



**Comments from the Friends of the Attawapiskat River
on the Draft Impact Assessment Report and Potential Conditions for the Marten
Falls Community Access Road Project (IAAC Reference No. 80184)**

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TO

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Comments on the Draft Impact Assessment Report and Potential Conditions for the Marten Falls Community Access Road Project (IAAC Reference No. 80184)

The Friends of the Attawapiskat River (the “Friends”) provide these comments in response to the Impact Assessment Agency of Canada’s (“Agency”) invitation for comments on the Draft Impact Assessment Report (“IA Report”)¹ and Potential Conditions (“Conditions”)² for the Marten Falls Community Access Road Project (“MFCAR” or the “Project”).

I. ABOUT US

The Friends are an Indigenous, grassroots advocacy group dedicated to protecting the health of the waters, people and communities living downstream of the proposed Ring of Fire.³ The Friends are composed of community members from Attawapiskat, Peawanuck, Kashechewan, Fort Albany, Neskantaga, and Moose Factory in Treaty 9 territory.⁴ Together, we share a responsibility for protecting our lands from exploitation and degradation. This means safeguarding the integrity of the boreal and muskeg of the Hudson Bay-James Bay lowlands, its significant contribution to mitigating climate change, and the health of our grandchildren and those not yet born.

The Friends have repeatedly expressed their concern to the Agency that viewing the MFCAR in isolation inherently overlooks the large-scale mining development it would enable in an area that is one of the last remaining intact peatlands. It’s these interconnected muskegs, rivers, lakes, and watershed systems that form the foundation of our rights and coexistence with the territory.

II. SUMMARY OF CONCERNS

We remind the Agency that whatever happens in our traditional territory impacts us. We are a spiritual people, and what happens to these lands and waters impacts everything. Before this IA report is finalized and any public interest determination is made, there must be an Indigenous-led, precautionary, and rights-respecting federal assessment. As the provincial and federal governments work to streamline development in the proposed Ring of Fire in violation of our inherent and Constitutionally protected Treaty rights, the role of the Agency becomes ever more important. We maintain that mitigation

¹ Impact Assessment Agency of Canada, [Draft Impact Assessment Report: Marten Falls Community Access Road Project](#) (May 2026) [IA Report].

² Impact Assessment Agency of Canada, [Draft Impact Assessment Conditions: Marten Falls Community Access Road Project](#) (May 2026) [Conditions].

³ Friends of the Attawapiskat River, online: <https://attawapiskatriverprotectors.com/>.

⁴ In making these comments to the Agency, the Friends note they are not speaking on behalf of the First Nation leadership where its members are based (including Attawapiskat, Neskantaga, Peawanuck, Kashechewan and Fort Albany First Nations), but rather providing these comments as Treaty 9 rights holders and community members. Furthermore, these comments do not constitute consultation nor discharge the Crown’s obligations per section 35 of the *Constitution Act*, 1982.

measures cannot be relied on as a backstop for harm for which there is no going back, and understandings of the Project cannot lose sight of the enormity of mining development that the MFCAR is intended to enable.

While the IA Report acknowledges the significant adverse effects that would be caused by the Project and the many remaining uncertainties, the proposed mitigation efforts, follow-up activities, and potential conditions remain far too localized to critically recognize the forever-altering impacts to this region, including downstream lands, waters, and the practice of our inherent and Treaty rights.

At this critical junction, the Friends express their full rejection of the IA Report. Its conclusions and recommendations are not sufficient to support the hallmarks of impact assessment, including the list of 20 factors the Agency must take into account under section 22 of the *Impact Assessment Act* (“IAA”), nor the factors enumerated in section 63.⁵ As drafted, there is not a sufficient basis for the IA Report to proceed to the Minister of Environment and Climate Change (“Minister”), such that they can reasonably conclude that the significant adverse federal effects are justified in the public interest, per section 63 of the IAA.

The urgency and significance of our concerns are heightened by the recent ministerial Decision Statement approving the Webequie Supply Road Project⁶ and by the federal and provincial announcements that would further erode already scarce protections for nature and our rights. For instance, under Ontario’s “Accelerated Plan”, the MFCAR is scheduled to begin construction in August 2026 and open by November 2031 – four years ahead of schedule⁷ – despite our consent having never been sought nor a process enabled for our equitable participation; and the federal government’s recently announced Discussion Paper on ‘Getting Major Projects Built in Canada,’ threatens the establishment of a Federal Economic Zone in the region, thereby doing away with key legal protections and safeguards.⁸

This accelerated timeline amidst major legislative changes that directly threaten our rights and interests reinforces the urgent need to heed calls for a moratorium on all mineral exploration and road development in the region until safeguards necessary to protect these globally significant and at-risk sensitive lands and waters are in place, and access to clean water, housing and health services are secured for all up and downstream communities.⁹ Thousands of our citizens, organizations and other

⁵ *Impact Assessment Act*, S.C. 2019, c. 28, s. 1 at ss 22, 63 [IAA].

⁶ Minister of the Environment, [Webequie Supply Road Project: Impact Assessment Decision Statement](#) (25 June 2026).

⁷ Government of Ontario, [“Ontario Releases Accelerated Plan to Complete Construction on Roads to the Ring of Fire Five Years Ahead of Schedule”](#) (2 March 2026), online: *Ontario Newsroom*.

⁸ Government of Canada, [“Getting Major Projects Built in Canada - Discussion Paper on Proposed Legislative, Regulatory, and Policy Reforms”](#) (12 May 2026).

⁹ Letter from the Friends to the Right Honourable Justin Trudeau, Wilkinson, Ford and Yurek, [“Call for a Moratorium in the Ring of Fire to Protect Watersheds and Indigenous Rights”](#) (24 February 2021).

community members have endorsed our Protection Declaration,¹⁰ which is a testament to our Natural Law, and yet we continue to see our voices not reflected, not listened to, nor sought.

We remind the Agency, as the Crown in this matter, of your fiduciary duty to uphold and protect the rights promised to our ancestors in Treaty 9, and the Spirit of Intent of Treaties, which the Omushkegowuk ancestors affirmed in Treaty 9. We intend to protect our Treaty rights promised to us for as long as the sun shines, the green grass grows, the river flows, and the Anishinaabe are here.

III. COMMENTS ON THE DRAFT IMPACT ASSESSMENT REPORT AND POTENTIAL CONDITIONS

The Friends' response to the draft IA Report and accompanying Conditions builds on our earlier remarks to the Agency, including our comments on the Tailored Impact Statement Guidelines¹¹ and Impact Statement.¹²

While we have attempted to raise our concerns regarding the project, they remain outstanding and unaddressed. Given the very short timeframe to review the draft IA report, particularly at a time when many communities along the James Bay coast are facing displacement due to flooding evacuations, the Friends reserve their right to provide more comprehensive and supplemental comments.

