



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

March 23, 2023

Sent by email

Chief Michael Sugarhead
Nibinamik First Nation
General Delivery
Summer Beaver ON P0T 3B0
<email address removed>

Dear Chief Michael Sugarhead:

Subject: Notification that an impact assessment is required for the Northern Road Link Project and next steps

Thank you for your participation in the planning phase of the federal impact assessment process for the Northern Road Link Project (the Project), proposed by Marten Falls First Nation and Webequie First Nation (the Proponent).

I am writing from the Impact Assessment Agency of Canada (the Agency) to:

- Inform you of the Agency's decision that a federal impact assessment is required for the Project;
- Provide notice that in June 2023, your community's input will be sought during the comment period on the draft Tailored Impact Statement Guidelines (the Guidelines) and the draft Indigenous Engagement and Partnership Plan for the impact assessment;
- Offer grant funding of **\$5,000** to support your community's review of the draft documents;
- Notify you that the Agency will contact you to request a meeting during the upcoming comment period; and
- Seek your validation of the Agency's preliminary understanding of the potential for adverse impacts on your community's exercise of Aboriginal and/or treaty rights (**Enclosure 1**)

Decision on Whether a Federal Impact Assessment Is Required

The Agency completed its review of the Detailed Project Description submitted by the Proponent on May 1, 2023, including a response to the Summary of Issues provided by the Agency. On May 11, 2023, the Agency notified the Proponent that the Detailed Project Description contains the required information described in the *Information and Management of Time Limits Regulations*.

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Based on the Agency's review of the Detailed Project Description and in consideration of the comments received to date from Indigenous communities, federal authorities, provincial ministries and the public, the Agency has decided that a federal impact assessment under the *Impact Assessment Act* is required for the Project.

The Agency is of the view that the Project would not warrant a referral to a review panel, after considering the factors in subsection 36(2) of the *Impact Assessment Act*. 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.

The Summary of Issues, Detailed Project Description, including a response to the Summary of Issues, and the Agency's notice that an impact assessment is required are available on the Project's page on the Canadian Impact Assessment Registry Internet site (the Registry)¹.

Request for Input to the Impact Assessment Planning Documents

Pursuant to the *Impact Assessment Act*, once the decision is made to require a federal impact assessment, the Agency develops tailored guidelines and a series of plans to define the scope, content, and conduct of the assessment.

The Agency anticipates the **30-day public comment period** will be held **between June 21 2023 and July 21 2023**, on the following documents:

- draft Tailored Impact Statement Guidelines
- draft Indigenous Engagement and Partnership Plan
- draft Public Participation Plan
- draft Permitting Plan
- draft Cooperation Plan.

For a description of each of these required planning phase documents, please see the Practitioner's Guide to Federal Impact Assessments, on the Agency's website: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act.html>

The Agency will engage your community on the draft Tailored Impact Statement Guidelines and the draft Indigenous Engagement and Partnership Plan before posting the final documents with the Notice of Commencement for the impact assessment by day 180 of the planning phase.

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¹ <https://iaac-aeic.gc.ca/050/evaluations/proj/84331>

As part of your input, the Agency welcomes receiving any study or plan prepared by your community that is relevant to the region within which the Project is proposed (e.g. a community land-use plan or an existing traditional knowledge and land use study). Obtaining this information early in the planning phase will help inform the Tailored Impact Statement Guidelines.

Request Confirmation of Interest in Grant Funding

To support Nibinamik First Nation's review and comment on the draft Tailored Impact Statement Guidelines and the draft Indigenous Engagement and Partnership Plan, the Agency is able to offer Nibinamik First Nation a grant of \$5,000.00. Please respond to *Northernroad-RouteDuNord@iaac-aeic.gc.ca* to confirm your interest in this grant funding opportunity, and the Agency's Funding Programs will follow up with you.

Pre-notification of an Invitation to Meet with the Agency

During the comment period, the Agency will invite your community to share your views on potential studies and areas of interest relevant for the Tailored Impact Statement Guidelines, as well as, your preferences for consultation and engagement through out the impact assessment. An email notification will be sent to you, with information on the Agency's consultation and engagement activities during the second comment period, including an invitation to participate.

Request Validation of the Summary of Information in Enclosure 1

Based on information received by the Agency to date, Enclosure 1 summarizes the Agency's preliminary understanding of the potential for impact on Nibinamik First Nation from the Project. The information in Enclosure 1 will help inform the Agency's consultation efforts and understanding of the potential impacts of the Project on Nibinamik First Nation, including the impacts to Nibinamik First Nation's exercise of Aboriginal and/or treaty rights.

During the next phase of the impact assessment process, the impact statement phase, the information will assist the Agency in directing the Proponent to follow-up and characterize potential impacts to Nibinamik First Nation, in the Impact Statement.

The Agency invites Nibinamik First Nation to review and validate the information contained in Enclosure 1, and to share with the Agency during the upcoming comment period, further information regarding any potential impacts of the Project to your community by **July 21, 2023**. Enclosure 1 is intended to track information from your community and will be updated throughout the impact assessment process of the Project.

IMPORTANT NOTE: Information submitted to the Agency to inform this project assessment may be posted online to the Canadian Impact Assessment Registry (Reference # 84331) subject to certain exceptions related to privacy, security or confidentiality. The Agency's Submission Policy (<https://iaac-aeic.gc.ca/050/evaluations/participation/conditions>) describes what submitted information can be shared publicly, and what should remain private. For more information on how we protect your privacy, please refer to the Privacy Notice (<https://www.iaac-aeic.gc.ca/050/evaluations/protection?culture=en-CA>).

Indigenous Knowledge shared in confidence is protected from disclosure under section 119 of the *Impact Assessment Act*, except if written consent is provided, or if the information is publicly available. In addition, Indigenous Knowledge shared in confidence could be shared with certain parties if disclosure is necessary for procedural fairness and natural justice or for use in legal proceedings.

This ensures that interested persons have a fair opportunity to participate in processes that would likely affect their interests, and that they have access to all necessary information and evidence relied on by the decision-maker.

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 Caitlin Cafaro at 416-476-5476, or at NorthernRoad-RouteDuNorde@iaac-aeic.gc.ca **before** submitting the information. This will ensure that your submission is handled appropriately. Note, the Agency will consult with you prior to disclosing Indigenous Knowledge shared in confidence under an exception.

If you have any questions or concerns about this letter, please do not hesitate to contact me at 416-476-5476 or *NorthernRoad-RouteDuNord@iaac-aeic.gc.ca*.

If there are specific times that your community will be available for a meeting, please inform me at your earliest convenience.

Sincerely,

<original signed by>

Caitlin Cafaro
Senior Consultation Analyst and Crown Consultation Coordinator

c.c.: Walter Oskineegish, Band Manager, Nibinamik First Nation
Alex Monem, PST Law
Alexandria Winterburn, PST Law
Byron Wapoose, Economic Development Officer, Nibinamik First Nation