



March 23, 2023

Submitted via [online submission portal](#)

RE: Summary of Initial Project Description for the Northern Road Link Project

To Whom It May Concern:

We are submitting our comments on the [Summary of Initial Project Description for the Northern Road Link Project](#) (Reference Number 84331).

We are submitting this feedback in our capacities as WCS Canada scientists conducting research on species and ecosystems to inform conservation decisions. WCS Canada is a national non-government organization that has been engaged in Ontario since 2004, with research and conservation priorities in Ontario largely focused on the far north region. We are some of the few scientists with continuous presence in the region. We lead ongoing field-based research programs that are currently focused on wolverine and freshwater fish; we support and collaborate with First Nations on community-based research and monitoring projects; and we support and collaborate with academic, government researchers, and First Nations conducting ecological studies in the region. WCS Canada has a long-term and consistent engagement around impact assessment at the federal and provincial level, particularly for projects in northern Ontario.

In these comments, we first provide four overarching concerns and associated recommendations on the Summary of Initial Project Description for the Northern Road Link (NRL) as a whole. Following these are some specific comments on various Sections within the Summary of Initial Project Description.

First, our overarching concerns on the Summary of Initial Project Description for the NRL Project:

- 1) The scope of this project is unclear, particularly in reference to the purpose of the project, the alternatives to the project, the potential benefits, and the potential risks and impacts.**

Our recommendation is that the proposed NRL project must be explicitly scoped such that the purpose, alternatives, potential benefits, and potential risks and impacts are all consistently considered within the context of the proposed Webequie Supply Road (WSR), the proposed Marten Falls Community Access Road (MFCAR), and proposed Ring of Fire mineral development.

Multiple parties, including WCS Canada, have repeatedly brought up concerns over project splitting with the proposed WSR, the proposed MFCAR, and the currently proposed NRL project. In this Summary of

Initial Project Description, the inherent contradictions that arise through project splitting are very apparent.

Overall, the benefits of the NRL project tend to be framed within the context of an overriding assumption that the WSR and MFCAR projects will also move forward and that the three projects together will form one access road. Yet, the alternatives and potential risks and impacts tend to be framed within the context of the NRL being an isolated project. This is an approach that biases the discussion to overestimating the potential benefits while narrowing potential alternatives and underestimating the potential risks and impacts. However, even this variation in the implied project scoping is inconsistent. For example, in some sections within the Summary of Initial Project Description, the purposes of the NRL project are sometimes stated as connecting Webequie First Nation (WFN) and the mineral deposits in the Ring of Fire area – both of which are contingent on the WSR and MFCAR projects. But in other places in the document, the purpose of the project is stated as connecting the WSR and MFCAR by an all-season road – which in itself does not have a large benefit as a project purpose.

We recommend that the logical scope of the proposed NRL project, and the only scope that can adequately assess the potential alternatives, benefits, risks, and impacts, must be within the context of also considering the proposed WSR, the proposed MFCAR, and proposed Ring of Fire mineral development. But this scoping needs to be clear and consistent, and the scoping cannot be adjusted in various contexts as a matter of convenience. As well as broadly scoping the potential benefits of the NRL projects, the potential alternatives to the project, and the potential risks and impacts of the NRL project must also be consistently broadly scoped.

2) The assessment of GHG emissions is too narrowly focused on emissions from construction vehicles and ongoing vehicular traffic.

Our recommendation is that the assessment of GHG emissions must include evaluation of all potential impacts on the existing carbon stocks in the vegetation, waterbodies, and soil, including impacts to carbon stocks caused by changes in hydrology and permafrost within peatlands. The assessment of GHG emissions must also include assessments of the predicted changes to ongoing carbon fluxes and carbon sequestration as a result of the project, particularly assessments of the predicted changes in the carbon fluxes of peatlands caused by changes to hydrology and permafrost. These must also be required monitoring for the project.

The James Bay and Hudson Bay Lowlands comprise the second largest intact peatland in the world, and the carbon stocks within the peatlands of the James Bay Lowland and Hudson Bay Lowland are globally important for carbon storage and climate regulation¹. The potential impacts to these carbon stocks from proposed development have the potential to be orders of magnitude higher than any emissions from construction vehicles or vehicular traffic during construction and operations phases of road development – even losing a small percentage of the stored carbon in these intact peatlands will undo all of the Government of Canada’s efforts to reduce emissions across every other sector. These impacts to carbon stocks and carbon fluxes on the landscape must be considered in the impact assessment for this project.

¹ Harris et al. 2022. The essential carbon services provided by northern peatlands. *Frontiers in Ecology and the Environment*. DOI: <https://doi.org/10.1002/fee.2437>

3) Consultation and coordination processes must respect Indigenous jurisdiction.

