



## WEBEQUIE FIRST NATION

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### **RE: Webequie First Nation's Submission - Regional Assessment in the Ring of Fire Area**

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Webequie First Nation is providing the following comments regarding the Draft Agreement and Terms of Reference for the Regional Assessment in the Ring of Fire (ROF) Area.

Webequie First Nation is located 540 km north of Thunder Bay and the First Nation reserve is adjoined to the north by Winisk River Provincial park. The assessment area for the Ring of Fire Regional Assessment presents a proposed study area, approximately 130km by 130km, abutting the eastern boundary of the Webequie reserve and encompassing an area of approximately 16,900 square km. As the closest community to the proposed ROF developments, Webequie First Nation has a long history of engagement with governments and the mining sector regarding the protection of Webequie's Aboriginal and Treaty rights, protection of areas of cultural and environmental significance, and opportunities for mutual benefit.

On June 21st, 2021, the *United Nations Declaration on the Rights of Indigenous Peoples Act* received Royal Assent and came into force. This Act provides a roadmap for the Government of Canada and Indigenous peoples to work together to implement the Declaration based on lasting reconciliation, healing, and cooperative relations. UNDRIP has the following articles:

- Article 3, Indigenous peoples have the right to self-determination...and freely pursue their economic, social, and cultural development.
- Article 4 Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their



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internal and local affairs, as well as ways and means for financing their autonomous functions.

- Article 18 Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- Article 20 Indigenous peoples have the right to maintain and develop their political, economic, and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
- Article 23 Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development.

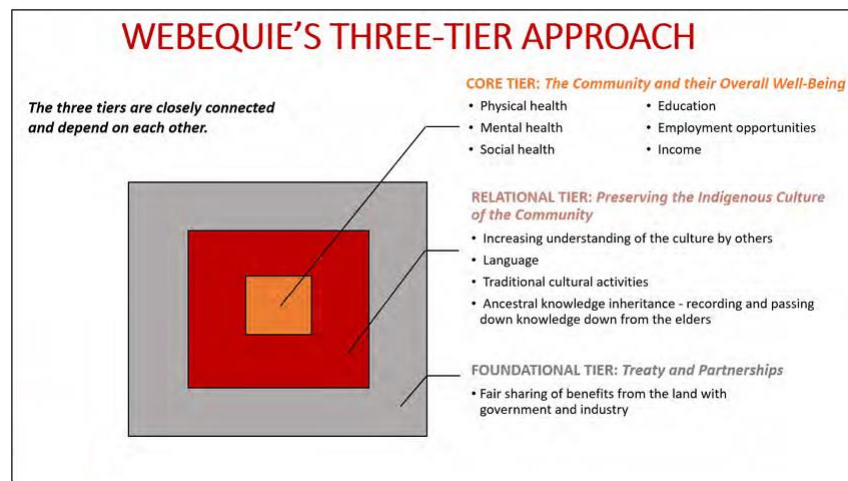
Webequie First Nation is exercising its inherent Aboriginal and Treaty rights and exercising its UDNRIIP-based self-determination rights when identifying Webequie First Nation's priorities, economic aspirations, sustainability initiatives, and environmental stewardship by leading an environmental and impact assessment. Webequie First Nation agrees with the clause in the Draft Agreement, "Governments of Canada and Ontario acknowledge that sustainable development seeks to attain a balance between economic activity and its benefits, environmental protection, and the health, cultural, social and economic wellbeing of people and communities." Webequie First Nation's Indigenous worldview and Three Tier principles reflect its own approach to the ROF developments.

For generations, Webequie First Nation has espoused a community vision, that reflects a tiered approach to land management and sustainability. A conceptual portrayal of this vision is pictured below, which is referred to by the community as the Three-Tier Approach. This vision incorporates Webequie First Nation's settlement as a center piece that focuses on the community well-being of its members. Webequie settlement is situated in the reserve land designation and surrounded by a protected traditional area to enable our way of life to be protected and practiced exclusively by the community. A third tier envisions an area of mutual benefit and represents a door of opportunity in which Webequie recognizes sustainable economic development and mutual benefits through partnerships. Inventory of lands resources and early exploration is conducted in a respectful manner with the industry to begin to quantify what can sustain the community and its members through business and development of government relationship agreements including and not limited to neighboring First Nations. This vision has guided



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Webequie in all of its endeavours. It is central to our view of what can be possible for the ROF Regional Assessment because of our proximate geographic location to the ROF assessment area.



