



Impact Assessment
Agency of Canada

Ontario Region
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Toronto ON M5J 1R7

Agence d'évaluation
d'impact du Canada

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

August 18, 2023

Sent by email

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

Chief Cornelius Wabasse
Webequie First Nation
P.O. Box 268
Webequie ON P0T 3A0
corneliusw@webequie.ca

Dear Chief Bruce Achneepineskum and Chief Cornelius Wabasse:

Subject: Notice of Commencement of the Impact Assessment for the Northern Road Link Project

The Agency is writing to inform you of the commencement of the impact statement phase for the Northern Road Link Project (the Project) under the *Impact Assessment Act* (IAA). The following documents were posted on the Canadian Impact Assessment Registry website¹ (Registry #84331) and will inform the impact assessment process:

- Notice of Commencement
- Tailored Impact Statement Guidelines (the Guidelines)
- Public Participation Plan
- Indigenous Engagement and Partnership Plan (IEPP)
- Cooperation Plan
- Permitting Plan

The Agency remains of the view that the Project does not warrant a referral to a review panel, after considering the factors in subsection 36(2) of the IAA. Please note that the Minister of Environment and Climate Change has until 45 days after the Notice of Commencement to make a final determination on whether to refer the impact assessment to a review panel.

Timelines

Under subsection 19(1) of the IAA, the proponent of a designated project must provide, to the Agency's satisfaction, any information or studies required by the Agency within three years after the day on which a copy of the Notice of Commencement is posted on the Registry website. By August 19, 2026, Marten Falls First Nation and Webequie First Nation (the Proponent) must provide to the Agency the required information or studies, described in the Guidelines.

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¹ Canadian Impact Assessment Registry website: <https://iaac-aeic.gc.ca/050/evaluations/proj/84331>



The Agency is available to answer any questions regarding the preparation of the Impact Statement. A notice will be posted on the Registry website when the Agency is satisfied that all the required information or studies for the impact assessment have been provided.

Impact Statement Phase Work Plan

In section 1.3 of the Guidelines, the Proponent is encouraged to engage the Agency early and often to clarify requirements and expectations. Active discussions will support early identification and resolution of issues. Please provide the Agency with a work plan for the impact statement phase within three months of the Notice of Commencement.

The Agency also encourages the Proponent to share its deadlines and schedules for activities that involve collaboration or engagement with interested assessment participants who are identified in the plans listed above. With a collaborative approach, the Agency hopes that the Proponent and assessment participants will work together to ensure a timely and informed assessment process.

Proponent Engagement with Indigenous Communities

As outlined in section 6 of the Guidelines, the IEPP identifies the Indigenous communities that may be affected by the Project. The Proponent must work with all of these Indigenous communities to agree on an approach to their participation. The degree of engagement will vary and generally will be proportionate to the evidence provided by the communities, regarding potential pathways of impact from the Project on their Aboriginal and/or Treaty rights.

Section 6.3 of the Guidelines requires that the Impact Statement indicate where and how Indigenous Knowledge, as well as perspectives, participation and input from Indigenous communities, contributed to decisions regarding the Project or the impact assessment. The Agency received comments from Indigenous communities where the communities identified how they wish to be engaged. Please refer to each community's original submissions on the Registry website for details.

Indigenous Engagement and Partnership Plan

The IEPP integrates Crown consultation and Indigenous participation in the impact assessment. Section 4 lists the Indigenous communities identified for Crown consultation (section 4.1) and communities for engagement that have concerns and interests (section 4.2). The Agency used information available, including information provided during pre-planning and the planning phase, to inform the lists of communities.

The IEPP is an “ever-green” document that reflects the information available to the Agency during the impact assessment process for the Project. The Agency may update the lists of communities as knowledge of the effects and potential impacts of the Project is gained, or if the Project or its components are modified, or the communities provide more information about the exercise of their Aboriginal and Treaty rights, during the assessment process.

The Agency encourages the Indigenous communities to update the summary of information available to the Agency² on potential for impacts from the Project and to provide information pertaining to their traditional territories or traditional land uses, so it can be used to inform the IEPP and the impact assessment process. The Proponent and the Indigenous communities will be notified by the Agency, if the lists of communities are amended.

Opportunities for Efficiency

To the extent reasonable, the Agency expects the Proponent to utilize data and information from secondary sources, notably data and information collected for the project assessments of the Marten Falls Community Access Road and the Webequie Supply Road. Section 7, as well as sections 8 to 10 of the Guidelines describe the data and information requirements to estimate baseline conditions, predict effects and evaluate post-project changes in the environment, and the health, social and economic conditions.

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² Community specific information available to the Agency are in the enclosure to the May 23, 2023 letters from the Agency to Indigenous communities: <https://iaac-aeic.gc.ca/050/evaluations/document/152382>. In the coming months, the Agency plans to update its records based on additional information made available during the second comment period of the planning phase for the Project.

The Agency encourages the Proponent to review and consider the federal requirements set out in the Permitting Plan and the opportunities to coordinate the provincial environmental assessment outlined in the Cooperation Plan, when preparing the Impact Statement. In doing so, streamlining other approvals may be possible.

As the Guidelines do not include all information required for federal and provincial permitting and approvals, the Proponent should have discussions with regulators on specific requirements to avoid delays, should the Project be allowed to proceed.

Next Steps

In the coming months, the Agency will send to the Proponent a summary table of the comments received during the planning phase, including the Proponent's comments, with the Agency's responses that describe how the comments were taken into account in finalizing the Guidelines and plans. Please note, some comments will require follow-up by the Proponent.

Also, the Agency will share separately, for validation by Marten Falls First Nation and Webequie First Nation as potentially impacted communities, revised drafts of the summaries of information available to the Agency on potential impacts of the Project on your communities. On May 23, 2023, initial drafts of these documents were first shared with Marten Falls First Nation and Webequie First Nation. They were developed and revised, based on your participation during the planning phase. The documents contain a summary of:

- a) the nature and extent of Marten Falls First Nation's and Webequie First Nation's Aboriginal and treaty rights;
- b) the potential impacts of the Project to the exercise of Marten Falls First Nation's and Webequie First Nation's rights; and
- c) potential impacts of the Project on health, social, or economic conditions of Marten Falls First Nation and Webequie First Nation.

Furthermore, the Agency will provide information about the next steps in the federal impact assessment process, including upcoming funding opportunities for the Indigenous communities identified in the IEPP.

Should you have any questions, please contact Ely Weisbrot, Acting Project Manager, at 416-669-2775 or NorthernRoad-RouteDuNord@iaac-aeic.gc.ca.

Sincerely,

<Original signed by>



Amy Sen
Acting Director

c.c.: Michael Fox, Northern Road Link Project Team
Qassim Saddique, Northern Road Link Project Team