



ATTAWAPISKAT FIRST NATION

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June 26, 2026

SENT BY EMAIL

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Dear Ms. Cox, Ms. Cafaro, Ms. Moszynski, and Mr. Zhao,

Re: Attawapiskat First Nation's comments on the Marten Falls Community Access Road Ministry Review and draft Impact Assessment Report

We are writing in response to a June 26, 2026 deadline to provide comments on the Marten Falls Community Access Road (MFFN CAR) Ministry Review (Ontario) and a July 6, 2026 deadline to provide comments on the draft Impact Assessment Report (Canada).

The regulatory review process for the MFFN CAR, at both federal and provincial levels, has been nothing short of a rubber-stamping exercise. At every stage we have raised concerns over the impact of this proposed frontier-opening project to our inherent and Treaty rights, and our entire Way of Life as Kattawapiskak people.

Instead of engaging with us in a meaningful way your regulatory teams tried to placate us with by saying that you have provided funding, that you are happy to accept our comments, that everything is being done according to legislative requirements, and that there will be additional opportunities to comment at future stages of the regulatory timeline.

While we were busy preparing one letter after another detailing our concerns, with no meaningful responses from either Crown government, the proponent proceeded ever further down the path to project approval. Then, in February 2026, we were suddenly presented with a greatly expedited timeline for approvals of both the Webequie Supply Road (WSR) and the MFFN CAR. Attawapiskat First Nation

was informed by email that the remaining steps in the approval process would be done by summer and that construction on the road segments would begin in June.

We have repeatedly questioned why induced development was not considered in the cumulative effects analysis, when IAAC's own Technical Guidance on cumulative effects recommends that this be considered. Ultimately, the Crown governments have relied entirely on the limited information provided by the proponent, and have not sought out the information needed to understand impacts to rights.

In response to what it called Attawapiskat's "ongoing concerns," Ontario wrote that "the proponent is responsible for planning and designing the EA for their project" and pointed to funding and consultation opportunities as evidence that it is "committed to ... meet its duty to consult."¹

Canada, for its part, simply added our concern about the inadequate cumulative effects analysis to its list of Attawapiskat's grievances (the so-called *Summary of Information on Potential Impacts*). We were told that "*The Summary of Information on Potential Impacts* is not intended to replace Attawapiskat First Nation's request for information to support the community's understanding of impacts to rights," yet the only solution IAAC offered was to "update the summary to reflect those comments."² This step will do nothing to "ensure the impact assessment decision by the Minister of Environment, Climate Change and Nature is informed by an accurate understanding of the potential impacts on Attawapiskat First Nation's rights and interests."³

Neither Ontario nor Canada has engaged with the substance of our concerns on the WSR or the MFFN CAR, that we expressed over the course of nine letters sent between June 2025 and April 2026. We have been denied the information and time we need to exercise our right to free, prior, and informed consent. In so doing, Canada and Ontario have done serious harm to the Treaty relationship – the living agreement that remains the foundation for how we are to live together.

The Duty to Consult and Accommodate requires that you work with us in a collaborative fashion to assess the impact of this frontier-opening project on our Treaty rights. Canada also has commitments under the UNDRIP Action Plan, which include: "carrying out impact assessments in a manner that emphasizes the need to seek free, prior, and informed consent," "maximizing Indigenous collaboration and partnership," "respect for Indigenous rights, culture and jurisdiction," "mandatory consideration of Indigenous Knowledge in impact assessment," and "consideration of any cumulative effects that are likely to result from a designated project in combination with other physical activities that have been or will be carried out."⁴

This has not occurred. Ontario and Canada have publicly stated that they plan to approve this road, with or without our approval. Our Indigenous knowledge about the importance of Nipiy (Water), Atik (caribou), the peatlands, among other things, has not been considered. Our Indigenous knowledge

¹ Letter from MECP Environmental Assessment Branch to Attawapiskat First Nation, April 10, 2026.

² Email from Caitlin Cafaro to Dorothee Schreiber, May 8, 2026. See also Table of Proponent and IAAC Responses to Referred Comments on the MFCAR Final IS Submitted Via Provincial EA Process, p. 10-11.

³ Table of Proponent and IAAC Responses to Referred Comments on the MFCAR Final IS Submitted Via Provincial EA Process, p. 10.

⁴ <https://www.justice.gc.ca/eng/declaration/ap-pa/ah/pdf/unda-action-plan-digital-eng.pdf>

about the type of cumulative effects assessment that we need to assess impacts to rights has also been ignored.

With project approval now imminent, we are told that remaining concerns can be dealt through future permitting, future monitoring programs, future management plans, and future adaptive management measures. We are also given blanket assurances that provincial legislative frameworks will be in place to manage industrial development. These vague assurances provide no comfort that the cascade of impacts to rights set in motion by all-season road access to the Ring of Fire can in any way be stopped or reversed.

There has been no time to consult with our members on the Crowns' conclusions regarding the impact of this project to rights, and we have had insufficient time to review the two Crown reports provided on May 22 and June 3. The numerous response tables provided by the proponent and Canada, and an Attawapiskat-specific Treaty Rights and Interests report prepared by the proponent, have added to the consultation burden. The thirty-day review period, which is the same as for the general public, does not respect the Duty to Consult and Accommodate, nor our Treaty relationship. You are treating us as you would a stakeholder, not as a rights-holding Nation and a Treaty partner.

The comments in this letter must therefore be considered preliminary.

Please note that 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 within that area. We remain firmly opposed both to the expedited timeline, and to the approval of the MFFN CAR project.

The below is a summary of our concerns.