Webequie First Nation has historically and currently lives within their Indigenous worldviews, values, and customs, which are principles of the Three-Tier Approach as a way to adapt to the socio-economic landscape. This Indigenous community-based model has been articulated many times to the federal Agency and can be found in the Webequie Supply Road Detailed Project Description ( <https://iaac-aeic.gc.ca/050/evaluations/proj/80183> ). This Three-Tier worldview has been inherently passed on through generations with the community's Indigenous Knowledge Keepers and forms Webequie Elders' Guiding Principles. Again, the Core Tier is the central homeland of Webequie First Nation members and is the cradle of well-being for the community. The Relational Tier is the area for cultural practices, harvesting activities, and sustainability on their traditional territory which is dependent on land, water, animals, and plants. The last or Foundational Tier is about socio-economic benefits for the members of Webequie First Nation through the sustainable and responsible development of resources and partnerships for training, employment, and business opportunities.

The western boundary of the assessment area for the Regional Assessment runs through Webequie First Nation reserve (The Core Tier). The assessment area overlays Webequie's Second Tier or the homelands of Webequie First Nation. The community of

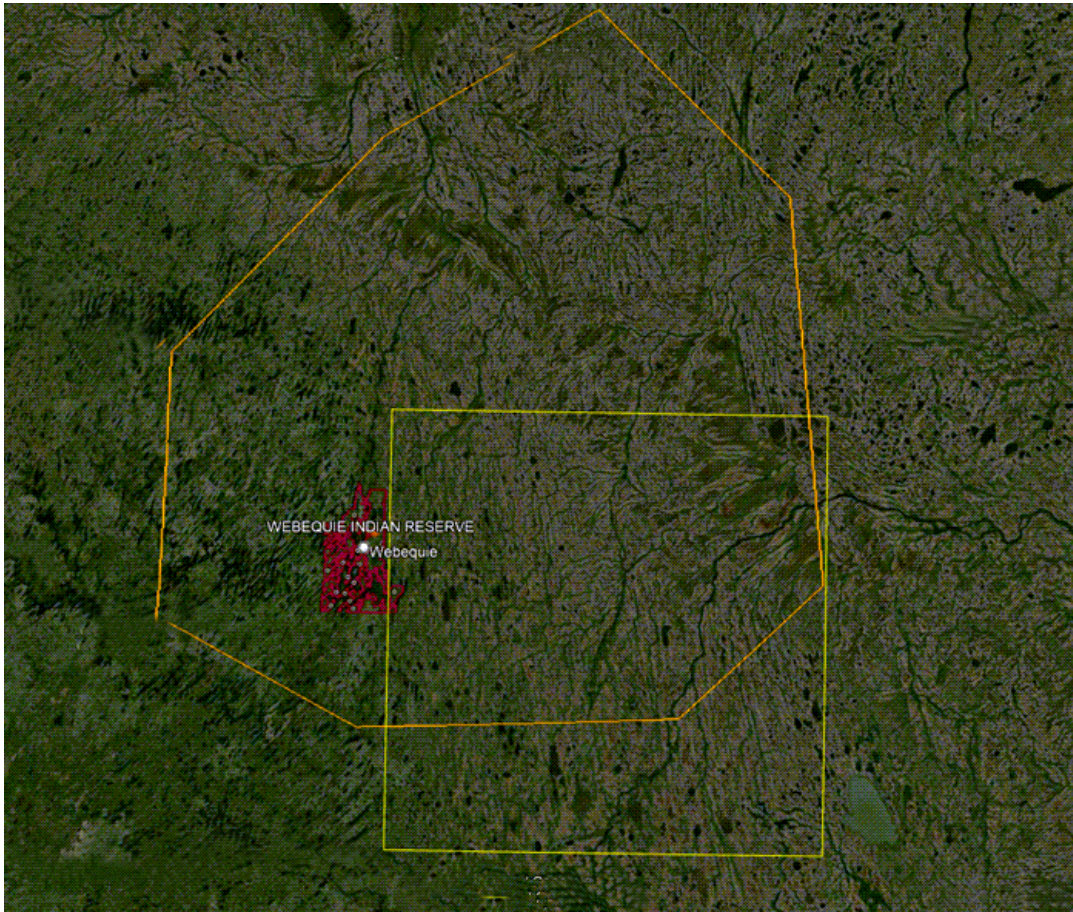


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Webequie has been conducting land use planning for several years under Ontario's Far North Act, which provides a framework for jointly establishing a land use plan for Webequie First Nation. ( <https://www.ontario.ca/page/webequie-terms-reference#section-2> ) The agreed-upon planning area for the Webequie First Nation Community Based Land Use Plan encompasses most of the Regional Assessment "assessment area" and beyond. Community-based planning processes were initiated in 2011, a Terms of Reference was signed by Webequie First Nation and Ontario in 2014 and a draft land use plan has been developed. The approach includes documenting and incorporating land utilization patterns, sites of indigenous cultural significance, and historical and current traditional practices to establish a Webequie Community Land Use Plan. Webequie's draft plan provides recommendations for land use areas, land use designations, and activities that are permitted or not permitted in these areas. The regional assessment process must recognize and respect the Webequie Community Land Use Plan and the community-based process from which it was derived. It is a public fact that Webequie First Nation is the closest Indigenous community whose members have been using the land, waterways, and environment in the ROF area, since time immemorial. Below is the map of the Webequie First Nation reserve boundary (red), Webequie First Nation Land Use Planning Reference Boundary (orange), and the geometric study area for the Regional Assessment (yellow), which clearly demonstrates most of the assessment study area is within Webequie First Nation's reserve lands and traditional territory.



