



NIBINAMIK FIRST NATION

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VIA EMAIL

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Attention: Caitlin Cafaro

RE: Nibinamik First Nation's Comments on Ontario's Ministry Review and IAAC's Draft Impact Assessment Report for the Marten Falls Community Access Road

Nibinamik First Nation ("**Nibinamik**") is writing in response to the Government of Ontario's ("**Ontario**") and the Impact Assessment Agency of Canada's ("**IAAC**" or "**Canada**") requests for comment on Ontario's Ministry Review Report ("**Ontario Report**") and IAAC's Draft Impact Assessment Report ("**IAAC Report**") (together "**Government Reports**") for the Marten Falls Community Access Road ("**MFCAR**").

Nibinamik continues to support Marten Falls First Nation's ("**Marten Falls**" or the "**Proponent**") desire to build an all-season road to connect its community to the provincial highway system. Nibinamik shares this desire and is interested in exploring opportunities to build our own all-season road. However, as we have expressed numerous times, Nibinamik has serious concerns with Ontario's and Canada's efforts to expedite the assessment and construction of the MFCAR, as well

as the Webequie Supply Road (“WSR”) and the Northern Road Link (“NRL”, or together the “Roads”); the inadequacy of the assessment of the Roads’ potential impacts on the environment and on our Aboriginal and treaty rights and interests; and the current imbalance our community faces between impacts from the Roads and lack of direct benefits.

Ontario’s and IAAC’s expedited and predetermined assessment processes are unconstitutional

As we stated in our March 20, 2026, and May 22, 2026, letters—to which we have received no response from Ontario or IAAC—Nibinamik was worried that Ontario and Canada had already decided to approve the Roads assessments before the assessment processes were complete and without adequately consulting and accommodating us.¹ Reviewing the Government Reports confirmed our fears. None of the concerns we—and our neighbouring First Nations and environmental organizations—have repeatedly raised have been addressed, and Ontario and IAAC are both recommending the MFCAR proceed with minimal conditions despite clear information gaps and unmitigated adverse impacts to our Aboriginal and treaty rights.

From the start, these assessments have been flawed. Despite being one contiguous road that will enable mining access in our Homelands, Ontario and Canada allowed the Roads to be split into three separate projects and six separate environmental/impact assessments, none of which have assessed the impacts from reasonably foreseeable induced mining activity. This project splitting put a tremendous burden on Nibinamik and significantly limited our ability to participate meaningfully in the assessments.

Ontario and Canada’s efforts to accelerate the Roads assessments have made participating in these assessments futile. Since Ontario paid the Roads proponents to deliver their Environmental Assessment Reports for the MFCAR and WSR months ahead of schedule,² meaningful opportunity for participation has evaporated. It became clear when IAAC sent its November 24, 2025, letter to Ontario committing to complete the federal assessments “before the provincial timeline for early works” on the WSR in June 2026, that both Ontario and Canada had already pre-determined they would approve the Roads. Ontario confirmed this on March 2, 2026, when it announced it “is accelerating construction of the Ring of Fire road network, with shovels in the ground starting this year.”³ Since then, Ontario has repeatedly stated publicly that the Roads will be built and

¹ Letter from Nibinamik First Nation to Ontario Ministry of the Environment, Conservation, and Parks re “Nibinamik First Nation’s Comments on Inadequacy of EA/IA Process for Webequie Supply Road and Marten Falls First Nation Community Access Road” (20 March 2026); Letter from Nibinamik First Nation to Ontario and IAAC re “Nibinamik First Nation’s Comments on Ontario’s Ministry Review and IAAC’s Draft Impact Assessment Report for the Webequie Supply Road” (22 May 2026).

² Government of Ontario, “[Ontario and Webequie First Nation Sign Historic Agreement to Unlock the Ring of Fire](#)” (News Release) (29 October 2025); Government of Ontario, “[Ontario and Marten Falls First Nation Sign Historic Agreement to Unlock the Ring of Fire](#)” (News Release) (27 November 2025).

³ Government of Ontario, “[Ontario Releases Accelerated Plan to Complete Construction on Roads to the Ring of Fire Five Years Ahead of Schedule](#)” (News Release) (2 March 2026); Government of Ontario, “[Unlocking the Ring of Fire: Accelerated construction timelines for roads to the Ring of Fire](#)” (March 2026).

construction will commence imminently, despite the fact the assessments for the Roads are ongoing.⁴

As Ontario and Canada are well aware, the Roads will change our lives and connection to our lands, waters, and resources forever. They will literally pave the way for industrial development in our Homelands, will cause irreparable harm to our lands and waters, and will have substantial impacts on our Aboriginal and treaty rights. Ontario and Canada's decision to approve any of the Roads triggers a duty to consult and accommodate Nibinamik at the highest end of the spectrum. This duty must be discharged before a decision is made.⁵