- 1. The Impact Assessment Agency has stood in the way of Attawapiskat First Nation receiving information about the impacts of the road to peatland hydrology. IAAC has refused to ask the proponent for missing information, despite Attawapiskat First Nation's repeated requests, and despite ECCC raising significant concerns about the potential serious, long-term hydrological impacts of the road to water and peatlands.**

If built, the MFFN CAR would be placed perpendicular to the direction of water flow. As ECCC noted in its June 2025 *Response to Targeted Questions on the Marten Falls Community Access Road*, this commonly creates flooded conditions on the upstream side and dry conditions on the downstream side of the road. The proponent's main stated "mitigation measure," is to build the road on top of compressed peat (a technique called a "floating road" by the proponent), but as ECCC notes, not nearly enough detail is provided by the proponent to know whether this technique will be effective in addressing impacts, especially given the possible high travel volume and heavy payloads (mining trucks) that will lead to subsidence of the road over time:

Without further clarification on the access road construction methodology, ECCC can not comment on whether the proposed mitigation measures would be sufficient to address such

level of uncertainty [high uncertainty, by the proponent's own admission] on residual changes to hydrology.⁵

ECCC concludes that:

Overall, the level of uncertainty related to construction methodology, culvert placement, characterization of residual effects, and the long-term viability of specific mitigation measures (floating road), as provided within the dIS [draft Impact Statement], remain high. Therefore, ECCC can not confidently assess likely and worst-case scenarios for maintaining long-term peatlands function with respect to hydrology within the LSA [Local Study Area] or RSA [Regional Study Area].⁶

Not only did the proponent not provide any further detail in the final version of their Impact Statement, we were told by IAAC that there would be no further investigation of this issue. On May 6, and again on May 15, 2026, we were told that the Agency will not be asking the proponent to respond to comments from the federal authorities.⁷

We continue to have serious concerns about the long-term impact of this road to water flows and the surrounding peatlands. As pointed out by the Wildlife Conservation Society of Canada, "there are numerous studies in Alberta showing the impacts of resource roads built on peatlands with similar construction design on geogrids and geotextiles, where there are still significant hydrological impacts and the cumulative impacts to peatlands that follow."⁸

It is completely disingenuous of IAAC to say on the one hand that it "wants to ensure Attawapiskat First Nation has access to the necessary information to exercise their free, prior, and informed consent,"⁹ and on the other, to refuse to ask the proponent for the information Attawapiskat First Nation has clearly stated it needs to determine impacts to rights.

- 2. Our rights to protect Nipiy (Water) and to maintain the integrity of all of the interconnected bogs, fens, islands, creeks, lakes, and the quality and quantity of water that flows through and under all of these features, is at the core of who we are as Kattawapiskak people. Canada considers the impact of the project to the exercise of rights related to fishing and water as "potentially low." This is unacceptable and must be corrected.**

We are all of water. Nipiy (Water) is the essence of life, and we have the sacred duty to protect it. The proposed industrial access road and the planned mines would be built in the ecologically and spiritually sensitive headwaters of our rivers. What is at stake, in the decision on whether or not to approve this road, may well be our very existence as Kattawapiskak people.

There is still a great deal of information missing from the proponent's Impact Statement regarding the impacts of the road to water. It is therefore inappropriate for IAAC's draft Impact Assessment Report to

⁵ ECCC Response to Targeted Questions on the Marten Falls Community Access Road, 23 June 2025, p. 18

⁶ ECCC Response to Targeted Questions on the Marten Falls Community Access Road, 23 June 2025, p. 18

⁷ Emails from Caitlin Cafaro (IAAC) to Dorothee Schreiber

⁸ WCS Canada Comments on the Marten Falls Community Access Road Project Environmental Assessment Report/Impact Statement, April 10, 2026. Available at: <https://iaac-aeic.gc.ca/050/evaluations/proj/80184/contributions/id/66321>

⁹ Letter from IAAC to Attawapiskat First Nation, April 14, 2026, p. 3.

conclude that the severity of impacts to rights related to fishing and water are “potentially negligible to low” and that impacts can be mitigated through future monitoring (p. 142, 115-116).¹⁰

Environmental monitoring will not prevent impacts from happening. In order for an environmental monitoring program to be meaningful we must first have confidence that significant impacts will not take place, and that impacts are expected to be minor and manageable through monitoring and adaptive management. There is not enough information in the proponent’s impact statement to come to this conclusion. It is therefore completely inappropriate for IAAC to refer to Attawapiskat First Nation’s concerns about contamination as “fear” (draft Impact Assessment Report, p. 70, 114, 116, and 150). This framing shows a blatant disregard for our cultural values surrounding water and our distinct knowledge about the sensitivity of peatland environments.

As we already communicated to you in our letter of April 10, 2026, the proponent’s cumulative effects assessment considers only the physical (spatial) footprint of Eagle’s Nest mine and not the mine’s impacts to water quality and quantity. The proponent also excludes the Eagle’s Nest mine (and named chromite deposits) from the cumulative effects analysis for all components related to Water, as well as Indigenous rights.