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Webequie First Nation decided to initiate and conduct an Indigenous-led impact assessment for the Webequie Supply Road because its leadership want to ensure its environmental stewardship responsibilities. By leading an environmental and impact assessment, Webequie First Nation can enhance and improve the assessments by integrating its Indigenous principles with the provincial and federal principles into its scope of the assessments. The provincial and federal regulators have had ongoing Indigenous teachings throughout the scoping phase of the assessments. This is an example of the Third Tier of collaboration and partnership.



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The Regional Assessment was requested by a few Indigenous communities. Now that the Regional Assessment process has started, rather than being satisfied with a decision for a Regional Assessment, these same distant First Nation communities are now demanding an Indigenous-led Regional Assessment. Specifically, we note the media reports regarding the request by five First Nation distant neighbours to “start afresh” with the Draft Terms of Reference, including a community-led process for the Regional Assessment. In a scenario for a “community-led process”, it is not clear how these First Nations can avoid the conflict-of-interest provisions in the Draft Agreement (*Section 3.9 The Committee members will be unbiased and free from real or perceived conflict of interest with respect to the Regional Assessment*), given that these same First Nations and their supporters have directly made their oppositional views and positions with respect to the proposed RoF developments known to the federal Minister of Environment and Climate Change as well as in the public media and social media platforms. The same conflict of interest provisions should be applied to Committee Secretariat and Advisory Supports. Webequie First Nation will be inquiring how the federal government will be conducting its due diligence on these appointments.

Webequie First Nation does not think there is a need for an Indigenous-led Regional Assessment. However, if there are serious considerations by the federal Minister of Environment and Climate Change to have an Indigenous-led Regional Assessment, then Webequie First Nation as a government, and as the most proximate Indigenous community with proven and active Aboriginal and Treaty Rights in the assessment area, should be one of the primary communities in the Indigenous-led Regional Assessment.

