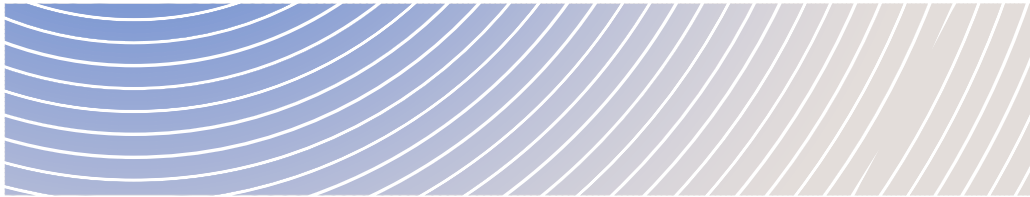


Analysis Report



WHETHER TO DESIGNATE THE **EAGLE'S NEST MINE PROJECT** IN ONTARIO PURSUANT TO THE *IMPACT ASSESSMENT ACT*

February 19, 2026



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Catalogue Number: En106-282/2025E-PDF
ISBN: 978-0-660-75225-9

This document has been issued in French under the title: *Rapport d'analyse – Décision de désigner ou non le Projet de mine Eagle's Nest, en Ontario, en vertu de la Loi sur l'évaluation d'impact*



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Purpose

The Impact Assessment Agency of Canada (IAAC) prepared this report for consideration by the President of IAAC¹ in his response to the request to designate the Eagle's Nest Mine Project (the physical activities referred to as the project) proposed by Wyloo Ring of Fire Ltd. (the proponent) pursuant to section 9 of the *Impact Assessment Act* (the IAA).

Context of Request

On October 29, 2025, the Minister of Environment, Climate Change and Nature (the Minister) received a request to designate the project from Neskantaga First Nation (the requester). In its letter, the requester raised concerns regarding the project and its potential to cause adverse effects in areas of federal jurisdiction including fish and fish habitat; migratory birds; changes to the environment on federal lands, including the reserve lands of the requester; changes to health, social and economic conditions of Indigenous Peoples; physical and cultural heritage; current use of lands and resources for traditional purposes; sites of heritage of Indigenous Peoples; and the rights of Indigenous Peoples. Other matters raised outside of federal jurisdiction include cumulative impacts from induced development caused by the approval of the project, Canada's ability to meet its international climate change mitigation commitments, impacts to the peatland ecosystem and the lack of a comprehensive Environmental Assessment (EA) by the province of Ontario.

The requester expressed concern that while the Eagle's Nest Mine ore production capacity of approximately 3,000 t/d is below the *Impact Assessment Act* (IAA) *Physical Activities Regulation* (the Project List) threshold of 5,000 t/d, the project may exceed the threshold when considered in combination with the proponent's proposed development of the Blackbird chromite deposit, located less than one kilometre away. The requester acknowledges that the production capacity of the Blackbird deposit is currently unknown, but that it would be foreseeable for the combined ore production capacity of the Eagle's Nest-Blackbird complex to exceed the 5,000 t/d threshold, thus requiring an assessment under the IAA.

On January 30, 2026, the requester provided supplementary information reiterating concerns regarding the rights of Indigenous Peoples and the environmental sensitivity of the peatland ecosystem with reference to the ongoing Regional Assessment of the Ring of Fire Area.

On November 24, 2025, IAAC sent a letter to the proponent notifying them of the designation request and requesting information on the proposed project. In addition, IAAC sought input from Fisheries and Oceans Canada (DFO), Environment and Climate Change Canada (ECCC), Health Canada (HC), Indigenous Services Canada (ISC), Natural Resources Canada (NRCan), Transport Canada (TC), the Ontario Ministry

¹ On December 5, 2024, the Minister of Environment delegated the powers under section 9 of the *Impact Assessment Act* related to designation requests to the President of IAAC. Therefore, under subsection 9(1) of the *Impact Assessment Act* the President may respond to a request to designate a physical activity that is not prescribed in the *Physical Activities Regulations*.



of Citizenship and Multiculturalism (MCM), Ministry of Environment, Conservation, and Parks (MECP), Ministry of Energy and Mines (MEM) and 14 potentially affected Indigenous groups².