There are a number of important water-related mining activities that will take place at Eagle’s Nest and the chromite mines that are not reflected in the proponent’s cumulative effects assessment. The decades-long dewatering at Eagle’s Nest and the neighbouring chromite mines will shift the quantity and seasonal patterns of streamflow to the tributaries of the Muketei and Attawapiskat Rivers. These changes will impact the health of aquatic species, river navigability, flooding, and by extension, traditional land use. In the long term, the cumulative impact of mine dewatering and climate change will have very significant impacts to the exercise of our inherent and Treaty rights:

Compromised ecohydrological function of these [destabilized peatland] systems has implications beyond regional water availability, also affecting wildfire frequency and severity (Davies et al., 2023), integrity of caribou habitat (Bradshaw et al., 1995), the stability of subsistence fisheries (Hori et al., 2012), and the efficacy of the carbon sequestration function of bogs and fens (Strack & Waddington, 2007).¹¹

The road under consideration here is designed to enable the development of mines, which, in combination with climate change, will bring about conditions that are potentially catastrophic to our Way of Life. We are also very concerned that the chemical balance needed for healthy fen ecosystems will be disrupted by the mining directly facilitated by the construction of this road. Based on research at the Victor Mine, it will take decades to centuries for peatland geochemistry to return to pre-dewatering conditions.¹² All of this needs to be considered in the cumulative effects analysis.

Adding to these effects is the very high likelihood that mining at Eagle’s Nest and adjacent mines will involve above-ground tailings facilities, in which our lakes and wetlands will be turned into waste dumps

¹⁰ In this submission, the page number of the PDF is used when referring to a document by the proponent or a Crown government.

¹¹ Sutton, O.F., Balliston, N.E., and J.S. Price. 2024. Mining and climate change alters water storage and streamflow dynamics of northern peatland-dominated catchments. *Water Resources Research* 60, e2024WR037310, P. 16.

¹² Balliston, N., Sutton, O., and J. Price. 2024. Solute depletion and reduced hydrological connectivity in subarctic patterned peatlands disturbed by mine dewatering. *Science of The Total Environment* 913, 169442.

for the mining industry. Wyloo's plan to store mine tailings in vacated underground gravel quarries is highly speculative and unrealistic. Not only do the Ring of Fire road proponents not need to rely on gravel from Eagle's Nest, the significant swelling of rock, once excavated, and especially once the tailings are mixed with cement, means that Wyloo will most likely need ask Canada to designate some water bodies as mine tailings impoundment sites. As you know, this designation and the resulting tailings impoundments are perfectly legal under the Fisheries Act and its Metal and Diamond Mining Effluent Regulations (MDMER). To this day, it is an expected, regular occurrence in Canada, including in places like the Abitibi and the Sudbury basin, and this reality must be considered in the cumulative effects analysis for any segment of the Road to the Ring of Fire.

As we shared in our letter of April 10, 2026 regarding the MFFN CAR, the ore, host rock, and tailings at Eagle's Nest are classified as "potentially acid generating" (PAG) and are potentially metal leaching.¹³ 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.¹⁴ 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.¹⁵ This could cause flow impacts to local streams and wetlands around the mine as well as to the Muketei River.

Instead of responding to us about our concerns, Canada sent a letter, dated April 14, 2026, that says that IAAC will continue consulting, that the Agency "remains available for ongoing dialogue" and that the Agency 'encourages' and 'welcomes' us to submit further comments. Consultation is a two-way street. It is completely unacceptable that our concerns have not been responded to, that we have not received the information we require to undertake an analysis of impacts to rights, and that in the absence of this information, IAAC has rated the severity of the impacts to rights as "potentially negligible" or "potentially low" (draft Impact Assessment Report, Table 6, p. 138-142).

On May 27, 2026, we wrote to IAAC, asking

Could IAAC please explain how you will assess impacts of the MFFN CAR to Indigenous rights related to water, without having any information on the impact of Eagle's Nest and other mines to water?

On June 3, 2026, we received a letter that instead of addressing this question provided only a confusing mish-mash of statements: that impacts to water are not within federal jurisdiction, that the Agency is relying on "likely relevant federal and provincial mechanisms," and that

IAAC considered cumulative effects in combination of reasonably foreseeable past, present, and future projects, including mining projects (for instance, in relation to applicable valued

¹³ 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>

¹⁴ Knight-Piesold Consulting and Noront Resources Ltd. 2013. P. 39.

¹⁵ Knight-Piesold Consulting and Noront Resources Ltd. 2013. P. 11.

components, IAAC considered changes in water, such as due to wastewater discharges and water usage).

The letter directed us to sections 2.1, 4.3.1, and 4.3.3, of the draft Impact Assessment Report. However, upon reviewing those sections, we could find no mention of impacts to water from the Eagle's Nest or any other mines. Only section 2.1 mentioned "wastewater discharges," and then only in connection with the permits and approvals that will be issued by Ontario for road construction and gravel mining for the road.

Our repeated attempts at raising concerns about cumulative impacts to water, and our Stewardship and Governance rights related to water, have been met with a refusal on the part of the Crown governments to work with us as a Treaty partner to get to the heart of the issues that matter so much to our people.

3. **Canada in its draft Impact Assessment Report for the MFFN CAR concludes that the project "is not likely to result in adverse impacts on potentially impacted Indigenous communities' existing governing structures" (p. 128-129). This conclusion, and the reasoning IAAC provides for it, is unacceptable and must be changed.**

In its draft Impact Assessment Report IAAC provides a number of reasons for its finding of no adverse impacts to Governance and Stewardship, including the claim that

Through the Regional Assessment, Indigenous communities would have access to information on current and future conditions within their traditional territory, which would be available to support and inform future decision-making in the Ring of Fire area. (p. 128).

IAAC makes the same statement about the Regional Assessment in the section on Impacts on the Right to a Continued Way of Life (p. 127).

It is entirely inappropriate to suggest that Regional Assessment will mitigate impacts to rights stemming from a decision to approve the MFFN CAR, when the keystone decision to approve this growth-inducing piece of infrastructure (the Road to the Ring of Fire) is being made now, not later when results of the Regional Assessment may become available. Furthermore, most of the decisions that are to come, such as the opening of mines, the expansion of forestry operations, the building of secondary roads, and the construction of hydroelectric facilities and transmission lines, are unlikely to require environmental/impact assessments, are decisions that will be made by Ontario, and are therefore unlikely to be informed by the Regional Assessment.

