



WILDLANDS LEAGUE

February 1, 2022

Impact Assessment Agency of Canada
160 Elgin Street, 22nd floor
Ottawa, Ontario
K1A 0H3

Via email: regionalrof-cdfregionale@iaac-aeic.gc.ca

RE: Draft Agreement to Conduct a Regional Assessment in the Ring of Fire Area (reference # 80468)

Summary

Wildlands League is one of Canada's pre-eminent conservation organizations with over 30,000 supporters. We have been monitoring impacts from early exploration activities, land use and environmental assessments in the area known as the 'Ring of Fire' in northern Ontario since 2008 and have advocated for implementation of a regional assessment for the area since 2011. We remain concerned by the wide gulf between what's needed and where Canada and Ontario appear to have landed in their negotiated Draft Agreement.

The Ring of Fire is a complex region-opening undertaking in globally significant wetlands and watersheds within the ancestral homelands of Indigenous Peoples. The rich and deep peatlands of the Hudson Bay Lowland in particular have been cooling the planet for millennia and if disturbed will make our climate problem worse. The proposed regional assessment type, content and scope do not reflect these realities.

We urgently recommend the Agency pauses the process and hits the reset button to address significant concerns regarding the Draft Agreement including: carbon and a climate lens are missing; the people who live there are excluded from co-decision-making; and, the area to be assessed is so narrowly scoped that it undermines the purpose and utility of the Regional Assessment. Our additional concerns relate to caribou ranges not being reflected; biodiversity losses and, harmful contaminants, such as mercury and PCBs, being omitted. These in turn are covered below.



Wildlands League is one of Canada's pre-eminent conservation organizations with over 30,000 supporters. We are policy experts standing up for wildlife and standing with communities. We tackle irresponsible development that threatens precious rivers, lakes and wildlife habitat. We give voice to Canada's nature to make sure at least half of the country is protected forever for all our kids, for climate and for the betterment of the planet. We have been working in the public interest since 1968.

Wildlands League has been monitoring impacts from early exploration activities, land use and environmental assessments in the area known as the 'Ring of Fire' in northern Ontario since 2008 and has advocated for implementation of a regional assessment for the area since 2011. We have flown over the globally significant peatlands and watersheds (that contain the referenced mineral deposits) with Indigenous leaders many times. We have visited Noront's Esker Camp and other areas affected by mineral exploration in the homelands of Indigenous Peoples, and documented the long-lasting footprint¹ of mining claims, trails, drill holes and drill pads and camps in this carbon-rich sensitive ecosystem.

Wildlands League has a longstanding interest in land use and environmental planning in this part of the province. Our team were ministerially-appointed members of the Ontario Far North Planning Advisory Panel (2008-2009) and the Ontario Minister's Mining Act Advisory Committee (2008-2018). We have also participated in various environmental assessments including the Cliffs Chromite Project, Noront's Eagle's Nest, De Beers' Victor Diamond Mine and Wataynikaneyap Power. We recently concluded a [private prosecution](#) of De Beers for failing to provide mercury monitoring data relating to the operation of its Victor Diamond Mine.

We are currently working in support of two Indigenous Protected Areas in northern Ontario (the North French Watershed with Moose Cree First Nation and in Fawn River Watershed with Kitchenuhmaykoosib Inninuwug) and with Muskegowuk Council on the proposed Mushkegowuk National Marine Conservation Area in western James Bay and southwestern Hudson Bay.

Wildlands League appreciates the opportunity to provide comments on the Draft Agreement to Conduct a Regional Assessment in the Ring of Fire Area (Draft Agreement) between the federal Minister of Environment and Climate Change and the provincial Minister of Northern Development, Mines, Natural Resources and Forestry.

For over a decade, Wildlands League (along with other NGOs) has advocated for a comprehensive regional strategic environmental assessment that aims to properly identify and safeguard the ecological and cultural values of this region, in advance of building any new mines or infrastructure corridors.