The proponent responded to IAAC's information request on December 15, 2025, with information about the project, its potential adverse effects, proposed design and mitigation measures, and expressed its view that the project should not be designated.

Advice on applicable legislative mechanisms and potential effects of the project was received from DFO, ECCC, HC, ISC, NRCan, TC and the Ontario MCM.

IAAC received responses from six of the Indigenous groups that were invited to provide input: Attawapiskat First Nation, Fort Albany First Nation, Ginoogaming First Nation, Moose Cree First Nation, Nibinamik First Nation, and Weenusk First Nation. Input was also received from Kitchenuhmaykoosib Inninuwug as part of the collective submission of Attawapiskat First Nation, Fort Albany First Nation and Ginoogaming First Nation. All Indigenous groups expressed their support for the designation request.

IAAC received one public submission, from the Wildlife Conservation Society Canada (WCS Canada).

Project Context

Project overview

The proponent is proposing to construct, operate, decommission and abandon a multi-metal underground mine to produce and supply nickel, copper, and platinum group metals. The proposed Eagle's Nest Mine Project is located approximately 540 kilometres north of Thunder Bay, Ontario and 240 kilometres west of James Bay in the Ring of Fire mining area. The project will produce approximately 3,000 tonnes of ore per day and is expected to operate for approximately 12 to 15 years. The on-site metal mill would have an ore input capacity of approximately 3,000 tonnes per day. The project would have a surface footprint of approximately 100 hectares.

On November 1, 2011, it was determined that a comprehensive study type environmental assessment (EA) was required under the *Canadian Environmental Assessment Act*, 1992 (CEAA 1992) based on project components that were described in the CEAA 1992 *Comprehensive Study List Regulations*. When CEAA 2012 came into force, the EA for the project continued under CEAA 1992. The proponent of the project at the time, Noront Resources Ltd., entered into a voluntary agreement in September 2011 with the province of Ontario to undertake a comprehensive EA and later submitted the Terms of References (ToR) for the assessment in October 2012. On August 28, 2019, the IAA came into force and the federal EA for the project was terminated in accordance with transition provisions under subsection 179(1). In addition, the associated *Physical Activities Regulations* (the Project List) came into force which defines the specific

² Aroland First Nation, Attawapiskat First Nation, Constance Lake First Nation, Eabametoong First Nation, Fort Albany First Nation, Ginoogaming First Nation, Kashechewan First Nation, Long Lake #58 First Nation, Marten Falls First Nation, Missanabie Cree First Nation, Moose Cree First Nation, Nibinamik First Nation, Webequie First Nation, Weenusk First Nation,



types of projects that are subject to the IAA based on prescribed size, capacity, location, or expansion thresholds. In 2025, the project was exempted from the requirement of a provincial comprehensive EA under Schedule 3 of the *Protecting Ontario by Unleashing our Economy Act, 2025* (Bill 5).

IAAC understands that the project design as it is currently proposed is different from the project previously contemplated by Noront Resources Ltd. and the scope of the project has been reduced as it relates to proposed components.

