



Impact Assessment
Agency of Canada

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Agence d'évaluation
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February 21, 2023

Sent by email

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Dear Colleagues:

Subject: Federal Authority Advice Record for the Northern Road Link Project

Please complete and return Enclosure 2 by March 17, 2023, and Enclosure 3 by March 23, 2023.

On February 17, 2023, the Impact Assessment Agency of Canada (the Agency) accepted the Initial Project Description for the Northern Road Link Project (the Project) from Marten Falls First Nation and Webequie First Nation (the Proponent), as it meets the requirements of Schedule 1 of the *Information and Management of Time Limits Regulations* under the *Impact Assessment Act* (IAA). As of February 21, 2023, the 180-day planning phase of the impact assessment process commenced. The Initial Project Description is available on the Canadian Impact Assessment Registry Internet site at <https://iaac-aeic.gc.ca/050/evaluations/proj/84331?culture=en-CA>.

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The Agency is conducting a 30-day comment period on the Initial Project Description from February 21, 2023, to March 23, 2023, inviting the public, Indigenous communities, and other jurisdictions to provide feedback related to the Project. Your comments are invited as detailed below.

Feedback will help the Agency prepare a Summary of Issues for the Proponent and inform the Agency's decision as to whether the Project requires an impact assessment. If an impact assessment is required, this same feedback would help the Agency prepare draft planning documents including Tailored Impact Statement Guidelines for the Proponent.

Northern Road Link Project

The Proponent is proposing the construction and operation, including maintenance, of an all-season multi-use public highway located in northern Ontario. As proposed, the Project would be about 117 to 164 kilometres long and cross the Attawapiskat River. It would connect the proposed Marten Falls Community Access Road and the proposed Webequie Supply Road. The highway would become part of a future all-season road network, connecting mineral development activities in the Ring of Fire area to the provincial highway system at Nakina, Ontario.

Context for federal authority advice

When deciding whether a project requires an impact assessment, the Agency considers the factors outlined in section 16 of the IAA, including the potential for adverse effects, comments received, and any other factors the Agency considers relevant.

Expert federal authorities contribute to the Agency's conduct by scoping expert advice commensurate to the type and situational context of projects. The Agency asks that federal authorities align expert advice with the Agency's approach to consider risk-based prudence and proponent evidence, with strong reliance on well understood mitigation measures, existing guidance, and the oversight of regulatory instruments that would manage effects.

The Agency tailors impact assessments to focus on key issues anticipated to be material and relevant to a public interest decision.¹ Measured advice from federal authorities on key issues and solutions — with carefully chosen suggestions for the scope and detail of any required information and studies — will enable the Agency to focus assessments on matters material to decision-makers.

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¹ For further context, see the Operational Policy Statement: Development of Tailored Impact Statement Guidelines: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/operational-policy-statement.html>

In identifying key issues, federal authorities should be mindful of the Project's context (size, scope, geography, policy), and the definitions of *effects*,² *sustainability*³ and *public interest*⁴.

Request for comments

Attached to this letter are three enclosures. **Enclosure 1** describes a risk-based approach to identifying key issues and solutions to help scope expert advice commensurate to project context.

Enclosure 2 is the Federal Authority Advice Record. Please complete Enclosure 2 as per subsection 13(1) of the IAA and submit it **no later than March 17, 2023**. Enclosure 2 seeks your views on the Proponent's Initial Project Description, including:

- the key issues anticipated to be material and relevant to a public interest decision, if an impact assessment is required, such as key potential effects of the Project within your mandate, taking into account the project context and the risk-based approach described in Enclosure 1;
- solutions for addressing the key issues, such as:
 - instructions for how the Proponent can build confidence that the issues will be addressed, through commitments and clarifications described in the Detailed Project Description and Response to Summary of Issues;
 - high-level advice about information and studies that might be required in the Tailored Impact Statement Guidelines; and
- information on your department's or agency's powers, duties, or functions that may be required for the Project to proceed as well as operational guidance that would be applicable to the Project's context.

When completing **Enclosure 2**, please apply lessons learned from the Marten Falls Community Access Road Project and Webequie Supply Road Project assessment processes. Considerations include:

- Information that could support tailoring of the Guidelines and development of planning documents, if an impact assessment is required; and
- Experiences, particularly feedback provided, during the study plan and work plan review processes.

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² Effects, direct and incidental effects, and effects within federal jurisdiction are defined in section 2 of the IAA: <https://www.canada.ca/en/impact-assessment-agency/corporate/acts-regulations/legislation-regulations.html>

³ Guidance: Considering the Extent to which a Project Contributes to Sustainability <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/guidance-considering.html>

⁴ Policy Context: Public Interest Determination under the Impact Assessment Act <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/public-interest-determination-under-impact-assessment-act.html>

Please submit the completed **Enclosure 2** via the *Submit a Comment* feature available on the Canadian Impact Assessment Registry Internet site for the Project (<https://iaac-aeic.gc.ca/050/evaluations/proj/84331?culture=en-CA>). Letters and forms can be uploaded using this feature. If you have any difficulties submitting this way, please contact the Agency using the information provided below for assistance.

