

# ATTAWAPISKAT FIRST NATION

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March 22, 2023

## SENT BY EMAIL

Caitlin Cafaro  
Senior Consultation Analyst, Northern Road Link  
Impact Assessment Agency of Canada  
NorthernRoad-RouteDuNord@iaac-aeic.gc.ca

Dear Ms. Cafaro,

As per the Impact Assessment Agency of Canada's request, Attawapiskat First Nation is providing preliminary comments on the Northern Road Link Initial Project Description as part of the comment period from February 21, 2023 to March 23, 2023.

It does not signal the consent of Attawapiskat First Nation for any proposed developments within the area commonly known as the "Ring of Fire," including developments related to transport and resource exploitation within that area.

Here are our main issues:

**Project-splitting is unacceptable.** It is clear that Ontario's plan is to build ONE CONTINUOUS north-south access road from the provincial highway network to the McFaulds Lake area in the Ring of Fire. As Ontario stated in its 2017 Long-Term Infrastructure plan,

The Province is taking an important next step toward developing the Ring of Fire, an area in Northern Ontario with significant chromite resources. ... As part of this project, the Province is also working with First Nations to build all-season access roads to their communities. ... Building these roads is a critical step in realizing the economic benefits of one of the largest mineral-development opportunities in Ontario in almost a century.

We do not accept that this road can be split into three segments, each subject to its own, individual, project-level impact assessment.

The splitting of the all-season road project into three projects has resulted in a large consultation burden on our community, generated confusion about overlapping processes, and impeded our ability to substantially engage with the assessments for these projects.

Another, very serious consequence of project splitting is that long-term cumulative impact of opening up the Ring of Fire and adjacent James Bay lowlands to development, via an all-season access road, is not being considered by Ontario or Canada.

Ontario has facilitated this project splitting. Canada must reverse this split and start over with an impact assessment that that considers the reality of ONE CONTINUOUS road to the Ring of Fire.

**A project-specific cumulative effects analysis is shallow and will not capture the true extent of long-term cumulative effects.** As explained above, the Northern Road Link is not just any project. It is the link between the Marten Falls Community Access Road, and the Webequie Supply Road, thereby creating a continuous all-season road link from the provincial highway system to the Ring of Fire. The creation of road access is the lynchpin for regional development that will change our lands and our way of life forever. Ontario Power Generation is already eyeing hydroelectric potential on the Kattawapiskak River and has publicly stated its interest in exploring these opportunities if an access road is built. This is just the tip of the iceberg of regional development that would be facilitated by an access road. Mining claims are expanding into the James Bay lowlands, as the hype around the access road grows. The eventual projects are not yet likely, proposed, or even remotely “reasonably foreseeable,” as the speculators are waiting for an access road to be built.

We are therefore alarmed that the proponent plans to limit the cumulative effects analysis to “potential future conditions of known or reasonably foreseeable activities or projects, including reasonably foreseeable mineral exploration and mining development projects” (p. 252, full NRL Initial Project Description). So far, only the north-south access road (Marten Falls Community Access Road, Northern Road Link, and Webequie Supply Road) has been proposed. We are also aware that “reasonably foreseeable” has a very specific definition within Canada’s cumulative effects guidance, to mean “the physical activity is expected to proceed, e.g. the proponent has publicly disclosed its intention to seek the necessary EA or other authorizations to proceed.”<sup>1</sup> To our knowledge, thus far only the Eagle’s Nest mine may fit this definition.

The February 15<sup>th</sup> 2023 letter we received from Minister Guilbeault on the Regional Assessment indicates that Canada’s plan is to use this same narrow framing of “proposed” and “reasonably foreseeable” in the Regional Assessment. This is extremely concerning.

**The government timelines being imposed on Attawapiskat First Nation for consultation on the all-season road projects violate the honour of the Crown and the duty to consult.**

Attawapiskat First Nation is dealing with crises on multiple fronts, making it impossible to fully turn our minds to consultations on the proposed road developments. Until our social and infrastructure crises are addressed, we cannot be held to imposed timelines for considering developments such as the Northern Road Link that would change our way of life and that of generations yet to come, forever. The short deadlines being imposed for consultation do not allow for our own laws and protocols for community decision-making to be respected. This is

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<sup>1</sup> Environment and Climate Change Canada. 2018. Assessing Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012: Interim Technical Guidance. Version 2, March 2018. 56pp. P. 26.

especially the case for such a life-changing project as the Northern Road Link, for which we do not yet have information on long-term cumulative impacts. As a Treaty partner, Canada must ensure that our Indigenous rights are protected and respected. Any decisions as to the future of Treaty territory can only be made in partnership with the affected First Nations. The process you are engaged in here is one-sided and wrong.

**The road will have immediate, serious impacts on water and wildlife, including caribou.** As shown on the attached map, the proposed Northern Road Link would pass right through the middle of a very large, “Category 1” high-use area for boreal caribou. Under Ontario’s General Habitat Description for boreal caribou, Category 1 “identifies habitat features or areas anticipated to have the lowest tolerance to alteration before their function, or usefulness, in supporting caribou is compromised.” Ontario considers development activities within 10-15km of Category 1 habitats as generally not compatible with existing habitat protections for boreal caribou under the *Endangered Species Act, 2007*.<sup>2</sup> It makes no sense to move forward with the impact assessment for the proposed road, given that the proponent has not put forward an alternative to passing this road through Category 1 caribou habitat.

We remind you that boreal caribou are listed as Threatened and benefit from habitat protections under Schedule 1 of Canada’s *Species at Risk Act*. According to the most recent available scientific data, the boreal caribou population in the Missisa Range is in decline.<sup>3</sup> Attawapiskat First Nation is concerned that *Atik* (caribou) would not be able to withstand the immediate effect of the road, let alone the habitat loss and fragmentation from development that would be enabled by a north-south access road.

As shown on the attached map, the proposed road would be built on top of eskers, which, as our land users know, are critically important habitats and travel routes for wildlife. It is also highly concerning that the aggregate needed for road construction would be mined in the headwaters of rivers that flow through our territory. Gravel would be sourced from eskers and other deposits of glacial till that have potentially high chromium levels. The road would have far-reaching effects on water flows, effectively creating a dam on the upstream side, and altering water courses and wildlife habitats with regional implications. The effects on sturgeon are also of great concern. Sturgeon gather in spring spawning aggregations in fast flowing water at precisely the locations favoured for road construction across rivers, contributing to the accessibility of spawning sturgeon and increasing the vulnerability of sturgeon to potentially unsustainable harvesting pressure.

These are just some of the concerns we have about the serious and immediate impacts of the proposed road.

**In conclusion**, this impact assessment process is not consistent with Reconciliation and the honour of the Crown. The way in which you are moving forward is a violation of our Treaty relationship. The imposed consultation timelines, at a time when Attawapiskat First Nation is

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<sup>2</sup> <https://www.ontario.ca/page/general-habitat-description-forest-dwelling-woodland-caribou>

<sup>3</sup> Ministry of Natural Resources and Forestry (MNRF). 2014. Integrated Range Assessment for Woodland Caribou and their Habitat in the Far North of Ontario: 2013. Species at Risk Branch, Peterborough, Ontario, xvi + 130 pp.

dealing with multiple crises, does not allow us to be meaningfully consulted. Splitting a single, all-season road project into three separate projects when that road project is the lynchpin for regional development – regional development that the Kattawapiskak People have not been consulted on, and have certainly not consented to – is unacceptable.

Sincerely,

**<Original signed by>**

~~Deputy~~ Chief Jack Linklater Jr.  
Attawapiskat First Nation

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