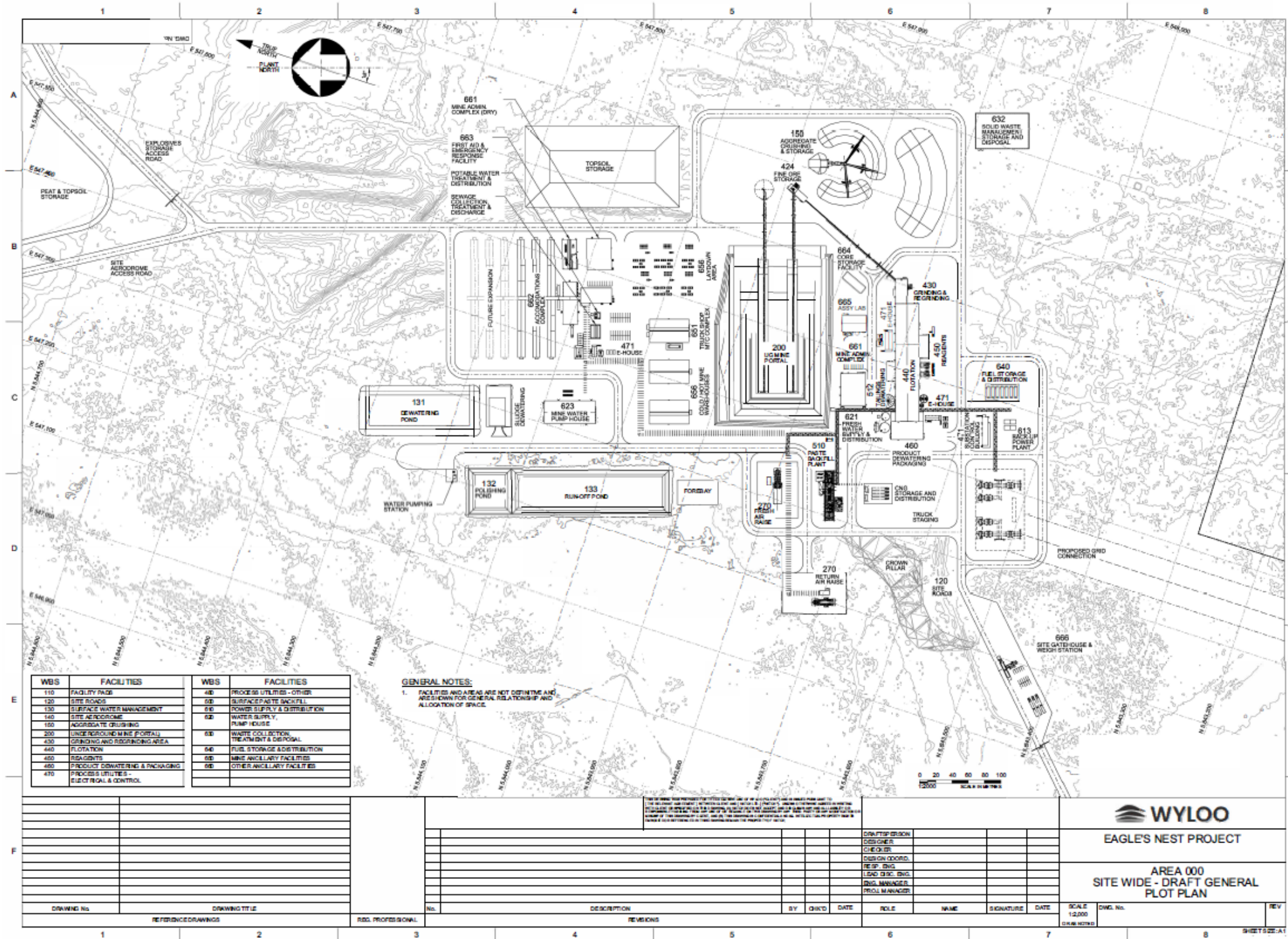


Figure 1: Project Site Layout

Source: Wyloo Ring of Fire Ltd., submission to IAAC on December 15, 2025



Project components and activities

The project is proposed to be constructed over two years and operate for 12 to 15 years. The key activities and components of the project include:

- water management infrastructure;
- accommodations and auxiliary services;
- under and above ground power conveyance;
- pipelines;
- boxcut and decline ramps for mine access and development;
- processing facilities;
- maintenance facilities;
- power generation;
- fuel storage;
- explosives handling and storage; and
- underground material handling, development and orebody access, and backfill storage.