Meaningful consultation requires the Crown's "intention of substantially addressing [First Nation] concerns."⁶ Ignoring our concerns and relying on assessments with a pre-determined outcome is a breach of the honour of the Crown and the constitutional duties Ontario and Canada owe Nibinamik. It also creates significant uncertainty about the legal validity of any eventual project approval. Nibinamik fundamentally disagrees with IAAC's conclusion that Canada has met its duty to consult and accommodate Nibinamik regarding the MFCAR.⁷ Further consultation and accommodation are required, so that all parties can fully understand the impacts the MFCAR will have on our Homelands, community, and Aboriginal and treaty rights and we can co-develop accommodations to protect our interests and promote our community's well-being for generations to come.

The MFCAR assessments are incomplete and inadequate

Another major concern is that Ontario and Canada are set to approve the MFCAR despite major issues with and gaps in the Proponent's Final Impact Statement/Environmental Assessment Report ("**Proponent Report**") and in the Government Reports. In June 2025, Nibinamik provided extensive technical comments on the MFCAR draft Proponent Report.⁸ Nibinamik highlighted fundamental issues with, among other things, the report's assessment of cumulative effects and climate change; analysis of impacts to water and peatlands; incorporation of Indigenous knowledge

⁴ Government of Ontario, "[Ontario Breaks Ground on Roadways at the Gateway to the Ring of Fire](https://www.linkedin.com/feed/update/urn:li:activity:7467680704001097732/)" (2 June 2026); Greg Rickford, "After decades of talk, our government's plan..." (posted 8 June 2026), online: LinkedIn <<https://www.linkedin.com/feed/update/urn:li:activity:7467680704001097732/>>; Doug Ford, "we've got a jam-packed summer ahead ..." (posted 8 June 2026), online: LinkedIn <<https://www.linkedin.com/feed/update/urn:li:activity:7469718620542189568/>>; Greg Rickford, "After decades of talk, our government's plan..." (posted 2 June 2026), online: LinkedIn <<https://www.linkedin.com/feed/update/urn:li:activity:7465864713856471040/>>; Greg Rickford, "The Honourable Greg Rickford" (25 May 2026), at 29:45–30:32, 46:25–47:10 online: YouTube (Canadian Club Toronto) <<https://www.youtube.com/watch?v=StHcjk9Leao>>.

⁵ *Rio Tinto Alcan Inc v Carrier Sekani Tribal Council*, 2010 SCC 43 at para 35; *Tsilhqot'in Nation v British Columbia*, 2014 SCC 44 at para 78; *Ross River Dena Council v Government of Yukon*, 2012 YKCA 14 at paras 18, 45.

⁶ *Haida Nation v British Columbia (Minister of Forests)*, 2004 SCC 73 at para 42; *Metis Settlements General Council v Canada (Crown-Indigenous Relations)*, 2024 FC 487 at para 173; *Tsleil-Waututh Nation v Canada (Attorney General)*, 2018 FCA 153 at paras 558–563.

⁷ IAAC, "Marten Falls Community Access Road: Draft Impact Assessment Report" (June 2026), s 4.2.

⁸ Nibinamik First Nation, "Nibinamik First Nation – Review and Recommendations on the *Draft Environmental Assessment/Impact Statement* for the Marten Falls Community Access Road" (25 June 2025).

and land and resource use data; socio-economic baseline determination and existing conditions report; and mitigation and monitoring plan development timeline and commitment.

Critically, we highlighted that these deficiencies limited the ability to evaluate the MFCAR's effects fully, particularly regarding Nibinamik's Aboriginal and treaty rights and interests, and the broader regional context of development.⁹ We received a response table from the MFCAR team; however, the table did not adequately address our numerous concerns. The majority of the Proponent's responses indicated that our concerns "will be undertaken at the next phase of the Community Access Road, prior to construction," will be "the responsibility of the owner/operator," or will not be addressed at all. None of these issues were addressed in the final Proponent Report and, therefore, were not considered by IAAC and Ontario in their respective Government Reports.

The information/analysis we requested is crucial for understanding potential impacts the projects may have on our Aboriginal and treaty rights and must be incorporated into IAAC and Ontario's review of the MFCAR assessments. Currently, the final Proponent Report and Government Reports are inadequate and cannot be relied on as an accurate assessment of the MFCAR's impacts on our Aboriginal and treaty rights.

Cumulative Effects Assessment

One of the most significant gaps in the MFCAR assessments is its failure to assess cumulative effects adequately, particularly effects from induced activities that the Roads are intended to enable (e.g. mining, transmission lines, forestry, tourism, etc.). The Proponent, IAAC, and Ontario have all concluded that the MFCAR team conducted a cumulative effects assessment consistent with the MFCAR Terms of Reference, Tailored Impact Assessment Guidelines ("TISG"), and IAAC's guidance on cumulative effects.¹⁰ However, this is incorrect.