The issues regarding impacts to Governance and Stewardship rights and a continued Way of Life are therefore not lessened by the mere fact that there is an ongoing Regional Assessment. Rights of Governance and Stewardship and a continued Way of Life include the right to make decisions over the future of our territory. 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 rights of decision-making governance authority over land are referred to as rights of Jurisdiction which is specifically pleaded in the case with court file number CV-23-00701700-0000.

On p. 128 of the draft Impact Assessment Report:

IAAC notes that the federal decisions on the assessment under the IAA [Impact Assessment Act] is limited to the project and does not alter Indigenous governance systems. Future developments would be subject to separate legislative frameworks, assessment processes, and consultation requirements, including opportunities for Indigenous participation.

This is completely missing the point that we, and other First Nations, communicated to you (as summarized on p. 127-128 of the draft Impact Assessment Report), regarding Jurisdiction, and Governance and Stewardship Rights.

Once permanent, all-season road access to the Ring of Fire and related regional development pressures are established, our people will have very limited ability to influence the distribution, pace, and scale of development. The keystone decision to approve the Road to the Ring of Fire will therefore have serious adverse impacts to our Way of Life, including Governance and Stewardship rights. We will be unable to fulfill our Stewardship responsibilities, including protecting the integrity of our headwaters and maintaining relationships with our non-human relatives. We will be reduced to reacting to externally-structured processes (such as the “assessment processes” referenced by IAAC, above), that are at odds with the Treaty relationship and consent-based decision-making.

4. **The proponent’s Attawapiskat-specific final ATRI (Aboriginal and Treaty Rights and Interests) report was shared with us on May 13, 2026. Despite Attawapiskat First Nation having submitted detailed feedback on the draft version of this report (see our letter of August 19, 2025), no substantive changes were made to the final ATRI report. The Crown governments must not rely on the information and conclusions found in the proponent’s ATRI report.**

The proponent updated the ATRI report for Attawapiskat by making a few cosmetic edits to reflect the language of our August 19, 2025 letter, adding for example that “Attawapiskat First Nation asserts rights of jurisdiction as an integral part of its Governance and Stewardship rights” (final ATRI report, p. 149), but changing nothing in the analysis or conclusions. The proponent did not change their conclusion that the project would not affect Attawapiskat’s ability to exercise Governance and Stewardship rights. Both draft and final versions of the ATRI report claim there is “no project impact pathway” related to Governance and Stewardship and that Governance and Stewardship rights would therefore not be carried forward to the analysis of cumulative effects to Attawapiskat’s rights (final ATRI report, p. 190).

The reasoning provided by the proponent was that:

The Project is being assessed through the federal Impact Assessment Act and the provincial Environmental Assessment, both of which are non-Indigenous governance and decision-making processes.

Wildlife, fish and species at risk, including caribou, are currently regulated and managed by the federal and/or provincial governments.

Under existing governance structures, the assessment process itself and current management of wildlife, fish, and species at risk reside with the federal and/or provincial governments.

These were the same reasons given for the “no impact pathway” determination in the draft ATRI report, to which we responded:

Given that Attawapiskat First Nation asserts rights of Jurisdiction as an integral part of its Governance and Stewardship rights, as described above [in points 5 and 6 of Attawapiskat's letter of August 19, 2025], it is abundantly clear that the non-Indigenous decision-making institutions described in the proponent's list above, that are being used to push forward this project as part of Ring of Fire development, and that end in unilateral decision-making by the Crown government, are an infringement of Attawapiskat's Jurisdiction. (letter from Attawapiskat First Nation, August 19, 2025).

In sticking with their "no impact pathway" conclusion, the proponent has refused to consider the information provided by Attawapiskat First Nation. We urge both Crown governments to review the information provided in our August 19, 2025 letter regarding the cumulative impact of this project to our Governance and Stewardship rights, as well as the information shared in point #3 above, and not to accept the incorrect conclusions of the proponent on this matter.

In general, there is no logic to the determinations and significance ratings made in the proponent's ATRI report. For example, the proponent claims that the severity of impact of the project on Attawapiskat's right to harvest a sufficient quantity of resources, is "unknown" for caribou and "low" for moose, but "moderate" for the impact on rights related to the quality of both species. The proponent admits a low confidence in these predictions. (final ATRI report, p. 207, 210-211). Referencing the same set of mitigation measures, the proponent states that for impacts to resource quality, "mitigation may not fully address the impacts but should allow Attawapiskat to continue exercising its rights, potentially in a modified way," but for resource quantity, "the level of certainty associated with the effectiveness of proposed mitigation measures is low or unknown." Inexplicably, the proponent then goes on to claim that the severity of cumulative effect to hunting rights, in terms of both quality and quantity of resources, is "low" in severity (final ATRI report, p. 260, 262).

It is impossible to follow the logical thread the proponent may have pursued in making these determinations. One thread that is consistent throughout the ATRI document however, is the insistence by the proponent that there is little overlap between the Attawapiskat "Area of Interest" and the provincially-delineated caribou ranges. The proponent says for example that "about 25% of the Area of Interest overlaps with the Missisa [caribou] range; and about 23% of the Area of Interest overlaps with the James Bay range," and that "66% of Attawapiskat First Nation's Area of Interest overlaps with the Moose Regional Study Area" (final ATRI report, p. 186). Similar statements about these percentages of overlap are repeated throughout the ATRI report.