Analysis of Designation Request

Authority to designate the project

The Project List of the IAA identifies the physical activities that constitute designated projects. The project, as described in the information provided by the proponent, is not included in the Project List. The most comparable items to the project are:

Section 18 The construction, operation, decommissioning and abandonment of one of the following:

- c)** a new metal mine with an ore production capacity of 5,000 t/day or more; and
- d)** a new metal mill with an ore input capacity of 5,000 t/day or more

The project's new metal mine will produce approximately 3,000 tonnes per day (t/day), and the on-site metal mill will have an ore input capacity of approximately 3,000 t/day; both of which are under the 5,000 t/day thresholds in items 18(c) and 18(d).

Under subsection 9(1) of the IAA the Minister may, by order, designate a physical activity that is not prescribed in the Project List. The Minister may do this, if, in the Minister's opinion, the physical activity may cause adverse effects within federal jurisdiction or direct or incidental adverse effects.

On October 13, 2023, the Supreme Court of Canada (SCC) issued its decision on the constitutionality of the IAA, finding that the IAA was unconstitutional in part. On June 20, 2024, the amended IAA came into



force to respond to the SCC decision by focusing decision-making, including the authority to designate, on areas of clear federal jurisdiction. For primarily federally regulated projects (e.g., offshore energy, federal ports, interprovincial pipelines), decisions and condition-setting under the amended IAA continues to be based on a range of adverse environmental and socio-economic effects, including greenhouse gas emissions and other transboundary effects. However, for primarily provincially regulated projects, such as this mine, in decision-making at all stages of the impact assessment process—including the exercise of the authority to designate— only the adverse effects in areas of federal jurisdiction and direct or incidental adverse effects are considered as defined under the amended IAA. Transboundary effects are limited to areas of established federal jurisdiction identified under the IAA, such as pollution of transboundary waters and the marine environment.

In accordance with subsection 9(2) of the IAA, in making the decision on whether to designate the project, if the Minister is of the opinion that the carrying out of the physical activity may cause adverse effects within federal jurisdiction or direct or incidental adverse effects, the Minister may consider public concerns related to the adverse effects within federal jurisdiction, adverse impacts that the physical activity may have on the rights of Indigenous Peoples, and whether a means other than an impact assessment exists that would permit a jurisdiction to address the adverse effects.

The Minister cannot designate a physical activity if the carrying out of the physical activity has substantially begun, or a federal authority has exercised a power or performed a duty or function in relation to the physical activity (subsection 9(7) of the IAA). Under subsection 154(1) of the IAA, the Minister may, subject to any terms and conditions that the Minister specifies, delegate to IAAC any powers, duties, or functions that the Minister is authorized to exercise or perform under the IAA. The Minister has delegated the powers under section 9 of the IAA, including the power to respond to a request, to the President of IAAC.

IAAC is of the view that the President may consider designating the project pursuant to subsection 9(1) of the IAA as the carrying out of the project has not substantially begun and no federal authority has exercised a power or performed a duty or function that would permit the project to be carried out, in whole or in part.

Existing legislative mechanisms

Key federal and provincial legislative mechanisms that are or may be relevant to the project are summarized below.

The proponent has indicated that as of their December 15, 2025, submission, no applications for regulatory approvals related to the construction of the project have been submitted either federally or provincially.

Federal Legislative Mechanisms

Fisheries Act

The *Fisheries Act* provides protection for fisheries and their ecosystems. Through the Fish and Fish Habitat Protection Program, DFO reviews projects for their impacts to fish and fish habitat to ensure compliance with the *Fisheries Act* and *Species at Risk Act* (SARA). Through this program, DFO may provide a Letter of



Advice to the proponent containing information to avoid and mitigate negative, project-related impacts to fish and fish habitat.