Webequie First Nation is supportive of the goals of the Regional Assessment process as set out in the draft Terms of Reference. It is consistent with our vision for community sustainability. Webequie First Nation is supportive of community-led approaches and has considerable success with this approach in our community-based land-use planning, the environmental and impact assessments for the Webequie Supply Road and the Northern Road Link initiatives. We would note that in any approach to Regional Assessment in the Ring of Fire, Webequie First Nation must have a central role in the process, given our proximity to the assessment area, and the direct impacts on our Aboriginal and Treaty rights.



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Having reviewed the Terms of Reference for the Regional Assessment, Webequie First Nation has the following comments/questions:

### **Sec. 1**

Webequie First Nation is supportive of the goals and objectives of the Regional Assessment. These are consistent with Webequie First Nation's community vision.

### **Sec. 2**

Webequie First Nation is supportive of the scope of the Regional Assessment as described. Webequie is currently leading and co-leading community-led impact and environmental assessment studies for two roads within the region, the Webequie Supply Road and the Northern Road Link. These roads provide important infrastructure to enable our community to achieve our community vision. Ensuring these projects continue according to their separate legislated processes and timelines is critical.

### **Sec. 2.2**

The geographic boundary of the assessment area for the Regional Assessment falls directly within Webequie traditional territory. These lands have been used for generations to sustain our people, our community and our way of life. Webequie has developed a community-based land-use plan based Ontario's Far North Act that reflects our community vision and protects these lands for our future. This provincially legislative-supported work must be recognized and respected.

### **Sec. 3**

Given Webequie First Nation's closest proximity to the assessment area and that this area falls within our traditional territory with the active exercise of Aboriginal and Treaty rights by our members, Webequie must play a central role in the Regional Assessment process.

### **Sec. 3.9**

Webequie First Nation notes the conflict of interests provisions and has several questions regarding how the federal government will be conducting due diligence on any appointments, particularly given the widely divergent views among Indigenous communities and interest groups.



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### Sec. 5

It is being proposed that “advisory supports will identify, provide and support the use and integration of Indigenous knowledge and scientific, technical and socio-economic information in the conduct of the Regional Assessment.” Given Webequie First Nation reserve and its landuse planning area covers most of the assessment area which is the area where Aboriginal & Treaty Rights are actively exercised most by its Webequie members, Webequie will require a central role in the Regional Assessment, Advisory Supports, and Indigenous Talking/Sharing Circles.

### Appendix B - B1.2 and B1.3

It is not clear how potential impacts on Aboriginal and Treaty rights will be addressed. B1.2 provides for the receipt of information related to Aboriginal and Treaty rights and potential adverse impacts. B1.3 is explicit that the committee is not mandated to make determinations on validity or probability of adverse impacts. How will these determinations be made? How will the assessment of strengths of claim be made as it relates to any rights assertions by distant Indigenous communities?

In closing, it is important to ensure that all planning and decision making related to the regional assessment is driven by the continued commitment to advance Indigenous rights of self-determination, which includes the right to determine what type of developments is acceptable for Webequie First Nation, just as some of the concerned distant Indigenous communities determine what is acceptable in their areas such as their mining, hydro, and forestry developments. Moreover, it is equally important to complete a regional assessment of cumulative impacts based on known and verifiable projects and not speculative ones. The decision to conduct a Regional Assessment for the ROF Area is based on a few known projects in the sub-regional area of Ontario’s Far North. The known active projects undergoing environmental and impact assessments are the Webequie Supply Road and the Marten Falls Community Access Road project. Another project called the Northern Road Link will undergo an impact assessment when the Indigenous co-proponents submit a formal Initial Project Description to the federal Agency. These are the only known projects that are proceeding in accordance with the provincial and federal regulatory requirements. The only other potential developments are related to mineral deposits which are owned by a few mineral exploration companies that have yet to start or re-start their environmental or impact assessments. We agree that the Regional Assessment should focus on future mining development activities, and the





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“scope, conduct and outcomes of the regional assessments will not duplicate those of these on-going assessments, including their project-specific assessments of effects, analyses of the purpose of and need for these projects, or other factors and components”.