



WEENUSK FIRST NATION

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July 3, 2026

Delivered via Email

Impact Assessment Agency of Canada
Marten Falls Community Access Road Project
600-55 York Street
Toronto, Ontario M5J 1R7
Email: martenfalls@iaac-aeic.gc.ca

RE: Marten Falls Community Access Road (MFCAR) Draft Impact Assessment Report
(dated May 2026) Review

To whom it may concern,

As elected Chief of Weenusk First Nation (“Weenusk”), I write to you on behalf of my Nation. As part of Weenusk’s consultation regarding the Marten Falls Community Access Road (“MFCAR” or the “Project”), my responsibility as Chief is to protect my Nation’s Section 35 rights. We, as a Nation, are signatories to Treaty No. 9 and hold rights throughout this treaty area.

We have completed a review of the Draft Impact Assessment (IA) Report (“draft IA report”) for the MFCAR. This letter provides a summary of comments and issues identified by Weenusk.

Ontario Plans to Accelerate Construction of the MFCAR

In our comments on the Final Environmental Assessment/Impact Statement (EA/IS), we noted our concern regarding the accelerated construction and consultation timing. We expressed concern that the accelerated construction schedule for the MFCAR may undermine the purpose of the environmental assessment process and the Crown’s duty to consult. We felt that the approach meant that consultation and engagement may not meaningfully inform project decisions.

Further, we raised that the EA/IS includes commitments for additional consultation to complete components of the assessment and to develop construction and operations monitoring plans; however, the EA/IS does not provide clear timelines, work plans, or a defined approach to ensuring Indigenous participation. Given that construction was



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anticipated to start in June 2026, it was unclear how these commitments could be completed in a timely and effective manner.

In the draft IA report, Section 4.2.1.1 acknowledges the concern about the accelerated, strict, compressed, or overwhelming timeline and that it was viewed as limiting meaningful participation. The Impact Assessment Agency of Canada (IAAC) further noted in Section 4.1.1-4.3 that they are committed to continued consultation.

However, the draft IA report does not include any additional details on timelines, work plans, or mechanisms to ensure meaningful engagement on the development of construction and operations monitoring plans. Therefore, this concern remains outstanding. Given the accelerated timeline, planning and monitoring will also have to be accelerated. Please provide detail on the timeline, work plan and approach for construction and operations monitoring plans to ensure meaningful Indigenous consultation and engagement.

Ownership of the Road

In our comments on the Final EA/IS, we noted our concern with the lack of defined ownership and how this may result in ill defined monitoring responsibilities. We noted that ownership of the road during operations and maintenance remains undetermined, which creates uncertainty for the design and implementation of post-construction and operations monitoring.

For example, we noted that Marten Falls indicates that a future owner/operator would develop a Vegetation Restoration Plan. Marten Falls also confirms that an approach to construction monitoring and verification of mitigation implementation is not yet defined due to uncertainty around ownership.

We further indicated that, given our concerns regarding peatlands and potential water contaminants, that our Nation would require involvement in post-construction and operations monitoring (subject to capacity). We felt that clarifying ownership and associated monitoring responsibilities was necessary to ensure these programs can be developed and implemented effectively.

While the draft IA report does acknowledge that monitoring commitments exist and further articulate these commitments in the Potential Conditions of Approval, Weenusk First Nation is not identified in the definition for "Indigenous groups" within the Potential Conditions and therefore, will not be involved in ongoing post-construction and operations monitoring; and the ownership and accountability for the post-construction and operations monitoring remains undefined.



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Given our past concerns and in-depth interest in peatlands and potential water contaminants, we require the definition of “Indigenous groups” be updated within the potential conditions to include Weenusk First Nation. Or, at minimum, Weenusk First Nation be specified for targeted involvement in monitoring specifically related to peatlands and/or water contaminants (e.g. Condition 3.1.1, 3.1.3).

Limitations

In our comments on the Final EA/IS, we noted our concern with the treatment of uncertainty. We previously noted that the Proponent acknowledges higher-than-normal uncertainty in baseline data and effects predictions due to schedule and data limitations, yet later conclusions rely on these predictions to state effects are “not significant.” We further noted that there is no explanation of how uncertainty is addressed for downstream communities, such as Weenusk, who rely on clean water, fish, and plants. Further, there was limited precautionary or conservative framing when contamination risk is uncertain. Overall, we felt that the “not significant” conclusions of the Final EA/IS relied on uncertain baseline data without sufficient precautionary framing.