It is not valid to use caribou ranges and the wildlife management units for moose¹⁶ as indicating the boundaries of ungulate populations. The provincial caribou ranges and wildlife management units for moose are delineated for research purposes, and to indicate areas in Ontario where open seasons or harvest quotas may apply. In fact, the Ontario MNR's *Integrated Assessment Protocol for Woodland Caribou Ranges in Ontario* clearly states that the caribou ranges do NOT indicate discrete populations.¹⁷

¹⁶ Wildlife Management Units 17, ID, an 18A together make up the Moose Regional Study Area, as per Appendix M of the proponent's final Impact Statement.

¹⁷ "Ontario has chosen to subdivide the Continuous Distribution into smaller contiguous ranges, as both a precautionary measure against scale-dependent monitoring bias (i.e. trend detection), and as a practical and

It is therefore not valid to draw any conclusions about impacts to rights based on the degree of overlap of caribou/moose regional study areas and the territory of Attawapiskat First Nation.

5. **Canada and Ontario have provided no substantive response to our demand for a cumulative effects assessment that considers the Road to the Ring of Fire as a keystone decision – a piece of growth-inducing infrastructure, that if approved, will set in motion a series of cascading impacts to our Omushkegowuk lands and waters, and future generations of our people. We maintain our position that the Crown governments must not accept the proponent’s cumulative effects assessment. This road must not be approved until we can understand the cumulative impacts of the project, which includes the impacts that will come from induced development that will have profound impacts to our rights.**

We remind the Crown governments and the proponents that the Road to the Ring of Fire is a frontier development. Its approval would be the keystone decision, responsible for opening up the Ring of Fire to development. Not only will the road enable the development of mines – mines whose owners have publicly stated that they are waiting for this road to be built – but it will also trigger developments that span different resource sectors and large parts of our Omushkegowuk homelands. It does not provide us any comfort to be told that future developments will have to apply for permits from Ontario and/or Canada. The point is that induced development is inevitable once a keystone piece of infrastructure, like the Road to the Ring of Fire, is approved. This process is not restricted to “low governance” regions of the world like the Amazon – in fact, it is just as likely to occur in “high governance” countries like Canada.¹⁸

The proponent and the Crown cannot rely on the excuse that it is too difficult to consider induced development. We do have ways of incorporating induced development into cumulative effects assessment for individual projects.

The full assessment of growth-inducing projects should not be constrained by a lack of data, technical capacity, or regulatory tools. Analytical methods are available for forecasting rates of industrial growth and corresponding impacts.¹⁹

This type of analysis is expected, for example, for assessments submitted to the Mackenzie Valley Environmental Review Board, as described in our letter of June 11, 2025. There is no reason why it cannot be done for the MFFN CAR project.

In fact, both the Tailored Impact Statement Guidelines (TISG) for the MFFN CAR and the 2012 Technical Guidance referenced in the TISG,²⁰ advise the proponent to consider induced development within the

defendable means of applying caribou conservation efforts.” Ministry of Natural Resources and Forestry. 2014. *Integrated Assessment Protocol for Woodland Caribou Ranges in Ontario*. Species at Risk Branch, Thunder Bay Ontario, vii + 95pp. P. 5

¹⁸ Johnson, C.J., Venter, O., Ray, J.C., and J.E.M. Watson. 2020. Growth-inducing infrastructure represents transformative yet ignored keystone environmental decisions. *Conservation Letters* 13: e12696. P. 2.

¹⁹ Johnson et al. 2020. P. 5.

²⁰ 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

cumulative impact assessment. 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:

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.²¹

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.

The responses we received from IAAC on this issue can only be described as stonewalling. The Agency has simply repeated that they will conduct their “own assessment of the project’s potential effects within federal jurisdiction, including a cumulative effects assessment.”²² When we raised the same concerns again in our letter on the final impact statement, we were told that “IAAC completed its preliminary cumulative effects assessment, and presented its rationale and conclusions in the relevant Sections of its draft Impact Assessment,” and that Attawapiskat First Nation was invited to comment on that document.²³ We are now doing just that, even though nothing has changed in IAAC’s approach and no reason whatsoever has been offered to explain why induced development is not being considered.

6. The proponent and Crown make two fundamental errors in their analysis of impacts to caribou, by: (a) assuming that impacts to caribou will be limited to movement and distribution, and (b) grouping boreal and eastern migratory caribou into a single “valued

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>

²¹ <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/assessing-cumulative-environmental-effects-ceaa2012.html>

²² Letter from IAAC to Attawapiskat First Nation, April 14, 2026.

²³ Table of Proponent and IAAC Responses to Referred Comments on the MFCAR Final IS Submitted Via Provincial EA Process, received May 21, 2026. P. 15

component.” As a consequence, impacts to Attawapiskat First Nation’s rights related to caribou have been underestimated.

(a) Canada’s draft Impact Assessment Report focuses on the idea that the project will only change the movement patterns and distribution of caribou, such that the overall quantity of caribou available for harvest by Attawapiskat First Nation will not be impacted. This assessment appears to be based on the proponent’s Impact Statement and the Attawapiskat-specific ATRI report, that rely on the same reasoning.

Throughout the draft Impact Assessment Report, IAAC repeats the theory that caribou will simply move away from the “construction disturbance area,” or “local study area,” and further into the “regional study area” (see for example, p. 72, 79, 109-110, 111, 126-127).

A shift in caribou distribution is not biologically neutral. For boreal caribou, displacement, reduced connectivity, and increased human access can all translate into demographic effects. Even relatively low levels of linear feature development can undermine the survival of adult female caribou.²⁴ These demographic responses to caribou populations can emerge well before the thresholds commonly used in recovery planning.