In order to be meaningful, the assessment must:

- be done with the full involvement of First Nations and public hearings, and incorporate the advice of experts;

¹ See <https://wildlandsleague.org/news/new-photos-reveal-extensive-damage-done-by-ring-of-fire-mining-exploration/> for examples of photos.

- incorporate explicit and robust cumulative effects design for the sensitive environmental and cultural values of the region; and
- ensure a clear commitment to transparency in decision making and protection of the public interest.

Moreover, it would need to address/include these specific components:

- ecological relevant scales such as watersheds
- appropriate time periods
- co-design and co-implementation with Indigenous Peoples
- consistency with Truth and Reconciliation
- a climate test, where the climate implications of the region-opening undertaking and ancillary developments are assessed
- where ecological, social and cultural implications of development are also assessed
- future options and alternative scenarios guide regional development and conservation

Wildlands League has participated in one of the information sessions that was helpful but too short a time to have a meaningful dialogue. We hope to meet with officials in the coming days.

Wildlands League and five civil society groups submitted joint comments² to the Impact Assessment Agency (IAAC) in January 2021 on the Regional Assessment.

We remain concerned by the wide gulf between what's needed and where Canada and Ontario appear to have landed in their negotiated Draft Agreement. We also note our seven recommendations from January 2021 have largely gone unheeded. Getting the right scale and scope for a Regional Assessment is critical, above and beyond agreement with the province.

Overall, the goal, type, scope of the regional assessment as articulated in the Draft Agreement are either deficient or poorly worded or unnecessarily constrained. The area called the Ring of Fire is a complex region-opening undertaking in globally significant wetlands and watersheds within the homelands of Indigenous peoples. The proposed regional assessment type, content and scope do not reflect these realities.

We urgently recommend the Agency pauses the process and hits the reset button to address our three primary concerns and four additional concerns regarding the Draft Agreement.

Primary concern #1: Carbon and 'climate lens' are missing as a main Assessment Priority

The Hudson Bay Lowland contains globally significant, 'irrecoverable' carbon stores (soil carbon that if disturbed would take centuries to recover³). These ancient peatlands have been cooling

² Copy can be found here <https://cela.ca/wp-content/uploads/2021/01/Ltr-to-IAAC-CELA-MiningWatch-Northwatch-Friends-of-Attawapiskat-River-Wildlands-League-WCEL.pdf>

³ See Goldstein et al. 2020. <https://www.nature.com/articles/s41558-020-0738-8>

the planet for millennia and if disturbed would deepen the gulf to meeting climate targets and make our climate problem worse. Scientists estimate that between 130-250 MT of carbon could be lost due to Ring of Fire development⁴. Irresponsible and poorly planned development here would also degrade the very same ecosystems the world is relying upon to absorb half of the CO₂ pollution emitted from fossil fuel production and land use change. This would jeopardize the path to achieving net-zero emissions by 2050.

The cumulative impacts from all activities including mine development activities, roads, infrastructure, induced developments and current and future mineral exploration on carbon must be assessed in the Regional Assessment. It would show alignment and coherence with Canada's stated commitment to climate action, the preamble to the *Impact Assessment Act* and the mandate letter to the federal environment minister⁵.

Primary concern #2: The people who live there have been excluded from being co-decision-makers

That Indigenous Peoples have been given 'token' roles within the Draft Agreement and effectively marginalized within the process about their own homelands is wrong and inconsistent with Truth and Reconciliation. Wildlands is aware of at least five Indigenous Nations including nations downstream of the Ring of Fire that have been calling on the federal government to reset the process in order to develop a co-led, co-governed Regional Assessment⁶. We support Indigenous Nations having the right to participate in decision-making and strongly urge Canada to find a solution. For example, one possible solution could be to strike a tripartite agreement between the Indigenous Nations, Ontario and Canada outside purview of the *Impact Assessment Act*.

The current situation is inconsistent with the stated Reconciliation intentions of the federal government. The continued piecemeal approach also increases the burden of multiple consultations on Nations during a pandemic. It is also at odds with the direction in mandate letter,⁷ 'to work in partnership with Indigenous Peoples to advance their rights'.