The TISG, and the IAAC technical guidance on cumulative effects¹¹ it references, advise the Proponent to consider induced development within the cumulative effects assessment.

IAAC's technical guidance specifically states:

⁹ Nibinamik First Nation, "Nibinamik First Nation – Review and Recommendations on the *Draft Environmental Assessment/Impact Statement* for the Marten Falls Community Access Road" (25 June 2025) at section 3.

¹⁰ AECOM, "Marten Falls Community Access Road: Environmental Assessment / Impact Statement" (February 2026), s 10; Ministry of the Environment, Conservation and Parks, "Ministry Review of the Marten Falls Community Access Road Environmental Assessment" (May 2026) at pp 23, 24; IAAC, "Notice of required information and studies complete" (1 June 2026) online: <<https://iaac-aeic.gc.ca/050/evaluations/document/166669>>.

¹¹ The Tailored Impact Assessment Guidelines states, on p. 132, that "Until the Agency releases Technical Guidance under the Impact Assessment Act, refer to [Technical Guidance for Assessing Cumulative Effects under the Canadian Environmental Assessment Act, 2012](#). 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 Policy Statement titled Assessing Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012, to reflect the language and requirements of the IAA. However, the overall approach and steps for assessing cumulative effects have not been changed." <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/policy-framework-assessing-cumulative-effects-under-impact-assessment-act.html>.

A 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: ...

- 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.

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.¹²

Additionally, the TISG explicitly required the Proponent to include the following mining projects “in the cumulative effects assessment”: Black Thor, BlackBird, Big Daddy, and Black Label.¹³ The Proponent listed these mining projects in the Projects Inclusions List for its cumulative effects assessment, but then concluded that the projects were “[n]ot included in the Cumulative Effects Assessment as it is a deposit and not currently an active project.”¹⁴ This is a direct contravention of the TISG and at odds with the fundamental purpose of conducting a cumulative effects assessment for a road that will enable future mining projects.

IAAC completed its own cumulative effects assessment in the IAAC Report. However, contrary to its own guidance, it also ignores the cumulative effects that induced development will have on the environment and Nibinamik’s Aboriginal and treaty rights.¹⁵ Ontario has repeatedly stated that the Roads are intended to facilitate development.¹⁶ The MFCAR and IAAC’s cumulative effects assessments must therefore consider projects the Roads would directly enable, including a Ring of Fire transmission line, new hydro developments, expanded forestry, increased mining exploration, and new mines. The current cumulative effects assessments are deficient and must be remedied before any decision on the MFCAR is made.

¹² IAAC, “[Technical Guidance of Assessing Cumulative Effects under the Canadian Environmental Assessment Act, 2012](#)” (updated March 2018) (emphasis added).

¹³ IAAC, “[Marten Falls Community Access Road Project: Tailored Impact Statement Guidelines](#)” (24 February 2020), pp 132–133.

¹⁴ AECOM, “[Marten Falls Community Access Road: Environmental Assessment / Impact Statement](#)” (February 2026) at 1503–1504.

¹⁵ IAAC, “Marten Falls Community Access Road: Draft Impact Assessment Report” (June 2026), s 1.2.2.3.

¹⁶ Ministry of the Environment, Conservation and Parks, “Ministry Review of the Marten Falls Community Access Road Environmental Assessment” (May 2026) at p 2, s 3.1.2; Ministry of the Environment, Conservation and Parks, “Ministry Review of the Webeque Supply Road Environmental Assessment” (April 2026), s 3.1.2; Government of Ontario, “[Ontario and Marten Falls First Nation Sign Historic Agreement to Unlock the Ring of Fire](#)” (News Release) (27 November 2025); Government of Ontario, “[Ontario and Webeque First Nation Sign Historic Agreement to Unlock the Ring of Fire](#)” (News Release) (29 October 2025); Government of Ontario, “[Ontario Releases Accelerated Plan to Complete Construction on Roads to the Ring of Fire Five Years Ahead of Schedule](#)” (News Release) (2 March 2026); Government of Ontario, “[Unlocking the Ring of Fire: Accelerated construction timelines for roads to the Ring of Fire](#)” (March 2026).