A *Fisheries Act* Authorization would be required if a project is likely to cause the harmful alteration, disruption, or destruction to fish habitat and/or is likely to result in the death of fish. Consideration of the issuance of a *Fisheries Act* Authorization includes consultation with Indigenous groups. The Minister of Fisheries and Oceans must consider any adverse effects that the decision (under paragraphs 34.4(2)(b) and 35(2)(b)) may have on the rights of Indigenous Peoples recognized and affirmed by section 35 of the *Constitution Act, 1982*. The precise nature of DFO's consultation activities is dictated by developing a shared understanding with each respective community and determining a mutual path forward. Feedback from Indigenous groups would be incorporated into DFO's assessment of impacts, and contribute to methods used to mitigate, offset, and monitor impacts within the bounds of DFO's mandate.

If granted, a *Fisheries Act* Authorization would include legally-binding conditions for avoidance, mitigation, and offsetting requirements commensurate with project impacts. Monitoring to validate impacts and verify efficacy of mitigation measures and offsetting are also part of Authorization conditions.

DFO has codes of practice that could be applicable should a *Fisheries Act* Authorization not be required. They specify conditions and measures to manage risks to fish and fish habitat for routine works, but are not considered an approval or authorization with the ability to prescribe conditions.

ECCC administers and enforces subsection 36(3) of the *Fisheries Act*, which prohibits the deposit of deleterious substances into waters frequented by fish, or to any place, under any conditions, where they may enter waters frequented by fish, unless authorized by regulations or other federal legislation.

Based on the information available, a *Fisheries Act* Authorization may be required for the project. However, this determination can be made by DFO once the proponent submits a request for review.

Metal and Diamond Mining Effluent Regulations

The *Metal and Diamond Mining Effluent Regulations* (MDMER), pursuant to subsection 36(3) of the *Fisheries Act*, set limits on the quality of effluent that can be discharged by metal and diamond mines into waters frequented by fish.

The MDMER prescribe the maximum authorized limits for deleterious substances in mine effluent (i.e. arsenic, copper, cyanide, lead, nickel, zinc, radium-226, unionized ammonia and total suspended solids). The MDMER also specify the allowable pH range of mine effluent and requires that mine effluent not be acutely lethal to fish and invertebrates. Therefore, effluent deposited from any final discharge point of a mine subject to the MDMER, including effluent from impoundment areas, must be in compliance with the authorized limits for the deleterious substances and meet the other conditions set out in the MDMER. For the proponent to be able to dispose of mine waste into waters frequented by fish, the water bodies must first be listed in Schedule 2 of the MDMER. The MDMER require that the proponent develop and implement a fish habitat compensation plan to offset the loss of fish habitat resulting from the disposal of mine waste in waters frequented by fish.

The proponent anticipates compliance with the MDMER, in accordance with the associated *Fisheries Act* Authorization, as required.

Species at Risk Act

A SARA authorization is required if there are impacts to aquatic species at risk, any part of their critical habitat or the residences of their individuals.

DFO reviews projects for effects to listed aquatic species at risk, any part of their critical habitat, or the residences of their individuals in a manner which is prohibited under sections 32, 33 and subsection 58(1) of SARA, respectively. Based on the information available, the project area is not within the distribution or critical habitat of any listed aquatic species at risk. As currently proposed, it is unlikely that SARA will apply to the project.

Migratory Birds Convention Act, 1994

The *Migratory Birds Convention Act, 1994* (MBCA) protects migratory birds and their eggs and nests wherever they occur, regardless of land tenure. The *MBCA* and its *Migratory Birds Regulations, 2022* prohibit the disturbance or destruction of migratory birds, and their nests and eggs, unless a permit specifically authorizing the activity has been granted. The deposit of harmful substances into waters or areas frequented by migratory birds or in a place from which the substance may enter such waters or such an area is also prohibited. The *Migratory Birds Regulations, 2022* also identify 18 species of birds whose nests are protected year-round. Species that are both a migratory bird protected under the *MBCA*, and listed on Schedule 1 of *SARA* as endangered, threatened or extirpated, receive protections under both pieces of legislation.