⁴ See Harris et al. 2021 <https://esajournals.onlinelibrary.wiley.com/doi/10.1002/fee.2437>

⁵ There is an Assessment Priority in the Draft Agreement called *Surface and ground water (quality and quantity), including wetlands (peatlands)*. But the generic language along with the limited Assessment Area risks unnecessarily hindering the regional assessment and compromising the cumulative effects framework.

⁶ Agency officials have stated that a regulation is required under the *Impact Assessment Act* before the Minister can enter into agreement with Indigenous governing bodies.

⁷ See <https://pm.gc.ca/en/mandate-letters/2021/12/16/minister-environment-and-climate-change-mandate-letter>

Primary concern #3: The Assessment Area is narrowly scoped, excludes major road & other infrastructure

The Ring of Fire is a region-opening undertaking and therefore should be given a regional or watershed approach, not scoped to mining claims (see section 2.5 of the Draft Agreement that explicitly excludes road infrastructure). The implications and consequences of poorly planned roads can be far reaching and irreversible especially in this waterscape. As WCS Canada scientists have warned⁸, “Roads and the access they create can dramatically reshape an entire region and understanding these consequences is vital if we want to sustain nature’s services, the Indigenous communities that depend on them, and the benefits they provide to all Ontarians”.

Excluding road infrastructure is not only inconsistent with best practices it is also inconsistent with the decision letter from the previous federal environment minister. In it he wrote, the assessment would inform and contribute to the effectiveness and efficiency of future impact assessments including of road infrastructure, mining development and other physical activities that would all fall under the *Impact Assessment Act* (emphasis added).

All proposed road projects in the region are either directly linked or indirectly linked to the mineral deposits in the McFauld’s lake area. While it is not yet known if the proponents of the Northern Road Link will have to complete an Impact Assessment under the IAA, the first purpose of the project⁹ is to, “connect the Ring of Fire mineral deposits in the McFauld’s Lake area to the all-season highway network”. The Webequie Supply Road is also built to supply resources to mine developments in the McFauld’s Lake area. It is undergoing a federal impact assessment. The Marten Falls Community Access Road is also undergoing a federal impact assessment and has dual purposes, community access and facilitating industry. The Northern Road Link Project is entirely dependent on the Marten Falls Community Access Road to reach provincial highways. As Wildlands League¹⁰ noted in our parallel comments on the draft Terms of Reference for the Northern Road Link Project, “it’s clear that the connected roadbeds of these three projects will together dramatically change the region”. The regional assessment must guide and inform all them all including how ore and mineral products will be transported to potential smelters in Sudbury, Timmins or Sault Ste. Marie.

The limits of relying on mining claims for the assessment area becomes evident when the most up to date mining claim fabric is examined. By late 2021, mining claims had expanded to cover

⁸ <https://www.thestar.com/opinion/contributors/2020/02/26/hasty-development-of-ontarios-ring-of-fire-could-have-devastating-impacts.html>

⁹ https://northernroadlink.ca/wp-content/uploads/2021/11/679878_20211122_NRL_DraftToR_Summary.pdf

¹⁰ See Wildlands League’s January 31, 2022 comments on the Draft Terms of Reference for the Northern Road Link Project here <http://wildlandsleague.org/media/LETTER-2022-01-WL-to-Northern-Road-Link-Draft-TOR.pdf>

over >360,000 ha in the Ring of Fire (see attached Wildlands' map of mining claims and other land uses in the Hudson Plains and Boreal Shield Ecozones).

Downstream impacts within watersheds are not considered as part of this assessment. This is a mistake and another reason to revisit the geography and scope of what is to be assessed to ensure the proper focus is on ecosystems and valued components such as watersheds. We strongly urge the Agency to use the watersheds of the Attawapiskat, Ekwana, Winisk and Albany to guide the scope and scale of the assessment (see attached map of watersheds and Ring of Fire).