The following comments identify a number of outstanding gaps in the assessment record that, in our view, indicate that the section 22 factors of the IAA have not been complied with, thus preventing the Minister from making a properly informed public interest determination under section 60 of the IAA.

a. The IA Report fails to address concerns of project splitting to the detriment of understanding cumulative effects

The Friends remain concerned that the MFCAR is being assessed in a manner that is fragmented from broader proposed Ring of Fire development and other associated infrastructure. We again raise our concern with an approach where each proposed road development – the Webequie Supply Road, Northern Road Link, and MFCAR – is proceeding through separate assessment processes, thereby minimizing the cumulative impacts of the mining activities that they inherently facilitate.¹³

While the IA Report acknowledges that Indigenous communities raised concerns regarding “project splitting, separate and overlapping processes, and a consultation burden,”¹⁴ it does not address the project-splitting concern in any substantive way.

¹⁰ Friends of the Attawapiskat River, “[Declaration of Protection for our Lands & Waters](#)”.

¹¹ Friends, [Webequie Supply Road Project and Marten Falls Access Road – Comments on the draft Tailored Impact Statement Guidelines and draft Indigenous Engagement Plan](#) (28 January 2020).

¹² Friends, [Comments on the Impact Statement of the Marten Falls Community Access Road Project](#) (10 April 2026).

¹³ See also, extensive comments and correspondence from the Friends on our [resource page](#).

¹⁴ IA Report at 47.

In *MiningWatch Canada v Canada (Fisheries and Oceans)*, the Supreme Court explained that “project splitting” occurs when a proponent “[...] represent[s] part of a project as the whole, or propos[es] several parts of a project as independent projects in order to circumvent additional assessment obligations [...]”.¹⁵ The Court then provided an example of how project splitting could be used to “circumvent additional assessment obligations”:

Where the RA or Minister decides to combine projects or to enlarge the scope under s. 15(2) or (3), it is conceivable that the project as proposed by the proponent might have only required a screening. However, when the RA or Minister considers all matters in relation to the project as proposed, the resulting scope places the project in the [Comprehensive Study List]. Where this occurs, the project would be subject to a comprehensive study.¹⁶

If projects are tied together by connected actions, cumulative actions, or similar actions, or if they provide functional or economic dependence on a future project, they must be assessed as a single project for their impact on the environment.¹⁷ By allowing the MFCAR and related road projects to undergo separate IAs, the proponents are able to lessen the projects’ actual environmental footprint and therefore, can more readily justify its adverse environmental effects.

b. The IA Report fails to assess the MFCAR’s enabling function, eroding comprehensive understandings of impacts to areas of federal jurisdiction

The Friends maintain that the MFCAR cannot lawfully or credibly be assessed as an isolated road project when the evidence before the Crown, the Agency, and the proponent consistently recognizes it as foundational enabling infrastructure for large-scale industrial and mining expansion throughout the Ring of Fire region.

For instance, the IA Report recognizes that the MFCAR is not merely a local access road, stating that “the project could enable future access to potential mineral development activities in the Ring of Fire area.”¹⁸ The MFCAR is therefore understood to be enabling infrastructure for future mining development and expansion, and therefore cannot be assessed in isolation from broader development activities.

This enabling function is central to the Project’s purpose and need under section 22(1)(a) and (d) of the IAA,¹⁹ and to the Minister’s public interest determination under section 63. As drafted, the IA Report and Conditions rely on the MFCAR’s broader regional purpose when describing potential benefits and

¹⁵ *MiningWatch Canada v Canada (Fisheries and Oceans)*, 2010 SCC 2 at para.

¹⁶ *MiningWatch Canada v Canada (Fisheries and Oceans)*, 2010 SCC 2 at para 40.

¹⁷ *National Wildlife Federation v. Appalachian Regional Com’n*, 677 F. 2d 883 at 888 (C.A.D.C., 1981), quoting *Kleppe v. Sierra Club*, 427 U.S. 390 (1976) 40 C.F.R. 1508.25; *O’Reilly v. U.S. Army Corps of Engineers*, 477 F. 3d 225 at 236 (5th. Cir. 2007), quoting *Fritiofson v. Alexander*, 772 F. 2d 1225 at 1241 (5th Cir. 1985).

¹⁸ IA Report at ii.

¹⁹ IAA, s 22(1)(a), (d).

economic opportunities, but do not consistently assess the broader regional harms associated with that same purpose.²⁰

In our previous submissions, we expressed that where a project forms part of a broader sequence of developments, or is intended to enable future developments, the assessment must evaluate all reasonably foreseeable activities arising from that project. The Friends have specifically identified reasonably foreseeable activities that rely on or are facilitated by the MFCAR, including but not limited to:

1. Construction of upgrades to the Anaconda/Painter Lake Forestry Road;
2. The construction and operation of the Webequie Supply Road and the Northern Road Link (proposed road linking the northern portion of the Marten Falls Community Access Road to the Ring of Fire area);
3. A potential East-West Road;
4. Eagle's Nest Mine;
5. De Beers Victor Mine;
6. Rapid Lynx Broadband Project;
7. Goldcorp's Musselwhite Mine;
8. Mining activities associated with the following deposits: Black Thor, BlackBird, and Black Label;
9. Black Horse and Big Daddy Projects;
10. Hydroelectric generation and transmission opportunities in the Albany and Attawapiskat River areas;
11. Increased winter road traffic during Operations and Maintenance by future mining proponents; and
12. Other advanced mineral exploration activities in the Ring of Fire area.

Despite our longstanding recommendation that the MFCAR impact assessment evaluate all reasonably foreseeable activities and related effects arising from that Project, the IA Report does not substantively integrate these reasonably foreseeable activities into the Project's cumulative effects assessment. Although the Agency acknowledges significant residual and cumulative adverse effects, it relies instead on narrow Project-level mitigation and follow-up measures and on conditions that do not address the most critical regional and downstream harms associated with the broader development pathway. This deficient and narrow approach is apparent in at least six areas of federal jurisdiction set out within the IA Report, each detailed below.

i. Fish and fish habitat

The Agency acknowledges that the project is "likely to cause residual and cumulative adverse effects on fish and fish habitat through degradation and loss of habitat, harm to fish populations, and increased recreational fishing."²¹ However, it characterizes the residual and cumulative effects as significant only to

²⁰ IA Report at vi.

²¹ IA Report at 10.

a “low extent” because “local habitat loss *may* not be fully offset” (*emphasis added*) and “spatial and temporal overlap with effects from other proposed projects would be small.”²² This conclusion understates the Project’s cumulative impacts and risks, and does not adequately assess how those risks may interact with future mineral exploration, increased road traffic, mining activity, and related infrastructure enabled by the MFCAR. It also fails to address the Friends’ central concern that harm to fish is harm to water, food, health, culture, and Indigenous and Treaty rights.

The proposed “follow-up program” and Conditions do not resolve this concern. The relevant follow-up measures appear to remain limited to the “Local Study Area”²³ – defined as the area extending 2.5 kilometres from the centreline of the Designated Project route and 500 metres around other Designated Project components²⁴ – and therefore do not reflect downstream watershed realities, including those affecting the Attawapiskat River and coastal James Bay communities.