The proponent would be required to comply with *MBCA* and its regulations to ensure the protection of migratory birds. ECCC does not expect to exercise a power or perform a duty or function related to the project, as proposed, to enable it to proceed. However, a SARA permit may be required for SARA listed migratory birds as these species are protected on all land tenure types. ECCC would require additional information on the potential effects of the project before determining whether a SARA permit would be required.

Canadian Navigable Waters Act

The *Canadian Navigable Waters Act* (CNWA) applies to projects that will interfere with navigable waters, and TC administers the *CNWA* through the Navigation Protection Program. Approval under the *CNWA* may be required by TC for minor works for water intake and outfall into the Muketui River and/or road crossings. However, TC has indicated that there do not appear to be any waterways within the project footprint area that would be affected by the proposed project.

Explosives Act

The *Explosives Act* applies to projects that involve explosives. The *Explosives Act* also covers chemicals that have many legitimate uses but that could also be misused to illegally manufacture homemade explosives. These are called “restricted components.” Under the *Explosives Act*, proponents may need a licence, certificate, permit or enrolment to work with explosives or restricted components, depending on the type and the amount.

It is likely that NRCan may be required to exercise a power or perform a duty or function related to the project, as NRCan may issue a licence, under the *Explosives Act*, for explosives manufacturing and/or storage for the open pit mine.

Provincial Legislative Mechanisms

Protect Ontario by Unleashing Our Economy Act, 2025

The *Protect Ontario by Unleashing Our Economy Act, 2025*, which received Royal Assent on June 5, 2025, enacts, amends, and repeals several pieces of legislation related to the planning, approval, and delivery of infrastructure projects in Ontario. Among the Province's stated objectives are unlocking the potential of Ontario's critical minerals sector by streamlining approval processes for mining and critical infrastructure projects, accelerating provincial permitting and approvals, and enabling projects to proceed more efficiently while maintaining necessary environmental protections.

On July 4, 2025, the project was exempted under Schedule 3 of the *Protect Ontario by Unleashing Our Economy Act, 2025* from undergoing the provincial comprehensive environmental assessment that Noront Resources Ltd. voluntarily agreed to undertake in 2011. The justification from the province for removing the comprehensive EA requirement was that there had been significant changes to the project scope.

Mining Act

The *Mining Act* is administered by the Ontario Ministry of Energy and Mines. The *Mining Act* governs and regulates prospecting, mineral exploration, mine development and rehabilitation in Ontario, in a manner consistent with the recognition and affirmation of existing Aboriginal and treaty rights in Section 35 of the *Constitution Act, 1982*, and to minimize the impact of these activities on public health and safety and the environment.

In June 2025, multiple amendments to the *Mining Act* were introduced through Schedule 5 of the *Protect Ontario by Unleashing Our Economy Act, 2025*. Notably, the new section 153.0.1 allows the Minister of Energy and Mines to establish a mine authorization and permitting delivery team for any project designated by the Minister of Energy and Mines. This project may be eligible for an expedited, integrated permitting and approval process under section 153.0.1 of the *Mining Act*. Under this expedited process, participating ministries provide support for designated projects by coordinating Indigenous consultation and aligning the application, review, and decision-making processes for obtaining the permits, authorizations and approvals required. However, as the project is currently at the exploration stage, it is unknown whether it has been, or will be, considered by the Minister of Energy and Mines for designation under this process.

Under the *Mining Act* and the *Rehabilitation of Lands Regulation* (O. Reg. 35/24, introduced by the *Building More Mines Act, 2023*), a closure plan will still be required to be filed prior to initiating construction and operations of a production phase mining project. Recent amendments to the *Mining Act* allow for fully certified qualified individuals to develop closure plans that conform with the *Mine Rehabilitation Code of Ontario* thus eliminating the need for a Ministry's technical review. While this represents a shift toward a proponent-driven certification model, the standards, procedures, and requirements set out in the *Mine Rehabilitation Code* have the force of law and must be read together with the *Rehabilitation of Lands Regulation*.