Additional Concern #1: There is no proven mineral resource yet; Canada and Ontario still have time to get this right

In spite of media coverage and hyperbole from commentators, after more than a decade, the mineral deposits of the area called the Ring of Fire have yet to be shown to be 'proven and probable'¹¹. A National Instrument 43-101 Technical Report prepared for Noront in 2020 states¹²:

As it is still early in the exploration stage and as mining and processing studies have not yet been initiated it is inappropriate to apply any sort of "mine design". As a result, the resources reported here are only blocks above the reported cut-off. Further studies are necessary before determining if resources can be considered mineable and therefore, they may not all be economically recoverable.

It seems none of the mineral resources have reached the threshold where the economic viability test has been met as per CIM Definition Standards¹³. We also know that Wyloo¹⁴ has indicated they want to redesign 'Noront's out of date mine plans for Eagle's Nest' and have their own plans and timeline for a road.

Additional concern #2: Caribou ranges are not reflected, despite their threatened status

While we appreciate the inclusion of Woodland Caribou as an Assessment Priority, we note the Draft Agreement does not refer to boreal caribou's threatened status nor the caribou range where the mineral deposits are located - the Missisa Range (see attached map showing boreal caribou ranges and Ring of Fire in northern Ontario). When you array the limited Assessment Area as outlined in Appendix A

¹¹ See <https://www.theglobeandmail.com/business/article-the-road-to-nowhere-why-everything-youve-heard-about-the-ring-of/>

¹² See page 1 in <https://norontresources.com/wp-content/uploads/2020/06/Noront-Resources-Nikka-Technical-Report-June-1-2020.pdf>

¹³ https://mrmr.cim.org/media/1128/cim-definition-standards_2014.pdf

¹⁴ See <https://www.theglobeandmail.com/business/article-australias-wyloo-metals-hopes-to-have-ring-of-fire-nickel-mine-access/>

of the Draft Agreement alongside the caribou ranges in the region, it's evident there is a scale mismatch. Omitting proposed roads and infrastructure will also undermine the assessment of cumulative impacts to boreal caribou. This highlights the importance of using ecologically relevant scales in regional assessments.

Ontario data published in 2014 for the Missisa Range show that mineral exploration and drill holes were responsible for disturbing almost 10% of the range. This was before the latest upswing in mining claims, and before full mine development and, roads and other infrastructure. While the overall disturbance was low (14.4%) for this range compared to others in Ontario, the population trends are worrying. Data published at the same time indicate low calf recruitment and low adult (female) survival. Ontario hasn't published an update and has since stopped province-wide monitoring efforts for caribou. The most recent figures for disturbance are for 2017 showing the range was at 10% total disturbance (but this was with significant drop in mining claims since 2014). The number of claims in the Ring of Fire has since increased to >17,000 (as of November 2021) covering a total area of 364,943 ha.

Eastern Migratory caribou and Boreal caribou overlap in their use of the northern portion of the Missisa range. Both would need to be included in the assessment. Ontario¹⁵ has indicated this may that increase 'the conservation value of the overlap area'.

It will be important to assess activities throughout the range to ensure the assessment is meaningful for caribou at the range level. Inter-range impacts will also need to be included (i.e., on the Ozhiski, James Bay, Nipigon Ranges etc.). Moreover, it will be critical to assess activities over key time frames such 10-, 20-, 50- and 100-year intervals.

Additional concern #3: Incoherence with mandate commitment to halt and reverse nature loss by 2030

The Draft Agreement is also largely silent on how the regional assessment will contribute to halting and reversing nature loss by 2030. With respect to boreal caribou, the situation will only worsen as Ring of Fire development is expected to result in more habitat being cleared and fragmented. Recall, mineral exploration alone disturbed upwards of the 10% of the whole Missisa range and this was before full mine development and region-changing roads. Roads and transmission lines by their very nature will result in the permanent clearing of habitat. These are deforestation projects. Building roads in a water dominated landscape brings a host of challenges related to hydrology and barrier effects that go beyond building conventional all-season roads in southern environments. There will be downstream and 'down-muskeg' implications including wetland drying.

