



Impact Assessment
Agency of Canada

Ontario Region
600-55 York Street
Toronto ON M5J 1R7

Agence d'évaluation
d'impact du Canada

Région de l'Ontario
600-55 rue York
Toronto ON M5J 1R7

May 12, 2022

Sent by Email

Chief Bruce Achneepineskum
Marten Falls First Nation General Delivery
Ogoki Post ON P0T 2L1
bruce.achneepineskum@gmail.com

SUBJECT: Information on Requesting a Time Limit Extension for the Marten Falls Community Access Road Project under the *Impact Assessment Act*

Dear Chief Achneepineskum:

The three-year legislated time limit to provide the Agency with the required information and studies, as described in the Tailored Impact Statement Guidelines (the Guidelines) issued on February 24, 2020, for the impact assessment of the Marten Falls Community Access Road Project (the Project) will expire on February 24, 2023. From discussions held with the project team, the Impact Assessment Agency of Canada (the Agency) understands that Marten Falls First Nation will require an extension to the time limit.

In accordance with subsection 19(2) of the *Impact Assessment Act* (IAA), the Agency may, at the proponent's request, extend the legislated time limit by any period necessary for the proponent to provide the required information and studies. The required information and studies to be provided would include the Impact Statement and any additional required information and studies that may be identified as a result of:

- the Agency's verification review of the Impact Statement;
- the public comment period on the Impact Statement Summary;
- the technical review of the Impact Statement by the Agency and federal authorities; and
- associated consultation and engagement by the Agency with Indigenous communities.

In order for an extension to be considered and granted, proponents will need to be able to demonstrate that they have made progress on the development of the Impact Statement and that they have a work plan to complete it.

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The Agency requests Marten Falls First Nation to provide the following information for the Agency's consideration on whether to grant an extension of the time limit for the impact statement phase for the Project:

- your reasons, directly related to the impact assessment process, for requesting an extension of the time limit (e.g., multiple field seasons for baseline studies, engagement needed to resolve issues and secure input, coordination with provincial assessment process);
- any changes to the environment at the project location, or to the project itself, that have occurred that may affect the impact assessment;
- a work plan detailing the progress made to date, accounting for work completed, work currently underway, and work not yet started, along with a breakdown of how the extended time would be utilized to provide all the required information and studies, including :
 - engagement activities with Indigenous communities and the public;
 - surveys with Indigenous communities and members of the public to collect baseline data, Indigenous knowledge and community knowledge;
 - field surveys to collect biophysical baseline data;
 - coordination with other parties, including coordination with Ontario for inclusion in the Impact Statement the outcomes from Ontario's Crown Consultation Approach that are relevant to the federal assessment;
 - submissions of the draft Impact Statement and the Impact Statement, including the time required for proponent-led engagement, document reviews by the Agency and federal authorities, and Agency-led consultation and engagement with Indigenous communities and the public;
 - time to address any deficiencies in the Impact Statement;
 - time to address issues that arose during proponent-led engagement activities, the public comment period on the Impact Statement, and Agency-led activities with Indigenous communities and the public; and
 - contingency allowance for unexpected delays in the project schedule;
- a progress report demonstrating advances made on the Project to meet the requirements of the Guidelines, including:
 - description of the type of engagement activities conducted to date with Indigenous groups, the public and government experts and their outcomes (i.e. what was achieved to inform the Impact Statement);
 - a summary of the baseline data (i.e. variables) collected to date;
 - determination of the final locations of project components, in particular the locations of the preferred road alignment, the aggregate pits and the access/service roads;
- any additional information that you believe is relevant.

Important: If a proponent fails to provide the information or studies within the three-year time limit, or within any time limit extension that may be granted by the Agency, the impact assessment would be terminated in accordance with section 20(1) of the IAA. If the impact assessment is terminated, the prohibitions under section 7 of the IAA would continue to apply to the Project. If the Proponent wishes to continue with the Project, it must submit an Initial Project Description to the Agency in accordance with section 10 of the IAA to once again commence the impact assessment process under the IAA. The information that must be provided in an Initial Project Description is detailed in the *Information and Management of Time Limits Regulations* under the IAA. Further information on the IAA is available on the Agency's website at <https://www.canada.ca/en/impact-assessment-agency.html>.

The Agency strongly advises Marten Falls First Nation to submit a complete request by **September 24, 2022**, for the Agency to process the request prior to the expiration of the legislated time limit on **February 24, 2023**. The Agency will post the time limit extension request documents submitted by Marten Falls First Nation and the Agency's response to the request on the Canadian Impact Assessment Registry.

We understand that Marten Falls First Nation will prepare a draft extension request, which we look forward to reviewing to ensure the draft contains all the requested information for the Agency's consideration. If you have any questions, please do not hesitate to contact Chiara Calabrese, the Project Manager, by phone at 416-476-8915 or by email at MartenFalls@iaac-aeic.gc.ca.

Sincerely,

<Original signed by>

Anjala Puvananathan
Director, Ontario Region

c.c.: Bob Baxter, Marten Falls First Nation
Lawrence Baxter, Marten Falls First Nation
Jack Moonias, Marten Falls First Nation
Qasim Saddique, Marten Falls Community Access Road Project Director
Christine Cinnamon, AECOM
Sasha McLeod, Ministry of the Environment, Conservation and Parks
Dorothy Moszynski, Ministry of the Environment, Conservation and Parks
Andrew Lock, Ministry of Northern Development, Mines, Natural Resources and Forestry