The mine closure plan may be updated with input from Indigenous groups, as needed, if the project status changes or if significant amendments to the plan are required.

Environmental Protection Act

The *Environmental Protection Act* is administered by the Ontario Ministry of the Environment, Conservation and Parks (MECP). This Act governs environmental protection and liability, including the issuance of Environmental Compliance Approvals (ECAs) which permit the operation of a facility or site with environmental controls that protect human health and the natural environment. Activities with the potential to impact the public or natural environment must obtain an ECA under the *Environmental Protection Act* before construction, operation or upgrades of a facility or site can commence and prior to establishing or operating any waste management system or waste disposal site. The proponent has indicated that the project may be subject to ECA requirements for air emissions, noise, and waste management activities, including industrial sewage works. Project activities that could trigger ECA requirements may include the collection, transmission, treatment, and discharge of a contaminant into the atmosphere, as well as the collection, transmission, treatment, and discharge of contact water into the receiving environment. The proponent may self-register for an Environmental Activity and Sector Registry for air emissions to demonstrate compliance with applicable air quality, noise and vibration criteria.

The application processes for ECAs under the *Environmental Protection Act* include requirements for Indigenous and public consultation, as applicable.

Environmental Assessment Act

The *Environmental Assessment Act* in Ontario, administered by MECP, governs the process of evaluating the environmental impacts of proposed projects and integrating environmental considerations into decision-making processes.

On July 4, 2025, as stated by the Environmental Registry of Ontario³ (ERO 025-0396), the provincial requirements for a comprehensive environmental assessment for the project were removed with the Royal Assent of the *Protect Ontario by Unleashing our Economy Act, 2025*, taking into consideration that the project would continue to be subject to environmental oversight, including public consultation requirements and obligations to consult with potentially affected Indigenous groups. The voluntary agreement has been terminated and the Terms of Reference approval revoked. The decision reflected significant changes to the project scope since the Terms of Reference was approved in 2015.

Ontario Water Resources Act

The *Ontario Water Resources Act* (OWRA), administered by MECP, provides for the conservation, protection and management of Ontario's water and its efficient and sustainable use to promote Ontario's long-term environmental, social, and economic well-being.

At the site level, section 53 of the OWRA would regulate all works related to the collection, conveying, treatment, or disposal of stormwater, and industrial waste to ensure compliance with environmental protection standards. Some of the technical requirements of a Stormwater Management ECA includes

³ <https://ero.ontario.ca/notice/025-0396>



stormwater runoff analysis, design details for each stormwater management component, capacity of receiving stormwater management works, design flow calculations, water balance and phosphorus budget and monitoring and maintenance plans.

An Industrial Sewage Works ECA under the OWRA, distinct from a Stormwater Management ECA, may be required for effluent management during project operations. It would allow the project to operate with environmental controls that protect the natural environment. The ECA would require provincial authority sign-off on the receiver-based effluent criteria, supporting water management plan, water impact assessments, and monitoring plans. Effluent concentrations should remain within criteria established based on Ontario's report *B-1-5 Deriving Receiving Water Based Point Source Effluent Requirements for Ontario Waters*.

Under the OWRA, the application processes for the ECAs described above require Indigenous and public consultation.

The proponent indicated that water takings from groundwater for potable water and ancillary use, construction dewatering and mine operations would require a Permit to Take Water pursuant to section 34 of the OWRA and the *Water Taking and Transfer Regulation* (O. Reg 387/04). It is applicable to water takings from a groundwater or surface water body exceeding 50,000 litres per day. Permit conditions are imposed where appropriate to address protection of natural functions of the ecosystem, water availability and use, and other issues, and may incorporate adaptive management measures.

Endangered Species Act, 2007 / Species Conservation Act, 2025

Ontario's *Endangered Species Act, 2007*, administered by MECP, provides protections for provincially listed species at risk and their habitats, which include authorizations (such as permits, agreements and exemptions) for activities that could adversely impact endangered or threatened species at risk or their habitats.