We remain concerned and skeptical about the three individual road segment projects progressing through piecemeal processes between the provincial and federal governments to develop what is promoted by the Province of Ontario as one industry supply (or access) road to what they refer to as the Ring of Fire mineral deposits. Given Ontario's efforts to reduce red tape in regulatory processes, we see the current piecemeal approach to impact assessment of roads to the Ring of Fire as an excessive and inadequate approach to so-called community access.

We remain particularly concerned about the ability of First Nations (apart from the proponents) to manage the challenges of engaging with Ontario (and Canada) on multiple development projects during current social and community crises across First Nations in the far north, including being able to respond to COVID-19.

Given rapidly changing processes in Ontario for environmental assessment and mining regulations, multiple disconnected processes, and failure to address community capacity needs in being able to adequately consider viable scenarios of the kind of future they want, it seems impossible that effective and meaningful consultation will be able to take place. The inability to develop a Regional Assessment with Ontario also remains a concern in face of piecemeal IA processes at multiple and somewhat arbitrary local and regional scales within current road proposals.

Finally, the Impact Assessment Agency of Canada (IAAC) should indicate how it is following the federal principles respecting Indigenous Peoples² in this process. Ideally, IAAC would also be more transparent about how it is addressing relevant articles in the United Nations Declaration on the Rights of Indigenous Peoples such as the right to self-determination and free, prior and informed consent.

4) Project alternatives to the Northern Link Road (NLR) must be considered in the context of also considering the Webequie Supply Road (WSR) and Marten Falls Community Access Road (MFCAR).

Throughout most of the document, the purpose of the project is stated as connecting the mineral claims and WFN to the provincial road network. However, in the current document, the project alternatives are only considered relative to a stated purpose of connecting the WSR to the MFCAR. This very narrow scoping does not provide any viable alternatives to the project.

However, using the broader stated purpose and broader scope connecting the mineral claims and WFN to the provincial road network opens to the door to more alternatives, including investigating alternative infrastructure. There should be a broad range of alternatives explored here, including assessing alternative ways to achieve a viable and more sustainable economic development and improvement in standard of living in communities. It is in the public interest that any assessment considers the null option (as described below) as well as alternative ways of achieving the societal benefits purported by the proponents, particularly economic benefits.

² <https://www.justice.gc.ca/eng/csj-sjc/principles-principes.html>

Accordingly, alternative analyses are the only way to determine whether the project's inevitable negative impacts on the environment and First Nations are acceptable given the lack of commitment to address cumulative effects at relevant social and ecological scales and the potential region-opening development the project is anticipated to enable. The null option is not whether there should be no community access road, but whether an industry supply road should be used to provide community access. The null option for these two different types of roads (a community access road vs. an industry supply road that can accommodate community traffic) is not the same and this needs to be clarified.

The communities should also be a part of the governance structure for impact assessment, decision-making and approvals of project, including the identification and assessment of alternatives to the project and within the project. If the road was really about community access for MFFN and WFN, the current winter road route would also be considered in an alternatives analysis and would not have been scoped out of the impact assessment. The impact assessment needs to consider all the options for a community access road and not just the preferred industry supply routes. Scoping out alternatives before they are assessed needs to be justified. Fundamentally, this demonstrates a colonial and patriarchal relationship in its relationship with First Nations under Treaty No. 9. Instead, a governance system is needed that is adequate in the context of reconciliation and commitments to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Finally, alternative routes must also consider future scenarios for mineral exploration, mining, forestry, and hydroelectric potential under climate change as well as access needs for communities. Alternatives for roads must explicitly include identify where aggregate may be coming from eskers or other glacial deposits, as well as the impacts to permafrost and hydrology in the region. Aggregate coming from areas beyond currently proposed spatial boundaries needs to also be identified, including access routes, given the fact that the proposed road will not be decommissioned in the future.

We now provide specific recommendations on various Sections within the Summary of Initial Project Description, below.

Section 2. The Proponent. It should be acknowledged in this Section that the Province of Ontario is not only providing funding for the EA/IA, but is also a regulator of project permits and approvals, and has also committed to providing considerable funding for construction of the NRL, if approved. This is a potential conflict of interest, particularly for protecting the general public interest and Indigenous rights.

Section 3. Consultation and Engagement with Jurisdictions and Other Parties. It is important to note that at least one First Nation, Neskantaga First Nation, is currently undertaking legal action against the Province of Ontario for inadequate consultation for the proposed NRL project, and for failing to have adequate plans in place for consultation processes with communities in crises. Neskantaga First Nation, among others, has also called for a halt to development planning processes until community crises can be addressed. As written, the Summary of Project Description ignores these realities. We recommend that this section be revised to acknowledge the challenges faced by communities in this region, and provide funding and a policy and engagement pathway for ensuring that communities have the capacity to engage, and viable contingency plans for accommodating community crises and needs (e.g., ability to suspend the IA given timelines).