The monitoring of localized water quality after effects is insufficient, because once these waters are contaminated, it is too late. The Conditions must identify enforceable measures to prevent, respond to, remediate, and publicly report on downstream contamination of fish and water linked to the MFCAR and the development it enables.

ii. Species at risk – Caribou

The Agency acknowledges that the Project would result in the “loss, fragmentation and degradation of boreal and eastern migratory caribou habitat.”²⁵ It also acknowledges that the road would “alter, disrupt and restrict caribou movement,”²⁶ increase predation by wolves,²⁷ and an “increase in mortality risk.”²⁸ Despite these findings, the Agency concludes that cumulative effects on caribou would be significant only to a “low extent.”²⁹

This conclusion is very difficult to reconcile with the Agency’s own findings, particularly where the mitigation measures and proposed Conditions remain tied to the Project (e.g. blasting and maintenance) and do not meaningfully address regional habitat fragmentation, increased access, predation, mortality risk, and cumulative disturbance from future Ring of Fire development.³⁰

Further, the IA Report and Conditions fail to acknowledge the increased responsibility of the federal government in protecting eastern migratory caribou following the repeal of the provincial *Endangered Species Act, 2007* and enactment of the *Species Conservation Act, 2025*. These changes removed

²² IA Report at 10.

²³ Conditions at 9.

²⁴ Conditions at 1.

²⁵ IA Report at 54.

²⁶ IA Report at 54.

²⁷ IA Report at 54.

²⁸ IA Report at 28.

²⁹ IA Report at 29.

³⁰ Conditions at 14.

provincial protections for eastern migratory caribou on the basis that this species is already protected federally.³¹

The Friends have previously raised serious concerns about the woodland caribou, noting that exploration activities and accompanying activities – including draining of muskeg and water taking – will impact the land and their habitat. We have also raised concerns regarding disease incidence and the potential for Project-related disturbances to increase existing pressures on already stressed caribou ranges. These concerns remain unresolved in the IA Report and accompanying Conditions.

iii. *Health, social, and economic conditions of Indigenous Peoples*

The Agency found that residual effects on the health, social, and economic conditions of Indigenous peoples are likely to be significant to a “low extent.”³² Notably, the cumulative effects assessment was found to be significant to a “moderate extent” due to the combined effects resulting from “other reasonably foreseeable projects” and the “ease of access to, and means of influence of, the remote Indigenous communities provided by this project.”³³

The finding of moderately significant cumulative effects cannot be minimized. Despite this, the proposed mitigation measures and Conditions do not address our concerns at all. Instead, the Conditions are employment-focused, looking at work codes of conduct and workplace policies.³⁴ As drafted, the assessment measures outlined in the IA Report and accompanying Conditions do not respond to the regional and downstream health, social, and economic impacts associated with the proposed Ring of Fire development.

Moreover, in a previous submission, the Friends requested a study of mercury and its effects on human health and the environment that considers the full lifecycle of the Project, including legacy contamination. This assessment aligns with Canada's commitments under the *Minamata Convention on Mercury* to protect human health and the environment from anthropogenic emissions of mercury and its compounds.³⁵ The Friends submit that neither the Impact Statement nor the IA Report and Conditions sufficiently considered cumulative or long-term contamination pathways, including mercury movement within wetlands and interconnected hydrological systems, particularly in light of existing community health concerns and legacy environmental contamination.

iv. *Current use of lands and resources for traditional purposes by Indigenous Peoples*

³¹ Ontario Minister of the Environment, Conservation and Parks, [“Proposed Legislative and Regulatory Amendments to Enable the Species Conservation Act, 2025”](#) (proposed on 26 September 2025 and passed on 30 March 2026). Provincially protected species are now listed under the [Protected Species in Ontario List Regulation](#).

³² IA Report at iv.

³³ IA Report at v.

³⁴ Conditions at 10.

³⁵ Minamata Convention on Mercury (2013). *Minamata Convention on Mercury: text and annexes*. United Nations Environment Programme (UNEP).

The Agency found that the Project is likely to cause residual and cumulative adverse effects on Indigenous Peoples' right to fish, hunt, trap, and harvest due to "changes in resource availability, safe access, and quality of experience."³⁶ With mitigation and follow-up measures, the Agency concluded the residual and cumulative adverse effects would be significant only to a "low extent," except for the hunting of caribou and other ungulates, which would be significant to a "moderate extent."³⁷

This conclusion drastically understates the impacts of a major road development through the peatlands, to access lands and muskeg where the proposed Ring of Fire is intended to be developed. This disturbance is not temporary or localized – it is a permanent industrial corridor through an interconnected muskeg and watershed system, the health of which is critical to supporting Indigenous and Treaty rights. For the Friends, the right to fish, hunt, trap, and harvest depends on the continued integrity of the muskeg, rivers, wildlife, medicines, and food sources that sustain those activities.

The proposed mitigation measures and Conditions are far too narrow, as they are tied to the local impacts of the Project itself (e.g., noise levels, wind conditions, and dust)³⁸ rather than the broader impacts of the MFCAR and the development it enables. As drafted, the IA Report and Conditions do not address those effects on current use at the regional and downstream scale at which they are likely to occur.

v. *Physical and cultural heritage of, and structures, sites or things of historical, archaeological, paleontological or architectural significance to Indigenous peoples*

The IA Report found that residual and cumulative effects on the physical and cultural heritage of Indigenous peoples, and on structures, sites, or things of historical, archaeological, paleontological or architectural significance, are likely to be significant to a "low extent."³⁹ Once again, the Conditions remain closely tied to the footprint of the Project, and not the broader and interconnected Treaty landscape.⁴⁰

vi. *Accidents and malfunctions*

The IA Report acknowledges the potential for accidents and malfunctions associated with spills, extreme weather, structural failures, and other events. It also states that the proponent will prepare a "Spill Prevention and Emergency Response Management Plan"⁴¹ – a plan which does not yet exist. As drafted, the IA Report relies on future emergency planning rather than assessing whether adequate prevention, response, notification, and recovery measures are in place prior to proceeding with the Project. Once

³⁶ IA Report at 49.

³⁷ IA Report at 49.

³⁸ Conditions at 11.

³⁹ IA Report at 64.

⁴⁰ Conditions at 13.

⁴¹ IA Report at 16.

again, the proposed Conditions are framed around the Project itself, rather than the broader Ring of Fire development that the MFCAR is intended to enable.

The Friends submit that this approach is wholly inadequate, as it considers only accidents and malfunctions local to the Project during its construction and operation phase, rather than lifecycle impacts and risks occurring within an interconnected muskeg and watershed system. The Friends are concerned about spills, fuel release, and other events that could impact the water, fish, wildlife, medicines, and downstream communities beyond the immediate Project footprint.

The Friends reiterate concerns raised in previous submissions that emergency preparedness measures must ensure potentially affected communities are adequately informed and prepared in the event of Project-related emergencies. The IA Report and Conditions do not explain how downstream communities will be notified, protected, involved in planning, or supported if an accident or malfunction were to arise.

c. The IA Report is incomplete because it fails to adequately assess the regional and watershed-level impacts as part of the cumulative effects assessment

The Friends submit that the cumulative effects assessment is incomplete because it does not adequately assess the regional, watershed-level, and downstream impacts of the proposed MFCAR, particularly in light of the mineral exploration, mining development, and related infrastructure within the proposed Ring of Fire region.