Impacts on water and peatlands

There is still a great deal of information missing from the Proponent Report regarding the MFCAR's impacts on water, including wetlands and peatlands. It is therefore inappropriate for the draft IAAC Report to claim 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 and offsetting.¹⁷

Multiple federal and provincial departments, environmental organizations, and First Nations have cast doubt on IAAC's conclusion there will only be "potentially negligible to low" impacts on rights related to water and fishing and that they can be effectively mitigated, specifically relating to impacts on peatlands. Environment and Climate Change Canada has raised serious concerns with the lack of detail on the proposed "floating road" construction method in peatland areas. In their response to Targeted Questions for Federal Analysis, they concluded:

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 and equalization culverts), as provided within the Draft Impact Statement, remain high. Therefore, ECCC cannot confidently assess likely or worst-case scenarios for maintaining long-term peatlands function with respect to hydrology within the LSA or RSA.¹⁸

Similarly, in its comments on the final Proponent Report, the Ontario Ministry of Natural Resources ("MNR") recommended that the Proponent include a commitment to develop a robust peatland monitoring and mitigation program to "verify project-related effects" and "assess mitigation effectiveness." The MNR's comments confirm that there remains significant uncertainty relating to peatland impacts. Yet, rather than agree to implement a mitigation and monitoring program in coordination with MNR, the Proponent refused, noting that they "encourage MNR to reach out to the owner/operator to request this information."¹⁹

IAAC has also not addressed the gaps in the peatlands assessment in the IAAC Report. We echo the concerns of the Wildlife Conservation Society of Canada (WCS) that the "floating road" method is already the standard method for constructing roads in peatland environments, that the Proponent must demonstrate how they will avoid and mitigate impacts within this approach, and that the Proponent must provide an up-to-date and comprehensive review of environmental impacts of "floating roads" on peatlands soils, hydrology and the peatland ecosystems.²⁰

¹⁷ IAAC, "Marten Falls Community Access Road: Draft Impact Assessment Report" (June 2026) at 121.

¹⁸ Environment and Climate Change Canada, "ECCC Response to Targeted Questions for Federal Analysis: Federal Impact Assessments of the Proposed Ring of Fire Road Projects" (23 June 2025) at 18 (emphasis added).

¹⁹ Ministry of the Environment, Conservation and Parks, "Ministry Review of the Marten Falls Community Access Road Environmental Assessment" (May 2026) at Appendix B, pp 54–57.

²⁰ Wildlife Conservation Society, "Comments on the Marten Falls Community Access Road Project Environmental Assessment Report/Impact Statement" (10 April 2026) online: <https://registrydocumentsprd.blob.core.windows.net/commentsblob/project-80184/comment-66321/WCSC%20MFCAR%20EAR-IS%20Comment%202026-04-10.pdf>.

Impacts on Aboriginal and treaty rights

First, the Proponent released its final “Nibinamik First Nation: Aboriginal and / or Treaty Rights and Interests: Existing Conditions & Impact Assessment” report (“**Proponent Rights Assessment**”), on May 4, 2026, 24 days after comments on the final Proponent Report were due. Rather than postpone the release of the final Proponent Report until the rights assessment was complete and provide Nibinamik with a meaningful opportunity to review it,²¹ Ontario and IAAC are expecting First Nations to review and comment on the Proponent Rights Assessment during the expedited comment period on the Government Reports. This is procedurally unfair. IAAC and Ontario should have waited to consider and incorporate our feedback on the rights assessment into their draft Government Reports, not draft and release their reports before we’ve had an opportunity to review the rights assessment.

Second, neither the Proponent Rights Assessment, nor IAAC’s rights assessment adequately assess the impacts the MFCAR will have on Nibinamik’s Aboriginal and treaty rights. The Proponent unilaterally created a “Nibinamik First Nation Area of Interest” and determined that because this area does not overlap with their narrowly defined study areas, that there would be no residual impacts to Nibinamik’s rights, including changes to or changes in access to sites and areas used for traditional purposes and changes in experience of being on the land. Nibinamik, as a signatory to Treaty 9, has rights to hunt, fish, harvest, and exercise traditional practices throughout Treaty 9 territory, including in the Project area.²² Further, many of our community members live in our neighbouring communities, including Marten Falls and Webequie First Nation (“**Webequie**”) and exercise their Aboriginal and treaty rights in the surrounding area, including the immediate MFCAR project footprint. The Proponent cannot limit its assessment of our rights based on arbitrarily drawn lines.

IAAC’s rights assessment is similarly flawed. Rather than conducting a separate assessment on Nibinamik’s Aboriginal and treaty rights, IAAC grouped Nibinamik in with other “Regional Study Area First Nations,” and assessed their rights together. This led to a significant downgrading of the potential impacts to Nibinamik’s rights.

Third, both the Proponent and IAAC acknowledged that their rights assessments have data gaps and significant uncertainty. The Proponent noted that the prediction confidence is “low” for all residual impacts that the Proponent assessed.²³ Low confidence means “project-related environmental effects are poorly understood,” there is a “lack of available data and information”, and/or “the

²¹ As required by section 27 of the *Impact Assessment Act*, and the duty to consult.