Section 5. EA/IA Consultation and Engagement. We appreciate the inclusion of the Marten Falls First Nation (MFFN) Elders Guiding Principles and Webequie First Nation's Three-Tier approach. However, we note again that there have been repeatedly raised concerns over consultation by other upstream and downstream communities that will be impacted by the road and subsequent mining activity among other potential impacts. There is also ongoing legal action against lack of adequate consultation on the NRL provincial Terms of Reference and on the federal Regional Assessment, and there was a request for timeline extensions for both the WSR and MFCAR federal impact assessments. Given these ongoing and unaddressed concerns, we recommend that this section needs to explicitly address that consultation needs to improve, including potentially pausing processes when requested in order to adequately address concerns.

Section 6. Relevant Studies. It should be noted here that studies will be required to support the Regional Assessment and will have relevance here. Many of the studies conducted and compiled by the Far North Science Advisory Panel still also have relevance to this current proposed project.

Section 7.1. Regional Assessment in the Ring of Fire Area. The consideration of the Regional Assessment will need to be revised given that the previous draft agreement for the Regional Assessment will not be pursued, and there is currently a timeline for a new draft terms of references within six months of February 15, 2023. As we have noted in comment processes for the Regional Assessment, that Regional Assessment must also include the road projects, including the NRL.

Section 7.2. Strategic Assessment of Climate Change. The quantification of net GHG emissions needs to include assessments of the impacts on above-ground and below-ground carbon stocks in the boreal forests, soils, and peatlands, including a hydrological assessment of how hydrological changes due to impacting peatlands will influence both carbon stocks, and also ability of the landscape to continue to sequester carbon into the future. It must explicitly include modelling and assessment of hydrological changes in peatlands, since changes to the hydrological conditions within peatlands can cause significant changes to GHG emissions.

Section 8.1. Purpose of the Project. There is an inherent contradiction in the scope of the NRL project. While the scope of assessment impacts is ostensibly at the level of only the NRL road section, all three objectives of the project stated here are dependent on other projects. The scope of the NRL project in relation to the other two proposed road projects and to the Ring of Fire mineral development needs to be explicit, and the risks and impacts, as well as benefits, need to be consistently framed within the context of the NRL project being a connected component of other planned infrastructure in the region. The scope of the NRL project in relation to the proposed WSR, MFCAR, and proposed Ring of Fire mineral development needs to be consistently and clearly stated, and consistently incorporated into all aspects of the assessments.

8.2. Need for the Project. Again, here, the project is only justified within the context of other ongoing projects, which are not guaranteed projects nor guaranteed economic opportunities; there is still no public business case for the roads or the mining activity they are expected to facilitate.

Section 10. Project Activities, Infrastructure, Permanent or Temporary Structures and Physical Works. The potential for changes to hydrology needs to be added and considered in this section. Culverts in open water areas will not be sufficient to maintain connectivity and water flow within this wetland area, and the compacted subgrade may involve meters of peat in some areas. These potential hydrological impacts need to be addressed.

Section 10.1. Project Infrastructure and Temporary and Permanent Structures. Similar to the comment above, there needs to be a hydrological assessment of overall changes to hydrology, not just identified open water crossings.

Section 10.2 Project Activities and Physical Works. It seems clear that some benefits of this project will be for other stakeholders, particularly mineral rights holders. This should be acknowledged in this section.

Table 10.2. Summary of Project Activities by Phase. GHG emissions from changes to the landscape (including from changes in hydrology) during construction need to be considered as well as GHG emissions from the construction vehicles and operations themselves.

Section 11. Estimated Maximum Project Capacity. For public transparency, it should be clarified whether the maximum daily traffic is expected to be predominantly community or industrial mining use.

Section 13. Project Alternatives. This section reveals the contradictions inherent in splitting the road sections into separate projects. While the stated purpose of the project, above, was to connect the mineral claims and WFN to the provincial road network, the stated purpose here is to create an all-season road between the WFN and MFFN. This narrow purpose allows for very few alternatives to the project. The project alternatives need to be considered in conjunction with the WSR and the MFCAR, and there should be a broad range of alternatives described here, including alternative infrastructure, and assessing alternative ways to achieve a viable and more sustainable economic development and improvement in standard of living in communities.

14. Location Description. Although we appreciate that the affected communities are broadly scoped, the overall scope and context within all proposed road projects should be more clear, and should be broadly scoped. We remain concerned about the process of splitting the projects, and how this impacts data collection, data quality, and ability to assess alternatives or understand risks and impacts.

Thank you for your consideration of our recommendations and concerns. We welcome opportunities to engage in any discussion regarding our submission.

Sincerely,



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