We again bring forward our earlier submissions that emphasized the MFCAR must be assessed in light of the interconnected muskeg, watersheds, downstream communities, and the broader development and contamination that this road Project is intended to facilitate. The assessment must be framed around water flow, hydrological connectivity, and the unique cultural, ecological, and hydrological cycles of this region. Despite these concerns and the critical need for an assessment methodology based on Indigenous knowledge, principles and Natural Law, the IA Report is both inadequate and a missed opportunity to conduct a meaningful cumulative effects assessment.

The IA's framing of cumulative effects must be remedied to comply with the *IAA*. We reiterate that among the factors the Agency must take into account per the *IAA* when conducting an impact assessment is:

- 22(1)(a)** the changes to the environment or to health, social or economic conditions and the positive and negative consequences of these changes that are likely to be caused by the carrying out of the designated project, including
- (i) the effects of malfunctions or accidents that may occur in connection with the designated project,
 - (ii) any cumulative effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out, and

(iii) the result of any interaction between those effects;⁴²

Cumulative impacts (or effects) are generally understood as resulting from “different combinations of actions or pathways that consist of both additive and interactive processes.”⁴³ An assessment of cumulative environmental, social, economic and cultural effects include a number of fundamental expectations, including that there be an assessment of:

- Synergetic, compensatory, and additive effects;
- Effects across spatial and temporal boundaries (e.g., at the ecosystem and watershed level); and
- All relevant past, present, and reasonably foreseeable future anthropogenic activities and natural processes.⁴⁴

The IA Report does not adequately consider contamination pathways associated with reasonably foreseeable mining development and related infrastructure. Future mining development inevitably introduces risks, including those associated with pollutants, spills, tailings, traffic, and others.

In an interconnected muskeg and watershed system, these effects will most certainly not remain localized. The contamination will spread through surface water, groundwater, and peatlands, impacting wildlife, medicines, drinking water and food sources, and the livelihoods, rights, and well-being of Indigenous peoples. The consequences of a project of this nature would be felt across Omushkego Cree territory, engaging the rights of Indigenous people far beyond any single First Nation.

We know that water goes everywhere. Whatever goes into the water will move with it. There is aquatic life to sustain, there is food there, and Natural law teaches us that everything in the water is shared. Whatever migrates up or down the river affects all of us.

Ensuring the Project’s potential downstream effects on the health of the surrounding watersheds, including effects on climate change and biodiversity loss, are assessed throughout the impact assessment is critical to the Friends’ rights to protect and conserve the environment, as enshrined in Article 29(1) of the *United Nations Declaration on the Rights of Indigenous Peoples* (“**UNDRIP**”), which states:

Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination (emphasis added).⁴⁵

⁴² IAA, s 22(1)(a).

⁴³ B. Noble, “Introduction to Environmental Impact Assessment – A Guide to Principles and Practice,” Oxford: Don Mills (2010), p 201 [Noble].

⁴⁴ Noble, 199 and 207; Canadian Council of Ministers of the Environment, [Canada-wide Definitions and Principles for Cumulative Effects](#), PN 1541 (2014).

⁴⁵ *United Nations Declaration on the Rights of Indigenous Peoples*, [GA Res 61/295](#), UNGAOR, 2007, Supp No 53, UN Doc A/RES/61/295, (2 October 2007), Article 29(1) [UNDRIP].

Failure to adequately assess these potential risks further threatens the Friends' ability to fulfil their responsibilities under Natural Law to protect the land, water, and future generations. Our lands, waters, and deep cultural relationships are most at risk from design failures, transportation accidents, containment breaches, spills, and long-term geological uncertainties.

The Agency must require that the IA Report and proposed Conditions be revised to include a comprehensive cumulative effects assessment of the MFCAR in combination with reasonably foreseeable mineral exploration, mining development, and related infrastructure in the proposed Ring of Fire region. At a minimum, the assessment must look into regional, watershed-level, and downstream impacts and identify all contamination pathways associated with the MFCAR and future mining development.

d. The IA Report does not provide a reliable basis for assessing impacts on section 35 rights

The Friends submit that the IA Report does not provide a reliable basis for assessing impacts on our constitutionally protected section 35 rights for two related reasons: first, because it does not assess the effects of the Project in a way that is inclusive of downstream impacts, including to Indigenous communities and rights-holders that may be affected by the Project and second, because it has failed adopt or respond to the Indigenous knowledge, teachings and Law that those – including the Friends – have been repeatedly sharing.

The IA Report acknowledges that the Project is “likely to result in adverse effects to a low extent on Indigenous Peoples’ current use of lands and resources for traditional purposes, and physical and cultural heritage.” They further conclude, in reference to section 35 of the *Constitution Act, 1982*, that the Project is likely to cause:

“Low to moderate severity of impacts on the right to hunt and trap, low severity of impacts on the right to fish, and low to moderate severity impacts on the right to a continued way of life for Indigenous communities that would be most directly impacted ...”⁴⁶

In addition to:

“Negligible to moderate severity of impacts on the right to hunt and trap, negligible to low severity of impacts on the right to fish, and negligible to moderate severity of impacts the right to a continued way of life for Indigenous communities whose preferred areas for the exercise of harvesting and cultural rights have limited overlap with the geographic scope of anticipated project effects: Attawapiskat First Nation, Constance Lake First Nation, Kitchenuhmaykoosib Inninuwug First Nation, Long Lake #58 First

⁴⁶ IA Report at 112.

Nation, Neskantaga First Nation, Nibinamik First Nation, Webequie First Nation, and Weenusk First Nation.⁴⁷

These conclusions are not reliable because they are based on an incomplete assessment of the Project's full effects. Again, this includes the lack of assessment of downstream and watershed-level effects, contamination pathways, and cumulative impacts associated with the broader Ring of Fire development that the MFCAR intends to facilitate.

Among the factors the Agency must take into account per the *IAA* when conducting an impact assessment is:

22(1)(c) the impact that the designated project may have on any Indigenous group and any adverse impact that the designated project may have on the rights of the Indigenous peoples of Canada as recognized and affirmed by section 35 of the *Constitution Act, 1982*;⁴⁸ (emphasis added)

22(1)(l) considerations related to Indigenous cultures raised with respect to the designated project;⁴⁹

Consideration of Project-related effects on Indigenous rights must also be assessed under sections 60(1)(b) and 61(1)(b), respectively, whether the Project's effects are justified in the public interest:

63(a) the impact that the effects that are likely to be caused by the carrying out of that project may have on any Indigenous group and any adverse impact that those effects may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the *Constitution Act, 1982*;⁵⁰

This is an unjustified and particularly unfortunate gap in the IA Report that must bar it from proceeding. The Friends are Indigenous rights-holders to whom the UNDRIP applies. UNDRIP must therefore inform the approach of this impact assessment and include all potentially impacted rights-holders. The Truth and Reconciliation Commission's ("TRC") Calls to Action recognize UNDRIP as the framework for reconciliation and calls for the full participation of Indigenous people in a way that respects and makes space for their free, prior, and informed consent.⁵¹

The Friends form part of the downstream communities who rely on the interconnected waters, the wildlife, harvesting areas, cultural practices, and relationship to land, all of which stand to be affected by the MFCAR and the development it enables. The Friends have repeatedly raised concerns about

⁴⁷ IA Report at 112.