The various camps in the region along with drill holes, drill pads and sprawling trails have already impacted the wetlands and forests. Flights especially in winter have revealed the extensive damage that

¹⁵ See <https://files.ontario.ca/environment-and-energy/species-at-risk/Far-North-Ranges-EN.pdf>

remains long after drilling projects end. The peatlands are unique; they represent the outcome of thousands of years of carbon accumulation and storage. Restoration and recovery will take centuries.

The presence of contaminants in the region is known and will likely be exacerbated by mining, road and other developments. This will have implications for biodiversity and human health (see next section for more details). Project-level EAs are not set up to respond and account for these challenges. Reliance on them will not ensure climate, biodiversity and sustainability objectives are achieved. Only a properly scoped and well-designed regional assessment can do that.

Additional concern #4: Harmful contaminants, such as mercury and PCBs, are omitted

Contaminants such as methylmercury are omitted from the regional assessment. If fully developed as promised, then the Ring of Fire would dramatically reshape northern watersheds, wetlands, wildlife populations and the availability of country foods for Indigenous Peoples. Ontario publishes a Guide to Eating Fish¹⁶ and it shows fish across Ontario's lakes and rivers including in the Attawapiskat River and McFauld's Lake area with advisories due to contaminants. Several of the contaminants in the fish relevant to the regional assessment include mercury, PCBs, arsenic and/or chromium. The Victor Diamond Mine experience, where mining activities led to mercury being mobilized as methylmercury, a neurotoxin, up through the food chain¹⁷, is a cautionary tale. Moreover, Environment Canada¹⁸ flagged hexavalent chromium as a contaminant of concern with the previous Cliffs Chromite Project in 2011 as it, "may have an immediate or harmful long-term effect on the environment or its biological diversity and constitutes or may constitute a danger to human life or health".

It is important to understand in advance how regional developments will cumulatively impact levels of mercury and methylmercury in the receiving waters and fish (and beyond) so that thresholds can be set.

We strongly recommend Canada conduct a review with Indigenous Peoples to determine the contaminants beyond mercury to be included in the regional assessment.

Conclusion

Beyond a few, token references to the words, 'women' and 'gender', the Draft Agreement is largely silent on how frameworks such as Gender-based Analysis Plus (GBA Plus) and the quality-of-life indicators will input into decision-making. We strongly encourage you to also revisit this.

¹⁶ See <https://www.ontario.ca/page/eating-ontario-fish-2017-18#section-7>

¹⁷ See Wildlands League's Special Report Nothing to See Here: failures of self-monitoring and reporting at the Victor Diamond Mine at <https://wildlandsleague.org/victor-report/>

¹⁸ See September 12, 2011 letter from Rob Dobos, Manager Environmental Assessment Section of then Environment Canada to Louise Knox, Regional Director, Ontario Region of then Canadian Environment Assessment Agency.



In summary, the Ring of Fire is a complex region-opening undertaking in globally significant carbon-rich wetlands and watersheds within the homelands of Indigenous Peoples. The proposed regional assessment type, content and scope do not reflect these realities. Climate and biodiversity goals will not be met. Wildlands League urgently recommends that the Agency pauses the process and hits the reset button to address our concerns regarding the Draft Agreement. We strongly urge the Agency to use the watersheds of the Attawapiskat, Ekwana, Winisk and Albany Rivers as the appropriate scale for the assessment. We remain willing and able to assist. We also reserve the right to augment our feedback to the Agency with supplemental information after our meeting with officials which is scheduled for later this week.