Enclosure 3 requests information on your department's or agency's interest in participating in Indigenous consultation and public engagement activities. As there may be protected information in this form, please submit the completed Enclosure 3 by email to NorthernRoad-RouteDuNord@iaac-aeic.gc.ca **no later than March 23, 2023**.

IMPORTANT NOTE: Any information submitted to the Agency to inform this project assessment process will be made publicly available as part of the project file, and may be posted online via the Canadian Impact Assessment Registry Internet site (Reference #84331), subject to certain exceptions related to privacy, security or confidentiality. The Agency's Submission Policy⁵ describes what submitted information can be shared publicly, and what should remain private. For further information on how we protect your privacy, please refer to the Privacy Notice.⁶

Should you wish to provide any comments or documents that contain confidential or sensitive information that should be protected from release to the public, please contact Ely Weisbrot at 416-669-2775, or at NorthernRoad-RouteDuNord@iaac-aeic.gc.ca before submitting the information. This will ensure that your submission is handled appropriately.

Next steps

Upon receipt of the Summary of Issues from the Agency, the Proponent will prepare and submit a Detailed Project Description, including the Response to the Summary of Issues that includes an explanation of how it intends to address the issues raised.

Comments received on the Initial Project Description, combined with the Proponent's Response to the Summary of Issues and the Detailed Project Description, will inform the decision as to whether an impact assessment is required, the draft Tailored Impact Statement Guidelines, and draft plans.⁷

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⁵ <https://iaac-aeic.gc.ca/050/evaluations/participation/conditions>

⁶ <https://iaac-aeic.gc.ca/050/evaluations/protection>

⁷ In making its decision, the Agency must take into account the factors set out in subsection 16(2) of the IAA.

If the Agency decides that an impact assessment is required for the Project, it will develop draft Tailored Impact Statement Guidelines and four, draft plans — the Permitting Plan, the Public Participation Plan, the Indigenous Engagement and Partnership Plan, and the Cooperation Plan — for review and comment.

If an impact assessment is required, the Agency would hold a comment period and request your review of the draft Tailored Impact Statement Guidelines and draft plans. These documents would be finalized and issued to the Proponent with the notice of commencement of the impact assessment.

During the impact statement phase, the proponent would be expected to satisfactorily complete the required information and studies set out in the Tailored Impact Statement Guidelines. At the end of the impact assessment process, a decision is made about whether the adverse effects of the Project are in the public interest.

If you have any questions, contact Ely Weisbrot, Project Manager, by email at *NorthernRoad-RouteDuNord@iaac-aeic.gc.ca* or by phone at 416-669-2775.

Sincerely,

<Signature removed>

On behalf of
Susan Tiege
A/Director, Ontario Region

Enclosures (3): Enclosure 1: A Risk-Based Approach to Identifying Key Issues and Solutions
Enclosure 2: Federal Authority Advice Record: Summary of Issues, and Potential Tailored Impact Statement Guidelines and Permitting Plan
Enclosure 3: Federal Authority Participation in Indigenous Consultation and Public Engagement Activities

c.c.: Abdoulaziz Ayouba Oumarou, FedNor
Amandeep Chohan, Employment and Social Development Canada
Andre Gossignac, Employment and Social Development Canada
Anica Madzarevic, Natural Resources Canada
Anik Guertin, Indigenous Services Canada
Brianna Wyn, Fisheries and Oceans Canada

Carsten, Slama, Fisheries and Oceans Canada
Constantine Tikhonov, Indigenous Services Canada
Dae Lee Young, Health Canada
David Zeit, Transport Canada
Deborah Campbell, Infrastructure Canada
Debra Nkusi, Indigenous Services Canada
Denise Fell, Environment and Climate Change Canada
Doris Odjick, Indigenous Services Canada
Elizabeth Blanchette, Indigenous Services Canada
Gilles Brunet, FedNor
Giuseppe Buoncore, FedNor
Jan Triska, Indigenous Services Canada
Jason Maurice, Employment and Social Development Canada
Jennifer Barbato, Public Health Agency of Canada
Jennifer Whissell, FedNor
Jessica Bialek, Women and Gender Equality Canada
Justin Hoffman, Infrastructure Canada
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Robert Clavering, Environment and Climate Change Canada
Sarah Ryan, Natural Resources Canada
Stephen Maynard, FedNor
Umme Akhtar, Health Canada