⁴⁸ *IAA*, s 22(1)(c).

⁴⁹ *IAA*, s 22(1)(l).

⁵⁰ *IAA*, s 63(a)

⁵¹ Truth and Reconciliation Commission of Canada, Calls to Action (2015), Calls to Action 43 and 44.

downstream watershed effects, contamination risks, and impacts to Indigenous rights and ways of life; however, these impacts were not meaningfully addressed in the IA Report.

e. The IA Report's findings on the peatlands, biodiversity, and climate change weigh against a positive public interest determination

The IA Report's findings on the Project's impacts on biodiversity and climate change clearly demonstrate that the Minister must find, per section 63(b) of the *IAA*, that the effects of the Project will hinder Canada's ability to meet its environmental obligations and commitments in respect of climate change.

The MFCAR is proposed in a fragile and globally significant landscape – one of the last refuges on the planet for intact peatlands. The peatlands of the Hudson-James Bay Lowlands are of profound cultural and ecological significance. Our people have stewarded the lands for generations and maintain a deep cultural and spiritual connection to its rivers, wildlife, and muskeg. These peatlands are a globally significant carbon sink, storing immense amounts of carbon, and provide critical wildlife habitat, and their protection is therefore key to mitigating climate change and preventing biodiversity loss.⁵²

This sensitive region is already facing unprecedented pressure from proposed mineral exploration, mining development, and related infrastructure in the Ring of Fire region, which could become one of the largest mining operations in Canada. The Friends stress that the MFCAR cannot be assessed as an isolated road project. The Project's effects on peatlands, watershed health, biodiversity, species at risk, climate, and sustainability must be assessed in light of the current and reasonably foreseeable development pathway that the MFCAR is intended to enable.

An assessment of the impacts on this globally significant region is required by section 22 of the *IAA*, including:

22(1)(i) the extent to which the effects of the designated project hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change.

These factors are also directly related to the Minister's public interest determination under section 63 of the *IAA*:

63(b) the extent to which the effects of the designated project contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change;⁵³

⁵² Michel Koostachin, Rick Cheechoo & Kerrie Blaise, "[Protecting Treaty 9 Lands and Waters: A Case Study of Indigenous-led Climate Action through Treaty Promises](#)" (June 16 2025).

⁵³ *IAA*, s 63(b).

The IA Report itself identifies serious concerns that weigh against Project approval. For example, the Agency found that the Project's likely effects "do not contribute to meeting Canada's environmental obligations, specifically as it relates to biodiversity as adverse effects of the Project on species at risk, including caribou and wolverine."⁵⁴ The IA Report also states that the Project's likely effects "do not contribute to meeting Canada's climate change commitments, specifically greenhouse gas (GHG) emission targets, as the GHG emissions from the Project would continue beyond 2050 and there is overall uncertainty on whether the project infrastructure could contribute indirectly to Canada's ability to meet its climate change commitments in the long term."⁵⁵

While the IA Report acknowledges that the MFCAR is expected to pass through lowland and wetland ecosystems, including peatlands,⁵⁶ the Friends are concerned that the impacts on the peatlands are limited to the road itself and not the broader proposed Ring of Fire development. This creates an inconsistent analysis where the IA Report is willing to consider the broader Ring of Fire development when identifying potential benefits, but not when assessing adverse effects.

f. The IA Report does not demonstrate compliance with the Strategic Assessment of Climate Change

Among the factors the Agency must take into account per the *IAA* in deciding when conducting an impact assessment is:

22(1)(i) the extent to which the effects of the designated Project hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change;⁵⁷

22(1)(p) any relevant assessment referred to in section 92, 93 or 95;⁵⁸

The IA Report states that the Project's likely effects "do not contribute to meeting Canada's climate change commitments, specifically greenhouse gas (GHG) emission targets as the GHG emissions from the Project would continue beyond 2050."⁵⁹ Accordingly, the Strategic Assessment of Climate Change ("SACC") – which was created under section 95 of the *IAA* to "enable consistent, predictable, efficient and transparent consideration of climate change throughout federal impact assessments"⁶⁰ – is highly relevant and applicable.

⁵⁴ IA Report at vi.

⁵⁵ IA Report at vi.

⁵⁶ IA Report at 1.

⁵⁷ *IAA*, s 22(1)(i).

⁵⁸ *IAA*, s 22(1)(p).

⁵⁹ IA Report at vi.

⁶⁰ Environment and Climate Change Canada, "[Strategic Assessment of Climate Change](#)" (Revised October 2020): Executive Summary [**SACC**].

The SACC distinguishes how a Project's impacts on climate change (and whether they contribute to or hinder Canada's ability to meet its climate change commitments) are to be assessed during different phases of the impact assessment process, namely the Planning Phase, Impact Statement Phase, Impact Assessment Phase, Decision-making and Conditions, and Post-Decision Phase. However, the IA Report, as currently drafted, does not demonstrate compliance with the SACC requirements. For example, as the Project has a lifetime beyond 2050, the Proponent is "required to provide a credible plan that describes how the Project will achieve net-zero emissions by 2050", by demonstrating how the net greenhouse gas emission equation "will equal 0 kt CO₂ eq/year by 2050 and thereafter for the remainder of the lifetime of the Project."⁶¹ The content of the plan is to be "taken into account by the relevant decision-makers with respect to Project approvals,"⁶² such as by the Agency during the Impact Assessment Phase and by the Minister when determining if the Project is in the public interest, such that it should be approved.

Therefore, in order to adequately assess the Project's effects on Canada's ability to meet its commitments in respect of climate change, the SACC must be complied with at every stage of the IA, and the Proponent must provide the required information, including their plan to achieve net-zero emissions by 2050.

The Agency must require the IA Report to be updated to demonstrate compliance with the SACC; this is a must during each phase of the IA. Required information – including plans to achieve net-zero emissions – must be studied and disclosed before the IA Report and Potential Conditions are finalized and before the Minister decides whether the Project is in the public interest per section 60(1) of the IAA.⁶³

g. The IA Report's finding on sustainability is flawed, thus weighing against a positive public-interest determination

The Friends find it concerning that the IA Report finds the Project would "make a net positive contribution to sustainability," while also finding that the extent to which the Project's likely effects contribute to "sustainability is low."⁶⁴ The Friends submit that this analysis fails to adequately account for the long-term, cumulative, and intergenerational impacts associated with the MFCAR and proposed Ring of Fire Development.