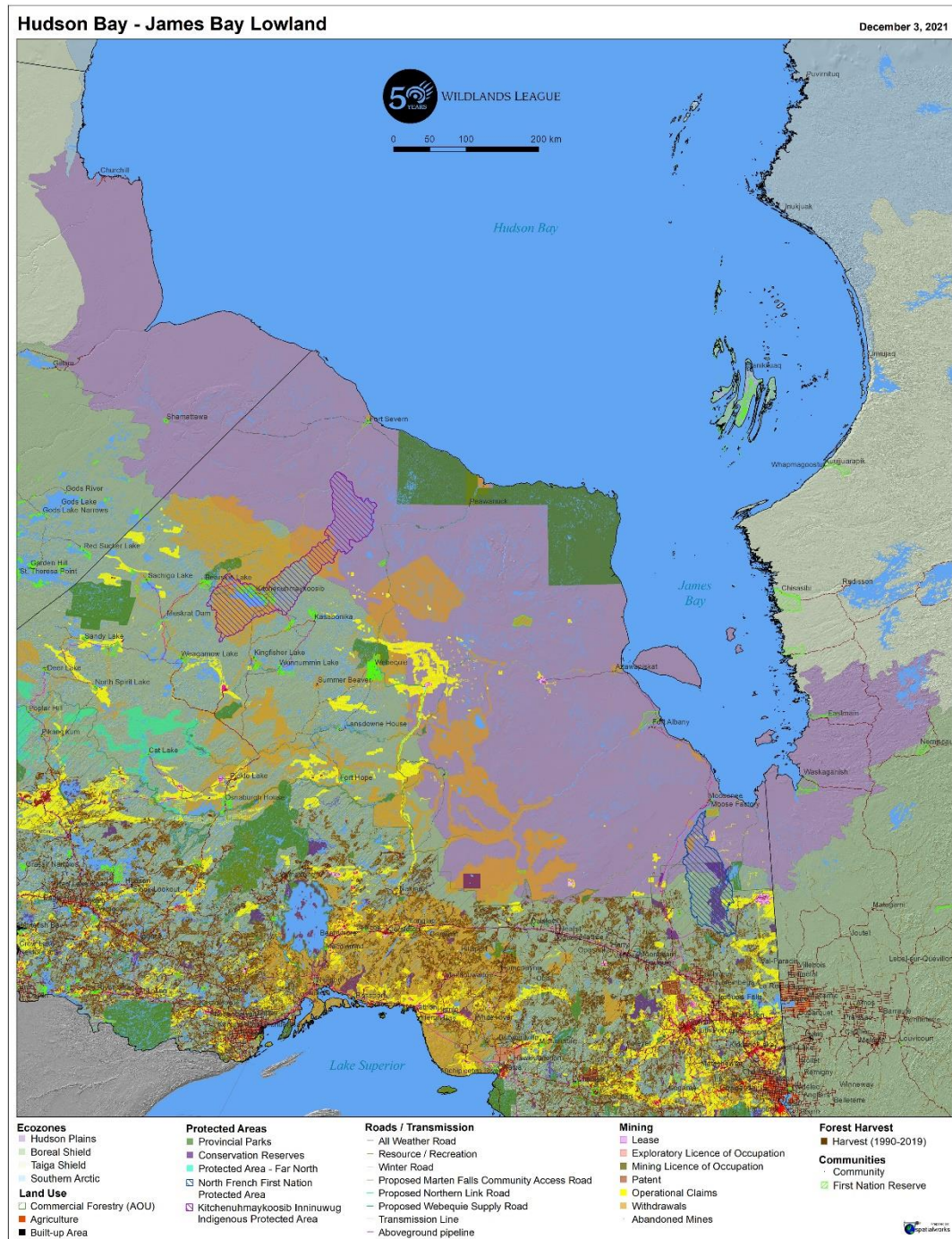
Sincerely,

<Original signed by>

Anna Baggio
Conservation Director

Encl.

