metal-mine>.

⁹ Impact Assessment Agency of Canada, "Eagle's Nest Mine Project", online: Canadian Impact Assessment Registry <iaac-aeic.gc.ca/050/evaluations/proj/90033?culture=en-CA>.

for designated projects and proponents.¹⁰ A provincial framework that can be removed by statute is not a stable basis for federal deference. As provincial requirements erode, direct federal assessment of these effects becomes more necessary, not less.

The Draft IA Report focuses primarily on direct habitat loss and degradation for fish and fish habitat, without specifically assessing whether peatland hydrological changes could alter downstream fish habitat beyond the construction disturbance area. The Report's response to this uncertainty is to rely on the proponent's mitigation commitments and the *Fisheries Act* permitting process, rather than making an independent finding on whether these changes meet the threshold for a non-negligible adverse effect.¹¹ Likewise, although the Report assesses cumulative effects on migratory birds, it concludes that those effects are not likely to be significant without adequately considering the cumulative habitat disturbance that could arise as the planned Ring of Fire transportation network facilitates future industrial development.¹² IAAC should expand the final Impact Assessment Report and any conditions in the Decision Statement to directly assess peatland hydrology impacts on fish and fish habitat and cumulative migratory bird habitat effects, rather than deferring these matters to a provincial process that cannot be relied on to address them.

Thank you for the opportunity to provide comments.

Sincerely,



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Staff Lawyers

¹⁰ *Special Economic Zones Act*, 2025, SO 2025, c 4, Sched 9, s 1 (definition of “trusted proponent” and “designated project”).

¹¹ Impact Assessment Agency of Canada, [Draft Impact Assessment Report: Marten Falls Community Access Road](#) (May 2026) at 14.

¹² Impact Assessment Agency of Canada, [Draft Impact Assessment Report: Marten Falls Community Access Road](#) (May 2026) at 21-27.