The IAA defines sustainability as the ability to protect the environment, contribute to the social and economic well-being of the people of Canada and preserve their health in a manner that benefits present and future generations.⁶⁵ Sustainability is a key consideration that the Agency is required to consider under sections 22 and 63 of the IAA:

⁶¹ SACC, Section 5.3: Plan to achieve net-zero emissions by 2050.

⁶² SACC, Section 5.3: Plan to achieve net-zero emissions by 2050.

⁶³ IAA, s 60(1).

⁶⁴ IA Report at vi.

⁶⁵ IAA, s 2.

22(1)(h) the extent to which the designated project contributes to sustainability;⁶⁶

63(c) the extent to which the effects that are likely to be caused by the carrying out of that project contribute to sustainability.⁶⁷

Notably, the Agency considered only an 80-year temporal boundary for the sustainability analysis to account for the localized construction and operational phases of the proposed road.⁶⁸ The Friends submit that this timeframe is too localized and insufficient to satisfy the *IAA*'s sustainability mandate, including principles of intergenerational and intragenerational equity. A meaningful sustainability analysis cannot minimize long-term impacts to peatlands, biodiversity, watershed health, downstream communities, and Indigenous rights, culture, health, water, food systems, and way of life.

Furthermore, the IA Report must clearly document whether the project itself is aligned with sustainability. The following questions assist in determining whether a project is aligned with sustainability:⁶⁹

- Does the project cause, induce, or exacerbate extreme weather events or slow-onset events?
- Does it irreversibly alter an ecosystem?
- Does it make a community less resilient?
- Does it affect its life support systems?
- Does it sustain nature, life support systems and the community?

The Agency must require the IA Report's sustainability analysis to meaningfully assess the intergenerational impacts associated with the MFCAR and the proposed Ring of Fire development, including whether the Project causes, induces, or exacerbates extreme weather events or slow-onset environmental change; irreversibly alters peatland, watershed, or ecological systems; diminishes the resilience of affected communities; or undermines the life support systems upon which we and other downstream communities depend.

This analysis must further assess the extent to which the Project sustains or degrades nature, biodiversity, water systems, Indigenous rights, culture, health, food systems, and ways of life, including through long-term, cumulative, and potentially irreversible impacts arising from future mining and regional development enabled by the MFCAR.

h. The IA Report fails to assess environmental racism and the unequal distribution of Project burdens and benefits

⁶⁶ *IAA*, s 22(1)(h).

⁶⁷ *IAA*, s 63(c).

⁶⁸ IA Report at 129.

⁶⁹ A Majekolagbe, "Impact Assessment, Sustainability, and Climate Change: Lessons from Lower Churchill" (2021) *Dalhousie Law Journal* at 84.

The IA Report fails to assess whether the MFCAR will perpetuate environmental racism and environmental injustice by imposing disproportionate risks, burdens, and harms on downstream Indigenous communities, while failing to ensure equitable participation or protection.

The Friends remain critically concerned that the federal government's conduct with the MFCAR is perpetuating environmental racism and injustice. The federal government has a legal duty to prevent and address environmental racism and to advance environmental justice under the *National Strategy Respecting Environmental Racism and Environmental Justice Act (Environmental Justice Act)*.⁷⁰ Despite this obligation, the IA Report does not address environmental racism, environmental justice, or the unequal distribution of the Project's burdens and benefits.

While there is no definitive definition of environmental racism, as a concept, it acknowledges that marginalized communities in Canada, including Indigenous communities, often bear a disproportionate burden of human health, social, cultural, ecological and other adverse impacts of environmental harm while being denied benefits.⁷¹ These inequitable burdens undermine human dignity, equality and non-discrimination.⁷² The *Environmental Justice Act* recognizes that "a disproportionate number of people who live in environmentally hazardous areas are members of an Indigenous, racialized or other marginalized community" and a failure to meaningfully involve members of those communities in the development of environmental policy constitutes environmental racism.⁷³

Assessing environmental racism requires consideration of *distributional justice*, including how environmental risk, harm and benefits are distributed among different members of society; *procedural justice*, including how different members of society access and influence environmental decision-making; and *recognitional justice*, including how underlying systemic injustices and differing values and identities are recognized and represented in the assessment process.⁷⁴ These three dimensions are blatantly omitted from the IA Report.

This omission is particularly glaring given that the assessment is proceeding while First Nations in the region are actively responding to flooding and evacuations in their communities. Holding public participation periods during emergency conditions exacerbates existing inequities and prejudices the ability to meaningfully review, respond to, and influence decisions about a Project that will have

⁷⁰ *National Strategy Respecting Environmental Racism and Environmental Justice Act*, SC 2024, c 11 [***Environmental Justice Act***].

⁷¹ Larissa Parker, "[Not in Anyone's Backyard: Exploring Environmental Inequality under Section 15 of the Charter and Flexibility after Fraser v Canada](#)" (2022) 27 Appeal 19 at 21-22.

⁷² Maia Dombey, "[Environmental Racism: How Governments are Systematically Poisoning Indigenous Communities & the UN's Role](#)" (2020) 27 U Miami Int'l & Comp L Rev 131 at 145.

⁷³ *Environmental Justice Act*, [preamble](#).

⁷⁴ Rebecca L Gruby, "[Opening the black box of conservation philanthropy: A co-produced research agenda on private foundations in marine conservation](#)" (2021) 132 Elsevier Marine Policy at 8. Distributional, procedural and recognitional justice are the three key dimensions of environmental equity and justice (European Environment Agency, "[Delivering Justice in Sustainability Transitions](#)", (February 28, 2024).

long-term consequences for the lands, waters, rights, health, culture, and way of life of Indigenous peoples.

As rights-holders and downstream community members who continue to rely on the lands for food, water, medicine, and sacred spaces, we stand to be directly impacted by the MFCAR and the broader proposed Ring of Fire development. Our people are facing environmental racism, including distributional injustice, due to resource extraction on our lands in the proposed Ring of Fire.⁷⁵ As our communities are located downstream of various resource extraction projects, we are and will be disproportionately impacted by potential adverse effects of resource extraction, including increased exposure to harmful pollutants through air, food and water, reduced ability to exercise Treaty rights, including the right to hunt, fish and trap, and inherent rights, including the right to protect and conserve our lands and waters.

By failing to adequately assess these downstream and cumulative effects, as well as the unequal distribution of Project risks, burdens, and benefits, the IA Report perpetuates environmental racism and injustice. The Friends submit that the IA Report must meaningfully consider whether Indigenous communities located downstream of the MFCAR and the proposed Ring of Fire development will bear disproportionate environmental, health, cultural, social, and rights-related impacts while receiving limited protection, participation, or benefit.