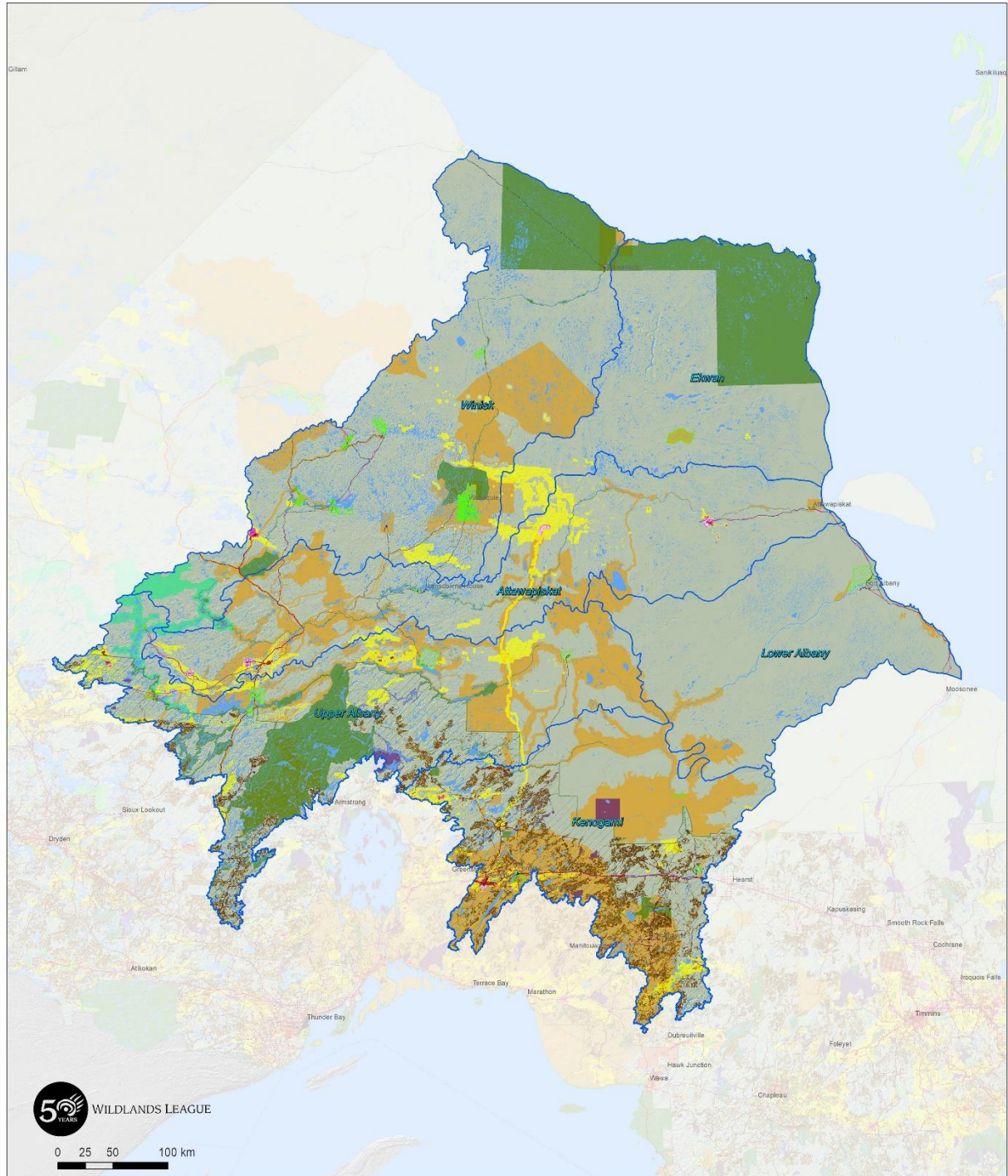
Three maps are attached below. High res versions are available at <https://wildlandsleague.org/project/ring-of-fire/> for downloading and zooming in.





Watersheds Associated with the Ring of Fire

January 27, 2022



Watersheds Watersheds	Protected Areas Provincial Parks Conservation Reserves Protected Area - Far North	Mining / Forest Harvest Lease Exploratory Licence of Occupation Mining Licence of Occupation Patent Operational Claims	Withdrawals Abandoned Mines Harvest (1990-2019)	Roads / Transmission All Weather Roads Resource / Recreation Winter Transmission Line Aboveground pipeline	Communities Community First Nation Reserve
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Caribou Ranges Associated with the Ring of Fire

January 27, 2022