²² *The James Bay Treaty — Treaty No. 9 (Made in 1905 and 1906) and Adhesions Made in 1929 and 1930*, reprinted in Crown-Indigenous Relations and Northern Affairs Canada, “Treaty Texts — Treaty No. 9” (last modified 30 August 2013), online: <<https://www.rcaanc-cirnac.gc.ca/eng/1100100028863/1581293189896>>; *Mikisew Cree First Nation v Canada (Minister of Canadian Heritage)*, 2005 SCC 69 at para 2.

²³ Dillon Consulting Limited, “Nibinamik First Nation: Marten Falls First Nation: Aboriginal and / or Treaty Rights and Interests: Existing Conditions & Impact Assessment – Community Access Road Project” (17 April 2026) at 183, 188, 190, 194, 195–197.

effectiveness of proposed mitigation measures is low or unknown.”²⁴ The Proponent even acknowledges that “the severity of the residual impact on Nibinamik First Nation’s right to harvest caribou is currently unknown given the predicted magnitude of the impact is currently unknown.”²⁵ Similarly, IAAC, in concluding that the MFCAR would have moderately severe, high in duration and frequency, irreversible residual effects on the current use of lands and resources for traditional purposes by Indigenous Peoples, acknowledged that the “level of uncertainty would be moderate, as the cause-and-effect relationship between the project and traditional activities are not fully understood.”²⁶ These data gaps and uncertainties must be addressed before any decisions on the MFCAR are made.

As we have repeatedly requested,²⁷ we must be provided the resources and time to conduct a fulsome community-specific Aboriginal and treaty rights assessment, that includes traditional knowledge from our community members. It is impossible to assess the impacts on our Aboriginal and treaty rights through a desktop exercise without hearing from our grass-roots members. Due to Ontario and IAAC’s expedited and inflexible process, and multiple community crises, we have not had an opportunity to discuss the Proponent or IAAC’s rights assessments with our grass roots members.²⁸ Currently, the Proponent and IAAC’s rights assessments are inadequate and cannot be relied on as an accurate assessment of the MFCAR’s impacts on our Aboriginal and treaty rights.

Impacts on Nibinamik’s rights to self-determination and self-government and stewardship responsibilities

Another major deficiency is the Proponent’s and IAAC’s conclusions on the MFCAR’s impacts on Nibinamik’s rights to self-determination and self-governance and our stewardship responsibilities. The Proponent Rights Assessment concludes that Nibinamik will not suffer any impacts to its self-determination and self-governance rights and stewardship responsibilities because “[u]nder existing governance structures, the assessment process itself and the current management of wildlife, fish,

²⁴ Dillon Consulting Limited, “Nibinamik First Nation: Marten Falls First Nation: Aboriginal and / or Treaty Rights and Interests: Existing Conditions & Impact Assessment – Community Access Road Project” (17 April 2026) at 77, 183, 188, 190, 194.

²⁵ Dillon Consulting Limited, “Nibinamik First Nation: Marten Falls First Nation: Aboriginal and / or Treaty Rights and Interests: Existing Conditions & Impact Assessment – Community Access Road Project” (17 April 2026) at 188.

²⁶ IAAC, “Marten Falls Community Access Road: Draft Impact Assessment Report” (June 2026), s 4.3.1.2.

²⁷ Nibinamik First Nation, “Nibinamik First Nation – Review and Recommendations on the *Draft Environmental Assessment/Impact Statement* for the Marten Falls Community Access Road” (25 June 2025), ss 2.8, 2.14, 3, Appendix A; Letter from Nibinamik First Nation to Marten Falls Community Access Road Team, IAAC, and Ontario re Preliminary Comments on Draft Aboriginal and/or Treaty Rights and Interests: Impact Assessment Report (9 October 2025); Nibinamik First Nation, “Nibinamik First Nation’s Comments on Inadequacy of EA/IA Process for Webequie Supply Road and Marten Falls First Nation Community Access Road” (20 March 2026).

²⁸ In February 2026 Nibinamik suffered a 5-day long power outage that resulted in the community declaring a state of emergency. The state of emergency has not been lifted, as the community continues to assess and address the damage from the outage and aging infrastructure. Since the Government Reports and the Proponent Rights Assessment were released, Nibinamik has suffered multiple community member deaths that have left the community in a repeated cycle of grieving that have made effective community engagement on these reports impossible in the timelines IAAC and Ontario have imposed.

and species at risk reside with the federal and/or provincial governments.”²⁹ The Proponent therefore did not carry forward effects on governance rights and stewardship responsibilities to its residual impact assessment. This approach to rights assessment is contrary to IAAC’s guidance and policy on the assessment of potential impacts on the rights of Indigenous Peoples and completely ignores the Indigenous perspective.³⁰

IAAC’s assessment in the IAAC Report is similarly deficient. Despite acknowledging our governance rights and stewardship responsibilities, “IAAC concludes that the project is not likely to result in adverse impacts on potentially impacted Indigenous communities’ existing governing structures.”³¹

Contrary to IAAC and the Proponent’s flawed conclusions, Nibinamik submits that the MFCAR and Roads will have severe impacts on our rights to self-determination and self-government and stewardship responsibilities. As we have told IAAC, Ontario, and the Proponent on numerous occasions,³² Nibinamik has inherent, Aboriginal, and treaty rights throughout our Homelands—which includes the MFCAR project area—including the rights to self-determination and self-government. These rights require that Nibinamik be involved in decision-making and careful environmental stewardship and consideration of how development and other activities will affect the lands, waters, and exercise of our rights for future generations. They also entitle us to benefit from development activities in our Homelands. Allowing the MFCAR to proceed without accommodating us is a direct and unmitigated impact on our governance rights and stewardship responsibilities.