Therefore, the IA Report must be revised to demonstrate how the assessment of the MFCAR upholds and advances environmental justice, including distributional, procedural, and recognition justice, consistent with the purposes of the *Environmental Justice Act*. This analysis must assess whether the MFCAR and proposed Ring of Fire development will impose disproportionate risks, burdens, or harms on downstream Indigenous communities, and whether those communities have been afforded meaningful participation, protection, and benefit.

i. The IA Report fails to adequately consider GBA Plus and risks to Indigenous women, girls, and 2SLGBTQIA+ people

Among the factors the Agency must consider under the *IAA* is:

22(1)(s) the intersection of sex and gender with other identity factors;⁷⁶

According to the Agency, this factor requires the application of Gender-based analysis plus (“GBA Plus”) to “assess how diverse population groups experience the impacts of major projects differently”, taking into account individual identity factors (e.g., race, age, gender, and economic status), social context (e.g.,

⁷⁵ For more information on environmental racism in Treaty 9 territory, see our submission to the Environmental Justice branch of Environment and Climate Change Canada regarding [Indigenous Environmental Justice](#), as part of the development of the National Strategy under the *Environmental Justice Act*.

⁷⁶ [Impact Assessment Act](#), SC 2019, c 28, s 22(1)(s) [*IAA*].

attitudes, beliefs), and systems of oppression (e.g., systemic/structural inequalities, racism, distribution of resources and power).⁷⁷

The IA Report does not appropriately apply GBA+. In particular, it fails to assess the gendered and intersectional impacts associated with major resource extraction and development in or near Indigenous territories, and specific risks raised by the MFCAR and the broader Ring of Fire development that the road Project enables.

This requirement is especially important in the context of the MFCAR, given the significant concerns raised about impacts on Indigenous rights, and the health and well-being of communities near and downstream from the Project site and the proposed Ring of Fire development. A proper GBA Plus assessment must consider how the impacts of the Project and related resource extraction may be experienced differently by different subpopulations, including Indigenous women, girls, and 2SLGBTQQIA+ people.

The National Inquiry into Missing and Murdered Indigenous Women and Girls found that resource extraction projects can drive violence against women in several ways, and calls on governments and industry to “do a more thorough job of considering the safety of Indigenous women and children when making decisions about resource extraction on or near Indigenous territories”.⁷⁸ Despite several Calls for Justice stemming from the National Inquiry being specifically directed at extractive and development industries,⁷⁹ the IA Report does not mention how the safety and security of Indigenous women, girls and 2SLGBTQQIA+ people was considered, nor ways in which they will equitably benefit from development. Call for Justice #13.2 emphasizes the importance of completing gender-based socio-economic impact assessments on all proposed projects as part of their decision-making and ensuring project proposals have provisions and plans in place to mitigate risks and impacts.

The IA Report does not demonstrate that this analysis was completed in relation to gendered risks of resource extraction, increased access, workforce influx, transportation corridors, or cumulative development pressures associated with the proposed Ring of Fire. Accordingly, the Friends submit that a consideration of section 22(1)(s) of the IAA is incomplete.

The IA Report must be revised to include a meaningful assessment of the intersection of sex and gender with other identity factors, as required by section 22(1)(s) of the IAA. This assessment must consider how the MFCAR and the broader Ring of Fire development will increase risks to Indigenous women, girls, and 2SLGBTQQIA+ people, including risks associated with resource extraction, increased access,

⁷⁷ Agency, “[GBA Plus and Impact Assessment](#)”.

⁷⁸ National Inquiry into Missing and Murdered Indigenous Women and Girls, [Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls](#), vol 1a (Vancouver: Privy Council Office, 2019) at 584.

⁷⁹ National Inquiry into Missing and Murdered Indigenous Women and Girls, [Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls](#), Calls for Justice # 13.1-13.5.

workforce influx, transportation corridors, and cumulative development impacts, and identify measures to prevent and address these risks.

j. The IA Report fails to adequately consider the ongoing Regional Assessment

Among the factors the Agency must take into account per the *IAA* when conducting an impact assessment is:

22(1)(p) any relevant assessment referred to in section 92, 93 or 95;⁸⁰

The Regional Assessment (“RA”) for the proposed Ring of Fire area was authorized pursuant to section 93(1)(a)(ii) of the *IAA*⁸¹ and, given the MFCAR’s enabling function to reach the proposed Ring of Fire area, the RA is highly relevant to the IA Report and must be considered.

We support the government’s decision to undertake an RA in the proposed Ring of Fire area, as this reflects their acknowledgement of the importance of assessing the cumulative effects of multiple existing and future developments and activities in the area, including environmental, health, cultural, social and economic impacts, as well as impacts on Indigenous rights and values.⁸² While we understand that the RA is *not* a replacement for project-specific IAs, the RA *is* a planning tool intended to “focus on bigger effects (e.g. climate change, biodiversity, ecological integrity) which are often challenging to address during individual project-level assessments and decisions” and help enhance and inform decision-making processes related to development in the region.⁸³

The IA Report recognizes the RA as a source of information which “would be available to support and inform future decision-making in the Ring of Fire area” and “provide recommendations on how potential cumulative impacts on rights that cannot be fully addressed by project-specific mitigations could be accommodated”.⁸⁴ This acknowledges that the MFCAR impact assessment cannot fully address cumulative impacts without the RA being completed.

The IA Report also notes that the RA is intended to support the consideration of potential impacts on the exercise of Indigenous rights,⁸⁵ which is required under section 22(1)(c) of the *IAA*.⁸⁶ As stated in the IA Report:

⁸⁰ *IAA*, s 22(1)(p).

⁸¹ Regional Assessment Working Group, “[Terms of Reference for the Regional Assessment in the Ring of Fire Area](#)” (20 January 2025) at 15 [Terms of Reference].

⁸² [Terms of Reference](#) at 17, 27.

⁸³ [Terms of Reference](#) at 17.

⁸⁴ IA Report at 109.

⁸⁵ IA Report at 110.

⁸⁶ *IAA*, s 22(1)(c).

[The] Regional Assessment is also intended to inform and improve the effectiveness and efficiency of future impact assessments conducted under the IAA and support other decision-making processes in a way that helps to:

- preserve Indigenous ways of life, traditions, laws, customs and oral history.
- protect and improve the environmental, health, social, cultural and economic conditions of potentially affected communities.
- protect and advance Aboriginal and Treaty rights, claims and interests within the assessment area.
- create opportunities for community and regional economic equity and sustainable development.⁸⁷

Allowing for the MFCAR to move ahead before the RA is complete means that the government will not be able to consider the cumulative effects or impacts on Indigenous rights, which is required under sections 22(1)(a) and 22(1)(c) of the IAA.⁸⁸ It would also render the RA somewhat redundant, given its purpose is to “assess the potential effects of multiple existing and potential future developments and activities in a specific geographic region to help inform decision-making”.⁸⁹

Additionally, given the IA Report’s acknowledgement of the relevance and utility of the RA, we strongly oppose the Agency’s decision not to consider the public comments received (regarding the importance of the RA in understanding the potential impacts of development to the area) on the basis that they were “outside the scope of the federal impact assessment.”⁹⁰ The RA is mentioned as a relevant assessment in the IA Report, and the public comments related to the RA must therefore be considered under section 22(1)(n) of the IAA.⁹¹

The Friends urge the impact assessment for the MFCAR be paused until the RA is complete, to ensure the Agency can meaningfully assess cumulative effects, impacts on Indigenous rights and comments received from the public, and consider the very relevant RA, as required by sections 22(1)(a), 22(1)(c), 22(1)(n) and 22(1)(p) of the IAA, respectively.

k. The IA Report fails to advance a truly Indigenous-led process

Done well, IAs ought to guarantee Indigenous Peoples’ ability to participate in decision-making in any project or activity which has the potential to impact their rights and ability to protect their lands and waters. Unfortunately, this is not the process adopted for the MFCAR impact assessment, wherein the Agency has not been present in impacted communities, despite our direct invites to visit, nor has there been adequate capacity support necessary to sustain and include Indigenous rights-holders.