Like boreal caribou, eastern migratory caribou are vulnerable to repeated displacement:

The energetic costs of risk-averse responses and habitat loss caused by avoidance may appear insignificant for a single disturbance. At the scale of the animal lifetime or range, however, repeated risk-averse responses and cumulative habitat loss resulting from the avoidance of all disturbances encountered by the animal may be considerable (Bradshaw et al., 1998; Dyer et al., 2001). As negative effects of disturbances accumulate, they may reach a critical point where consequences are observed on fitness, survival and population dynamics (Johnson and St-Laurent, 2011).²⁵

The proponent and Canada err in considering the proposed all-season access road as just another linear feature on a map, when it is fundamentally different in scale and function from other linear features such as seismic lines, or forestry roads. A large permanent transportation corridor of the sort that is being proposed here will not occur in isolation; it will enable further access, resource development and additional linear features. Distributional changes and altered habitat use are often among the first detectable responses of roads, but these are not the only responses.

ECCC, in its response table on caribou, wrote that it “concurs with the proponent that:”

Based on the weight of evidence, uncertainty in effects predictions and application of the precautionary approach, changes in habitat availability and distribution and survival and reproduction as a result of the Project and past, present, and reasonably foreseeable

²⁴ Best, I.N., Neufeld, B.T., Superbie, C. and P.D. McLouglin. In press. Thresholds of risk: application of habitat-fitness relationships for a large herbivore across a disturbance gradient. *Ecological Applications*

²⁵ Plante, S., Dussault, C., Richard, J.H. and S.D. Cote. 2018. Human disturbance effects and cumulative habitat loss in endangered migratory caribou. *Biological Conservation* 224: 129-143. P. 129.

developments could approach or extend beyond the resilience capabilities of one or more caribou populations(s) overlapping the caribou effects assessment Regional Study Area.²⁶

We remind IAAC that the Impact Assessment Act incorporates the Precautionary Principle at s. 6(2) which says "The Government of Canada, the Minister, the Agency and federal authorities, in the administration of this Act, must exercise their powers in a manner that [...] applies the precautionary principle". In light of the Precautionary Principle, it is unclear why IAAC insists that impacts will be to distribution only, "reversible within one generation" and of "potentially negligible to low" severity (draft Impact Assessment Report, Table 6, p. 139-140). On June 10, 2026, we asked IAAC for an explanation of the "reversible within one generation" claim. On June 24, 2026, we were told that this was "an unfortunate editorial error" on IAAC's part and that it would be corrected in the final version of the Impact Assessment Report.²⁷

(b) The use of boreal caribou as a stand-in for eastern migratory caribou in the effects assessment results in an unacceptable, major gap in the impact assessment. The grouping of the two ecotypes into a single "valued component" means that impacts of this project to caribou, and by extension our inherent and Treaty rights, have been underestimated. The Crown governments must not move forward with approval of this project until impacts to eastern migratory caribou have been properly assessed.

The MNR has voiced their concerns about this issue, saying that the road proponent used disturbance thresholds (65% undisturbed habitat, and 500m buffer zone) that should not be applied to eastern migratory caribou:

These benchmarks were established in the context of predator-mediated apparent competition mechanisms that regulate sedentary Boreal caribou populations (Environment Canada 2011) and are not directly transferable to EM [eastern migratory] caribou systems. EM caribou ecology is instead driven by different limiting processes, including migration efficiency, energy balance, access to and quality of winter habitat, seasonal connectivity, timing-based sensitivity to disturbance, and adult female survival. Therefore, applying Boreal caribou disturbance thresholds to EM caribou introduces uncertainty and creates gaps in the assessment framework, particularly with respect to migration and winter-related risk pathways that are central to EM caribou population persistence and recovery. This issue is compounded by the selection of an RSA that is not functionally relevant to EM caribou... [underlining added]²⁸

The MNR goes on to say that the grouping of the two caribou ecotypes means that cumulative effects to Indigenous harvest are not fully captured:

EM [eastern migratory] caribou are harvested by Indigenous communities across the Far North of Ontario, and population persistence is closely linked to adult survival, migration success, and

²⁶ ECCC response table on caribou for the MFFN CAR. The ECCC response table (item #8 of ECCC's response table on caribou for the WSR, referenced in the MFFN CAR response table), also mentions a "worst case scenario" (it is not explained what types of cumulative effects this worst case scenario is based upon), in which there could be impacts to "individual survival and reproduction and leading to potential impacts to population genetic structure." No explanation is provided as to why impacts to survival and reproduction would be limited to the "individual," and not have consequences at the level of population dynamics (i.e. why this would not induce declines).

²⁷ Email from Caitlin Cafaro (IAAC) to Dorothee Schreiber, June 24, 2026.

²⁸ MNR comments on WSR proponent's Addendum 7, May 22, 2026.

the maintenance of functional winter habitat and migration routes. Migratory caribou populations are particularly sensitive to small cumulative and sub-lethal effects on movement efficiency and energy balance that accrue across seasons and years.