The only way to mitigate the severe impacts the MFCAR will have on our governance rights and stewardship responsibilities is to ensure the deficiencies in the Proponent Report and Government Reports we—and other First Nations, environmental organizations, and government departments—have identified are addressed and provide Nibinamik an opportunity to make an informed decision on whether to support the MFCAR project before it is approved.

Additionally, to date Nibinamik has been excluded from discussions regarding ownership, management, access, and control of the MFCAR and other proposed Roads. These are vital questions that go to the core of exercising our self-governance rights. Minister Rickford recently acknowledged this during his speech on the Ring of Fire at the Canadian Club, where he stated that governance of the Roads “is important to the isolated communities for a host of reasons, not the

²⁹ Dillon Consulting Limited, “Nibinamik First Nation: Marten Falls First Nation: Aboriginal and / or Treaty Rights and Interests: Existing Conditions & Impact Assessment – Community Access Road Project” (17 April 2026), s 7.3; Dillon Consulting Limited, “Marten Falls First Nation Community Access Road – Appendix O: Aboriginal and / or Treaty Rights and Interests Technical Support Document” (May 2026), s 7.3.

³⁰ IAAC, “[Guidance: Assessment of Potential Impacts on the Rights of Indigenous Peoples](#)” (7 August 2025) at “Part 2 (Governance)”; IAAC, “[Policy Context: Assessment of Potential Impacts on the Rights of Indigenous Peoples](#)” (7 August 2025) at “Guiding Principles”.

³¹ IAAC, “Marten Falls Community Access Road: Draft Impact Assessment Report” (June 2026), s 4.4.5 (emphasis added).

³² Nibinamik First Nation, “Nibinamik First Nation – Review and Recommendations on the *Draft Environmental Assessment/Impact Statement* for the Marten Falls Community Access Road” (25 June 2025) at s 1.1, 3; Nibinamik First Nation, “Nibinamik First Nation’s Comments on Inadequacy of EA/IA Process for Webequie Supply Road and Marten Falls First Nation Community Access Road” (20 March 2026).

least of which is to preserve and protect the traditional ways that those First Nation communities have lived since time immemorial. ... Governance of course is a critical and key issue and that engagement happens synchronously with the evolution of getting the projects started themselves.”³³ As Minister Rickford stated, engagement on governance for the Roads must start now. Ontario, IAAC, the proponents, and Nibinamik must determine these questions together, as they will influence the long term impacts the Roads will have on Nibinamik and our Aboriginal and treaty rights. Impacts to our Aboriginal and treaty rights cannot be assessed fully until these questions are answered.

Notwithstanding the above, if the Project is approved, IAAC and Ontario must impose a legally binding condition requiring that the Proponent co-develop, co-approve, and co-implement environmental protection, monitoring, and management plans with Nibinamik for both the construction and operation phases of the Project. It is not sufficient for the Proponent to “invite [Nibinamik] to participate” in these integral plans, as Ontario proposes in its draft conditions.³⁴ Nibinamik must be provided the resources and opportunity to co-develop, approve, and implement these plans to ensure they respect Nibinamik’s laws, customs, land-management protocols, and stewardship responsibilities. This must include resources for Nibinamik to co-lead long-term monitoring and adaptive management (including developing adaptive management triggers) to ensure that mitigations are effective and achieve their intended objectives.

Incorporating Findings from the Regional Assessment in the Ring of Fire

As we—and other impacted First Nations—have stated numerous times, the Regional Assessment in the Ring of Fire (“**Regional Assessment**”) should be completed before the regulatory decisions on the MFCAR and Roads are made, and its findings and recommendations should be incorporated into the impact/environmental assessments for the Roads. The Regional Assessment will provide critical information on the potential impacts (negative and positive) that the Roads and the industrial development they will enable may have on the environment, on the health and well-being of our community, and on our Aboriginal and treaty rights. Incorporating its conclusions into the Roads assessments before regulatory decisions are made is the most efficient way to remedy many of the information and analysis gaps that we’ve identified—and that the Proponent and IAAC have acknowledged.³⁵

At minimum, IAAC and Ontario must impose a binding condition requiring the Proponent, in partnership with Nibinamik and other impacted First Nations, to integrate the findings and recommendations from the Regional Assessment, once completed, into the design, construction, and operation phases of the MFCAR. In the Terms of Reference, Canada committed to undertaking the Regional Assessment “honourably and diligently” and recognized that both Canada and First Nations have “responsibilities to make careful and informed decisions” regarding development in

³³ Greg Rickford, “The Honourable Greg Rickford” (25 May 2026), at 44:35–46:05 online: YouTube (Canadian Club Toronto) <<https://www.youtube.com/watch?v=StHejk9Leao>>.