⁸⁷ IA Report at 111.

⁸⁸ IAA, ss 22(1)(a), 22(1)(c).

⁸⁹ [Terms of Reference](#) at 3.

⁹⁰ IA Report at 147.

⁹¹ IAA, s 22(1)(n).

Indigenous-led IAs are an emerging form of IA, distinct from Crown-led IAs, and come as a response to decades of environmental assessment processes that have failed to provide meaningful opportunities for Indigenous peoples to be heard or to recognize their inherent rights and authority in decision-making.

If the Agency is serious about preventing the further marginalization of Indigenous peoples, this impact assessment ought to have ensured an approach that allows us – as Indigenous rights-holders – an ability to speak, participate and lead on a Nation-to-Nation basis. Such an approach would directly align with the Agency’s recognition that “[the] IAA and accompanying policies provide a framework and tools that can be utilized to maximize partnership and leadership by Indigenous Peoples with the aim of securing free, prior, and informed consent.”⁹²

We again call on the Agency and Minister, in their respective roles, to exercise their discretion in ways that advance the principles which are common to Indigenous-led impact assessment processes, including but not limited to:

- Having a process which is designed, conducted, and decided by Indigenous parties;
- A process in which culture, language and way of life are the central values that are protected and reinforced as part of that review process;
- The ability to provide or withhold consent;
- The ability to generate project conditions, developed using traditional legal principles; and
- The incorporation of Indigenous laws and knowledge traditions must be mandatory and not just a ‘consideration’ or ‘recommendation.’

IV. CONCLUDING REMARKS

The Friends remind the Agency that it is not required to accept an incomplete, uncertain, or unreliable assessment record. Under section 26(2) of the IAA, where the Agency considers that the information available is insufficient to conduct the impact assessment, it may require the proponent to provide further information or undertake additional studies.⁹³ That authority is not discretionary in spirit where significant uncertainty, outstanding information gaps, and unresolved impacts to Indigenous rights remain. It is essential to ensure the purposes and requirements of the IAA are fulfilled.

The Friends submit that the IA Report does not provide a sufficient or reliable basis for the Minister to determine that the adverse federal effects of the MFCAR are in the public interest under section 60 of the IAA.⁹⁴ The assessment repeatedly characterizes harms as significant only to a “low extent,” yet these findings cannot be viewed in isolation or divorced from the broader development context that the MFCAR is intended to facilitate. When considered cumulatively and in light of the MFCAR’s enabling function, the record before the Agency demonstrates profound and irreversible impacts to peatlands,

⁹² IAAC, [Indigenous Co-Administration Agreements Discussion Paper](#) (July 2024).

⁹³ IAA, s 26(2).

⁹⁴ IAA, s 60(1)(b).

biodiversity, watershed integrity, fish and wildlife habitat, climate stability, Indigenous rights, downstream communities, and future generations.

The IA Report itself acknowledges that the MFCAR will not contribute to Canada's climate commitments, will adversely affect biodiversity and species at risk, and will result in cumulative effects on Indigenous peoples and the exercise of section 35 rights. At the same time, the assessment fails to adequately evaluate downstream and watershed-level impacts, contamination pathways, accidents and malfunctions, environmental racism, gendered impacts, and the full scope of cumulative effects associated with the proposed Ring of Fire extraction projects, which are enabled by the MFCAR. The resulting assessment record is therefore fragmented, internally inconsistent, and incapable of supporting a fully informed public interest determination.

The Friends are particularly concerned that the IA Report relies heavily on future mitigation, monitoring, management plans, and follow-up measures that either do not yet exist or remain narrowly tied to the immediate footprint of the road itself. Mitigation cannot serve as a substitute for a complete assessment, nor can future plans remedy fundamental failures to assess foreseeable harms before decisions are made. Once muskeg systems are fragmented, waters are contaminated, habitats are disrupted, or rights are infringed, those impacts cannot simply be reversed through monitoring or adaptive management. These changes are irreversible, and a decision of this magnitude – to cause such harm – must not be made absent Indigenous Peoples' free, prior and informed consent.

We know that the impacts of this Project, and the extractive industry it is intended to enable, will not be carried equally. The risks will fall disproportionately on downstream Indigenous peoples and future generations who continue to rely on these interconnected watersheds, peatlands, wildlife, and harvesting systems for food, water, medicines, culture, identity, and the exercise of inherent and Treaty rights. Yet those same communities — as the Friends have attested throughout our years of comments — continue to face barriers to meaningful participation and remain inadequately reflected in the assessment process and resulting conclusions.

Accordingly, the Friends request that the Agency:

- revise the IA Report and proposed Conditions to address the significant deficiencies identified throughout this submission in a way which is Indigenous-led and prevents the further marginalization of Indigenous voices;
- require a comprehensive cumulative effects assessment that evaluates the MFCAR together with reasonably foreseeable mining, exploration, and related infrastructure development in the Ring of Fire region;
- assess downstream and watershed-level impacts, including contamination pathways and impacts to Indigenous rights;
- demonstrate compliance with the Strategic Assessment of Climate Change and related provisions of the IAA;

- meaningfully incorporate Indigenous knowledge, Natural Law, and Treaty relationships into the assessment methodology and conclusions;
- assess environmental racism, environmental justice, and GBA Plus impacts in a substantive manner; and
- pause the impact assessment process until the Regional Assessment is completed, and its findings can inform Project-level decision-making.

At this critical moment, the role of the Agency as the Crown is of profound importance. The decisions made in relation to the MFCAR will shape not only the future of the proposed Ring of Fire region, but also the integrity of Canada's impact assessment regime, its commitments to reconciliation, and its obligations to protect lands and waters of global ecological significance. The Crown cannot lawfully or honourably proceed on the basis of an assessment that minimizes foreseeable harms, overlooks downstream Indigenous peoples, and fails to grapple with the full scale and consequences of the development pathway being advanced.

We offer these comments, and our continued invitation to engage, in the spirit of protecting the waters, lands, and future generations to whom we hold responsibilities under Treaty, Natural Law, and our own legal orders. Our voices — including those of our ancestors and those not yet born — must be meaningfully heard and respected. Anything less would fail to uphold the honour of the Crown and the promises made to our peoples. We remain guided by the understanding that we are the river, and the river is us.

Meegwech,

<Original signed by>

Michel Koostachin
Founder, Friends of the Attawapiskat River