While the assessment considers Project-related effects within the selected RSA [Regional Study Area], Indigenous harvesting of EM caribou occurs across a much broader geographic area, including locations outside the defined study areas where EM caribou may be exposed to Project-related disturbance through changes to migration pathways, winter habitat use, or energetic costs. As a result, potential indirect and cumulative effects relevant to Indigenous harvest are not fully captured when effects characterization focuses primarily on localized or Boreal caribou range-bounded exposure. [underlining added]²⁹

On June 3, 2026, we asked IAAC: “In IAAC’s consideration of eastern migratory caribou, did the Agency rely on the same disturbance thresholds and analytical frameworks that were developed specifically for boreal caribou, including the use of a 500m buffered disturbance and the 65% undisturbed habitat benchmark?”³⁰ The Agency responded on June 24, 2026, but did not answer the question, saying only that it relied on information from Canada and Ontario.³¹

7. **The cumulative impact of this project poses a serious threat to the long-term survival of our relative, Atik, and to the exercise of our inherent and Treaty rights. The severity of impact goes beyond the “low” rating claimed in Canada’s draft Impact Assessment Report. If there are declines in caribou populations, or if caribou move away from large parts of our territory, our people will see highly significant impacts that go to the core of our language, culture, hunting economy, spirituality, Governance and Stewardship rights, and entire Way of Life. Our very existence as Kattawapiskak people would be at risk.**

Canada’s findings rely on the caribou cumulative effects analysis done by the proponent, which considers a small number of existing and announced projects. The scope of the cumulative effects analysis is not sufficient to understand impacts to our inherent and Treaty rights, as explained in point #5, above. And, as we have stated many times before, it is completely unacceptable that Canada and Ontario are using a threshold of 35% habitat disturbance before they will start to be concerned about the state of caribou range;³² are underestimating the importance of the ecozone boundary, which overlaps with the Ring of Fire, as caribou winter habitat³³; and are ignoring modelling done by MNR

²⁹ MNR comments on WSR proponent’s Addendum 7, May 22, 2026.

³⁰ Email from Dorothee Schreiber to Caitlin Cafaro (IAAC), June 3, 2026.

³¹ Email from Caitlin Cafaro (IAAC) to Dorothee Schreiber, June 24, 2026.

³² 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.

³³ “Rather than being uniformly distributed, predicted suitable winter woodland caribou habitat is aggregated within the range.” The Canadian Wildlife Service model “identified a large area of highest predicted winter habitat suitability in the Missisa range that is most concentrated within the transition zone and decreases axially with distance from the ecozone boundary line.” McFarlane, Samantha, V. Van Mierlo, M. Manseau, A. Kroeze, E. Eberhardt, and J. Girard. 2025. Bioclimatic, terrain, and specific peatland composition are major drivers of woodland caribou winter habitat suitability in northern Ontario. *Canadian Journal of Zoology* 103: 1-19. P. 11

scientists suggesting that Ring of Fire development plus climate change will lead to major declines in caribou populations.³⁴

We are particularly concerned about the way in which cumulative impacts have been minimized and brushed aside, left for future consideration once the keystone decision of this frontier-opening road has already been made.

Our threshold for impacts to caribou is much more sensitive than the threshold at which you begin to be concerned about the state of caribou populations. This difference is due to the fact that subsistence harvesting requires a sufficient quantity of resources. Maintaining high population levels is part of our conservation ethic and it is a harvest management strategy used to sustain our resources for seven generations into the future.

Our people are attempting to recover their harvesting traditions from the major interruption that took place during the residential school era. Attawapiskat's population is also growing and with it, the need for caribou. All of this means that our people need caribou populations to be maintained at high population levels and with sufficient habitat to be resilient against climate change.

We are concerned that caribou will soon decline to a point where our people will no longer be able to meaningfully carry on the practices and teachings related to caribou hunting, with cascading impacts to all the interconnected parts of our culture linked to caribou. If there is an interruption of access to caribou even for just one generation our people will suffer immeasurable, irreversible losses to a Way of Life that we were promised under Treaty 9 would "in no way" be interfered with. The protection of the caribou and their habitat is directly connected to our ability to practice our rights and Way of Life, which Canada and Ontario are constitutionally obligated to protect. These rights include Governance and Stewardship rights to protect caribou for future generations.

As Treaty partners, we allowed settlers to live on our lands, but we did not give up the right to co-manage the land and share in control of its development. We require a precautionary approach to caribou management in our territory that takes into account cumulative impacts, the importance of the ecozone boundary for caribou, and climate change. It must also be recognized that there can be several decades of lag time between caribou habitat disturbance and observable declines in caribou populations.³⁵ We believe that ongoing mining exploration in the Ring of Fire – which overlaps with the ecozone boundary so important to caribou as winter habitat – is already negatively affecting caribou with population-level impacts we will only see over time. As critically low levels of caribou from natural population cycles intersect with industrial development, and with accelerating climate change, we will see the vulnerability of caribou exposed only once it is too late. The caribou scientist, Dr. Phil McLoughlin has warned that

Mistakes made at the level of a caribou range are not suffered by the governments and industries taking responsibility for initiating developments. Rather, it is the local people, and in

³⁴ 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.

³⁵ Vors, L.S., Schaefer, J.A., Pond, B.A., Rodgers, A.R., and B.R. Patterson. 2007. Woodland caribou extirpation and anthropogenic landscape disturbance in Ontario. *The Journal of Wildlife Management* 71(4): 1249-1256.

the north we are talking about largely Indigenous communities, that are left to deal with the fallout of mismanagement.³⁶

When it comes to safeguarding our relative, Atik, we must consider that Atik always moves his home range away from the front of advancing human development.³⁷ Atik's original instructions are to travel – to space himself far away from predators. Predators are facilitated by the linear features and clearings that come with industrial development. Our Dene brothers and sisters in the Tłı̨chǫ territory are now living with a near total collapse of the Bathurst caribou herd. They report that mining development acts as a “wall,” blocking caribou migration routes, and they have seen physiological abnormalities and health issues begin to occur in caribou.³⁸ An entire generation of Tłı̨chǫ people can now no longer hunt caribou.³⁹ If this were to happen in our territory, the damage would be immeasurable. It would go to the heart of who we are as Kattawapiskak people.