This issue remains within the draft IA report. For example, in Section 2.3.2 it is noted that there is a low to moderate level of uncertainty but while acknowledging the uncertainty, the populations are expected to remain sustainable. While this section acknowledges the inherent uncertainty, there is no explanation of how the proponent should manage this uncertainty/risk (e.g., application of a precautionary approach, understanding of downstream risk). It is recommended that the IAAC evaluate the risks associated with the uncertainty reported in the final EA/IS and include commentary on how this risk will be managed; and where required, apply additional conditions of approval.

Mitigation Reliance on Best Practices

In our comments on the Final EA/IS, we noted our concern with reliance on best practices. We noted that the EA/IS frequently relied on references to best practices, legislative standards, and permitting requirements without providing sufficient project-specific detail to evaluate applicability and effectiveness. This approach creates uncertainty for Weenusk regarding implementation and performance. This persists within the draft IA report and there is no demonstration of project-specific application or effectiveness. To ensure reliance on best practices is sufficient, the project will require a robust monitoring program to ensure conclusions reached are valid. As we are not currently noted in the definition for “Indigenous groups” within the Potential Conditions of Approval, we are not confident that this will occur to the satisfaction of our Nation.



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As noted above, we require the definition of “Indigenous groups” be updated within the potential conditions to include Weenusk First Nation. Or, at minimum, Weenusk First Nation be specified for targeted involvement in monitoring specifically related to water contaminants (e.g. Condition 3.1.1, 3.1.3).

Surface Water, Groundwater, and Fish

In our comments on the Final EA/IS, we noted our concerns related to surface water, groundwater, and fish. As noted, our Nation is a downstream community that relies on uncontaminated water and fish.

The final EA/IS noted that construction of the Project involves forty-seven bridges, twenty-one culverts, aggregate sites, fuel storage, and camps which are potential sources of contaminants and potential pathways to receiving waters.

The final EA/IS repeatedly concludes “no residual effect” or “not significant” for water and fish quality based on assumed effectiveness of mitigation measures. However, within the EA/IS there is limited discussion of worst-case spills, cumulative sedimentation, or contaminant transport to downstream waters. Additionally, the mitigation effectiveness is assumed, not demonstrated with contingency scenarios, detailed response times, or failure analysis.

While the draft IA report does acknowledge that accidental or localized spills may occur (Section 2.1.1.2) and Sections 2.1 and 3.1 discuss mitigation and spills in general terms, there is still limited analysis of failure scenarios, cumulative sedimentation, or downstream transport.

As previously noted, to ensure spills are managed effectively, a robust monitoring program is required. As Weenusk is not currently noted in the definition of “Indigenous groups” within the Potential Conditions of Approval, we are not confident that this will occur to the satisfaction of our Nation.

As noted above, we require the definition of “Indigenous groups” be updated within the potential conditions to include Weenusk First Nation. Or, at minimum, Weenusk First Nation be specified for targeted involvement in monitoring specifically related to water contaminants (e.g. Condition 3.1.1, 3.1.3).

Accidents, Malfunctions, and Spill Response

Finally, as noted in our comments on the Final EA/IS, we indicated our concerns related to accidents, malfunctions, and spill response. As documented in our comments on the Final



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EA/IS and within the Weenusk Existing Conditions Report (“the Report”), our community has longstanding concerns regarding mining-related activities and associated environmental risks. The Report notes that relationships and agreements between the De Beers Group and Weenusk were understood by Report participants to be exploitative and ultimately non-beneficial to the Nation.

Our previous comments noted that the Final EA/IS identifies spills as a credible risk but defers critical details on prevention, response capacity, notification, and cleanup effectiveness to future plans. Further, the Final EA/IS did not demonstrate that spill response would be effective in remote, peatland-dominated terrain.

Within the draft IA report, Section 3.1.1 does note that the proponent will be required to develop an accident and malfunction plan aligned with Environment and Climate Change’s framework; however, there is still no demonstration that spill response will be effective in remote, peatland-dominated terrain.

While the Potential Conditions of Approval do require the development of an “accidents and malfunctions response plan” in “consultation with Indigenous groups”, our Nation is not included in the definition of “Indigenous groups” within the Potential Conditions of Approval. Given our past concerns related to accidents, malfunctions, and spill response, we require the definition of “Indigenous groups” be updated within the potential conditions to include Weenusk First Nation; or, at minimum, Weenusk First Nation be specified for targeted involvement in development of the accidents and malfunctions response plan.

Closing

We look forward to continued engagement with the IAAC to ensure the IA report and Potential Conditions of Approval are updated to ensure our issues are addressed.

Sincerely,

<Original signed by>

Chief Joey Hunter
Weenusk First Nation