³⁴ Ministry of the Environment Conservation and Parks, “Ministry Review of the Marten Falls Community Access Road Environmental Assessment” (May 2026) at 35.

³⁵ See e.g. Dillon Consulting Limited, “Nibinamik First Nation: Marten Falls First Nation: Aboriginal and / or Treaty Rights and Interests: Existing Conditions & Impact Assessment – Community Access Road Project” (17 April 2026), ss 7, 8; IAAC, “Marten Falls Community Access Road: Draft Impact Assessment Report” (June 2026), s 4.3.1.2.

the Ring of Fire.³⁶ It would be a breach of the honour of the Crown and Canada’s commitments to Nibinamik and its First Nation Partners in the Regional Assessment to not require its findings and recommendations to be incorporated into later phases of the MFCAR. This is also consistent with the TISG and MFCAR Terms of Reference, which require the Proponent to consider any relevant publicly available information from the Regional Assessment.³⁷

All mitigation measures must be implemented through legally binding conditions and enhanced reporting and compliance measures

Nibinamik has serious concerns with the lack of legally binding conditions Ontario and IAAC have proposed for the MFCAR. IAAC relies on many voluntary commitments in the Proponent Report to mitigate impacts and conclude that there will be minimal residual adverse effects on different valued components. However, unless translated into conditions in the federal Minister’s Decision Statement or Ontario’s Notice of Approval, the proponent’s commitments will not be enforceable.

Section 64(4)(a) of the *Impact Assessment Act* requires the federal Minister to include any mitigation measures they consider in their decision as binding conditions in their Decision Statement, unless the Minister is satisfied their implementation “will be ensured by another person or by a jurisdiction.” Should the federal Minister approve the MFCAR, they have a statutory duty to include all of the proponent’s voluntary commitments in section 14 as binding project conditions.³⁸ Ontario must also include a condition in its Notice of Approval that the Proponent shall fulfill all commitments made in the Proponent Report, including all appendices, comment response tables, and addenda, as it has for other projects with serious potential impacts on the environment and Indigenous peoples.³⁹

Note that while Nibinamik recommends the Proponent’s commitments be incorporated as legally binding conditions, Nibinamik does not agree that they are sufficient to mitigate impacts on the environment and to our rights. Most of the mitigation and monitoring commitments the Proponent has made are qualified with discretionary language, such as “where practicable”, “where feasible”, “as appropriate”, etc. To be responsive to Nibinamik’s needs, mitigation measures and accommodations must evolve through Nibinamik’s ongoing involvement in the design, construction, and operation phases of the Project.

Given the significant uncertainty regarding the effectiveness of proposed mitigation measures and the uncertainty regarding the eventual owner, operator, and builder of the MFCAR and other Roads, Nibinamik requests a condition requiring enhanced reporting and compliance measures for the

³⁶ IAAC, “[Terms of Reference for the Regional Assessment in the Ring of Fire Area](#)” (20 January 2025) at 4.

³⁷ Government of Ontario, “[Marten Falls community access road project](#)” (updated 27 May 2026) at “Terms of reference: Notice of approval”; IAAC, “[Marten Falls Community Access Road Project: Tailored Impact Statement Guidelines](#)” (24 February 2020) at 119.

³⁸ *Impact Assessment Act*, SC 2019, c 28, s 1, s 64.

³⁹ See e.g. Government of Ontario, “Schedule – Order in Council 1279/2024” (9 September 2024), art 2.1 and 2.6; Government of Ontario, “Schedule – Order in Council 1279/2024” (9 September 2024), conditions 2.1 and 2.6: online <<https://www.ontario.ca/page/schedule-order-council-12792024>>; Government of Ontario, “Approval of the Detour Lake Power Project Environmental Assessment” (6 December 2010), conditions 2.1, 7.2: online: <<https://www.ontario.ca/page/approval-detour-lake-power-project-environmental-assessment>>.

lifetime of the Project. The Proponent must submit its annual compliance reporting to the Crown and potentially impacted First Nations. The Crown, in consultation with potentially impacted First Nations, must review and decide on whether the compliance reporting is complete and achieving its intended goals. The Crown must provide written reasons for its decision to the potentially impacted First Nations and the public.