8. Our inherent and Treaty rights related to Kikwahagayo (Wolverine) are not limited to trapping rights. We have a right to protect Kikwahagayo for future generations, and neither Canada nor Ontario have considered this right in their respective reports.

The proponent's final Attawapiskat-specific Aboriginal and Treaty Rights and Interests (ATRI) report states that since Wolverine has not been reported to be a “species of interest” for trapping by Attawapiskat First Nation, the regional impacts to Wolverine that the proponent predicted were not considered to have any impacts to rights (p. 201).

This reasoning ignores the project's significant impacts to our Governance and Stewardship rights related to Wolverine. Kikwahagayo (Wolverine) is a species at risk, listed on Schedule 1 of Canada's Species at Risk Act. Ontario assessed Wolverine as threatened when the Endangered Species Act took effect in 2008, and reassessed Wolverine as threatened in 2014. We are very concerned about the cumulative impact of this project on Wolverine, our relative. Wolverine needs large areas of undisturbed, roadless, habitat to survive. Climate change is an additional threat to Wolverine that will magnify the human impacts. The cumulative impacts that will come with the opening of the region to development, via the industrial access road to the Ring of Fire, will put Wolverine at great risk, and we expect to see the extirpation of Wolverine from parts of our territory as a result.

The “federal and provincial legislative frameworks” (draft Impact Assessment Report, p. 52) that Canada believes would mitigate impacts will not protect Wolverine and other species at risk, when permits allowing the destruction of sensitive habitats are routinely issued by Canada and Ontario, under the guise of “mitigation” and “offsetting.” To make matters worse, Canada is proposing to remove the federal backstop (the Species at Risk “jeopardy test”) against unacceptable harm to species at risk, and Ontario has recently gutted its Endangered Species Act, making it much easier for the province to permit activities that will harm species at risk and their habitat.

³⁶ McLoughlin, P.D. 2022. *Conservation of northern populations of boreal and migratory woodland caribou*. Department of Biology, University of Saskatchewan, Saskatoon. 43 pp. P. 31.

³⁷ Schaefer, J.A. 2003. Long-term range recession and the persistence of caribou in the taiga. *Conservation Biology* 17(5): 1435-1439.

³⁸ Tłı̨chǫ Research and Training Institute. 2016. *Ekwò zò gha dzò nats'êdè - “We Live Here For Caribou.” Cumulative Impacts Study on the Bathurst Caribou*.

³⁹ McLoughlin 2022. P. 31.

Canada considers the cumulative impacts to Wolverine to be of “low” significance (draft Impact Assessment Report, p. 47).⁴⁰ This conclusion is based on the proponent’s impact statement which states that impacts to wolverine from the road, together with the proponent’s selection of reasonably foreseeable projects, will result in the removal of “0.47% of the suitable habitat in the wolverine effects Regional Study Area” (Appendix K, p. 412). In section 4.3.1 of the draft Impact Assessment Report, IAAC states that “the proponent’s modelling shows that, despite local losses, suitable habitat for these species remains abundant across the other wildlife RSA [Regional Study Area]” and that standard work practices and monitoring programs would be implemented as mitigation measures (p. 73). IAAC goes on to conclude that “traditional activities that include wolverine could continue within the RSA” (draft Impact Assessment Report, p. 79), considering trapping only and completely ignoring our Governance and Stewardship rights related to Wolverine. This is unacceptable.

In addition, our concerns about the faulty reasoning related to impacts to Wolverine have not been adequately addressed by the proponent, Canada, or Ontario. We pointed out in our July 28, 2025 letter that a large portion of the Regional Study Area used to assess impacts to Wolverine in fact lies within the Hudson Bay ecozone, and is likely not suitable wolverine habitat. The proponent’s reasoning that a low percentage of habitat loss equals a small impact is scientifically indefensible on many levels, as detailed in our letter of July 28, 2025.

Attawapiskat First Nation categorically rejects the suggestion by the proponent in Appendix AB (also mentioned in the Attawapiskat-specific ATRI report) that a protected area in the Pym Island area of the Attawapiskat River can act as a biodiversity “offset” for caribou, wolverine, peatlands and other “key biodiversity components” (final Impact Statement, Appendix AB, p. 45). Simply promising not to destroy a place will not “offset” road-enabled impacts on caribou, wolverine, or other “valued components,” and will not address impacts to rights. We agree with Fort Albany First Nation’s assessment that “the proposed Pym Island approach reads less like a demonstrated offset and more like a preliminary land designation concept being used to stand in for unresolved residual and cumulative effects. This is highly concerning given the frequent references to the offset plan in Appendix AB throughout the EA/IS as the answer to many serious identified risks and effects.”⁴¹

In conclusion, the Crown cannot reasonably conclude that the project’s effects are well enough understood to support approval. It is clear that there are still enormous gaps and inconsistencies in the assessment and that cumulative effects to the lands, waters, and the non-humans have been vastly underestimated. We have told you this in numerous letters. Yet, every communication we have received from you over the past months confirms that you remain committed to your approach and expedited timeline. We firmly oppose the way in which you are conducting this environmental/impact assessment process as a rubber-stamping exercise. It is dishonourable conduct on the part of the Crown. It disrespects the Treaty relationship, and does not adhere to the international standard (adopted into Canadian law) of free, prior, and informed consent.

⁴⁰ Ontario does not provide a significance rating for impacts to Wolverine in the Ministry Review for the MFFN CAR. p. 13.

⁴¹ Letter from Fort Albany First Nation to Canada and Ontario, “Fort Albany First Nation Comments on the Marten Falls Community Access Road Final EA/IS,” April 10, 2026. P. 30.

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

cc.

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