Nibinamik must benefit from the MFCAR and any development it enables in our Homelands

Currently there is a profound imbalance between the support Marten Falls will receive—and has already received—to benefit from the MFCAR and the negative impacts our community will face. Ontario has committed to provide Marten Falls 39.5 million dollars to address “urgent community priorities, including community infrastructure and economic supports.”⁴⁰ Ontario has also committed to support Marten Falls and Webequie’s shovel-ready infrastructure projects, which “could include construction of health and training facilities, recreation centres, commercial buildings and labour force development programs.”⁴¹ Further, several Ontario ministries are providing funding and training to Marten Falls and Webequie to develop comprehensive workforce development and community readiness strategies to allow the communities to capture benefits from the Roads.⁴²

Nibinamik will face many of the same impacts from the MFCAR and Roads as Marten Falls and Webequie but has been entirely cut out from the investment necessary to ensure our community can benefit from the Roads and the opportunities it will bring. The MFCAR will fundamentally change our way of life and connection to our Homelands. We need investment in our community so we can develop a foundation to rely on our Homelands in new ways and continue to sustain our community and members culturally, spiritually, and economically for generations to come. Minister Rickford stated during his recent speech at the Canadian Club that the “work of government is to remove barriers.”⁴³ It is unfair for Ontario and Canada to remove barriers for some communities and ignore others like Nibinamik. Development in our Homelands, including the MFCAR, must start with meeting the critical needs of all communities impacted by the MFCAR and Roads, not just Marten Falls’s and Webequie’s.

Nibinamik requests that a binding condition require the Proponent to co-develop, co-approve, and co-implement with Nibinamik a Nibinamik-specific Community Readiness Framework. This Framework must be fully funded by Ontario and/or Canada, tailored to Nibinamik’s individual context and needs, and include commitments for investment in Nibinamik community

⁴⁰ Government of Ontario, “[Ontario and Marten Falls First Nation Sign Historic Agreement to Unlock the Ring of Fire](#)” (News Release) (27 November 2025).

⁴¹ AECOM, “Marten Falls Community Access Road: Environmental Assessment / Impact Statement: Appendix-T – Community Well-Being Technical Support Document: Existing Conditions & Effects Assessment” (February 2026) at 76–77.

⁴² AECOM, “Marten Falls Community Access Road: Environmental Assessment / Impact Statement: Appendix-T – Community Well-Being Technical Support Document: Existing Conditions & Effects Assessment” (February 2026) at 76–77.

⁴³ Greg Rickford, “The Honourable Greg Rickford” (25 May 2026), at 21:40-22:00 online: YouTube (Canadian Club Toronto) <<https://www.youtube.com/watch?v=StHcjk9Leao>>.

assets—commensurate with those provided to Marten Falls and Webequie—and a process to discuss benefit sharing and community readiness with Ontario and Canada.

Conclusion and Necessary Accommodations

Overall, we support Marten Falls's desire to build an all-season road to connect their community to the provincial highway system. However, we cannot support the MFCAR, as described, until our concerns with the Proponent Report and Government Reports are addressed. We must ensure that the potential effects from these projects and future industrial development that they will enable are adequately studied and our way of life is adequately protected. We must also ensure that our community has the resources and capacity it needs to benefit equally from this proposed development that will change our way of life forever. As Ontario and Canada cut roads through the heart of our Homelands, we will not be left by the wayside.

We request a commitment that Ontario and Canada will:

- Not approve the MFCAR until Nibinamik's concerns and the information and assessment gaps we've identified are adequately addressed;
- Impose a condition requiring the Proponent, in partnership with Nibinamik and other impacted First Nations, to integrate the findings and recommendations from the Regional Assessment into the design, construction, and operation phases of the MFCAR;
- Impose a condition requiring the Proponent to co-develop, co-approve, and co-implement environmental protection, monitoring, and management plans with Nibinamik for both the construction and operation phases of the Project, and requiring that Nibinamik can co-lead long-term monitoring and adaptive management to ensure that mitigations are effective and achieve their intended objectives, with funding provided by Ontario and/or Canada;
- Impose a condition requiring the Proponent to work with Nibinamik to co-develop, co-approve, and co-implement a Nibinamik-specific Community Readiness Framework, with funding provided by Ontario and/or Canada, as described above;
- Impose a condition ensuring that Nibinamik is included in all discussions and agreements regarding ownership, management, access, control, and revenue sharing relating to the MFCAR;
- Impose condition(s) requiring the Proponent to fulfill all commitments made in the Proponent Report, including all appendices, comment response tables, and addenda; and
- Impose a condition requiring enhanced reporting and compliance measures, as described above.

We request a written response at least 30 days before any decisions are made on the MFCAR, and we look forward to meeting with you to discuss our concerns and necessary accommodations.

Sincerely,

<Original signed by>

Chief Stanley Oskineegish

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