A permit under the *Endangered Species Act, 2007* may be required for activities of the project that could adversely impact species at risk listed under the *Endangered Species Act, 2007*. An Information Gathering Form would be submitted to the MECP, and conditions included on the permit may include a requirement for consultation with Indigenous groups prior to issuance of a decision if the anticipated project impacts have the potential to adversely impact existing or credibly asserted Aboriginal or treaty rights.

The *Protecting Ontario by Unleashing our Economy Act, 2025* included amendments to the *Endangered Species Act, 2007* that are now in force, and the creation of the *Species Conservation Act, 2025* which is not yet in effect. The *Endangered Species Act, 2007*, remains in effect until a commencement order is made which will repeal the law and the *Species Conservation Act, 2025*, will come into effect.

Under the amended *Endangered Species Act*, any potential effects on aquatic species, migratory birds or terrestrial species that are listed as endangered or threatened on the *Species at Risk in Ontario List* will need to be assessed to determine whether an impact will occur and what type of authorization under the *Endangered Species Act* is needed. Once the *Species Conservation Act, 2025* is in force, migratory birds and aquatic species (fish and mussels) listed as threatened, endangered, or extirpated on Schedule 1 of the federal *Species at Risk Act*, are excluded under the *Species Conservation Act, 2025* to avoid duplication with the federal act.

Ontario Heritage Act

The *Ontario Heritage Act (OHA)* is administered by the Ontario Ministry of Citizenship and Multiculturalism (MCM), whose mandate involves conserving, protecting and preserving Ontario's cultural heritage. Their programs include guidance for archaeological studies and discoveries, and they require Indigenous consultation regarding discoveries that matter to Indigenous Peoples.

The *Protecting Ontario by Unleashing our Economy Act, 2025* also included amendments to the *OHA* (Schedule 7). The amendments to the *OHA* were to address matters related to archaeology requirements, including updates to enforcement and compliance tools as well as the introduction of an exemption authority. The Minister of Citizenship and Multiculturalism now has the authority to make an order, subject to conditions, to require an archaeological assessment be undertaken if the Minister is of the opinion that land, or land under water, in the province may contain an artifact or an archaeological site.

The MCM will review any technical cultural heritage studies related to the project to ensure compliance with the *OHA*. If technical cultural heritage studies for the project are triggered and, subsequently, undertaken, MCM may review them. MCM's records indicate that archaeological assessments have been carried out for portions of the project study area, but not comprehensively. MCM has not received public or Indigenous comments or concerns in relation to this project recently.

Public Lands Act

The *Public Lands Act (PLA)* is administered by the Ministry of Natural Resources (MNR). The PLA provides for the creation and management of restricted areas by the Minister of Natural Resources in areas of the province without municipal organization. In a restricted area, permits from MNR are required for the erection of buildings or structures, whether the work is on Crown or private lands. Activities that require a permit from MNR are identified in the development plan or guidelines that are prepared for each restricted area. As indicated by the proponent, a Work Permit issued under the PLA may be required for construction of dams, channels or diversions and working within 30 m of crown reservation around water and installation of radio or communication towers.

Potential adverse effects within federal jurisdiction

IAAC's analysis identified that the carrying out of the project may cause potential adverse effects within federal jurisdiction and direct or incidental adverse effects, as defined in subsection 2(1) of the IAA, taking into account input received from the requester, proponent, federal authorities, provincial ministries, and Indigenous groups. As outlined below, IAAC is of the view that existing legislative mechanisms provide a framework to address those potential adverse effects within federal jurisdiction and direct or incidental adverse effects. Federal and provincial legislative and regulatory mechanisms relevant to the project described above were considered in IAAC's analysis.

Fish and Fish Habitat

The requester expressed concerns that the project will result in adverse effects to fish and fish habitat, including:

- direct adverse effects to various fish species including Lake Sturgeon, a species of special concern which also holds cultural and ecological significance to Indigenous groups;
- adverse effects to the Muketei River and ultimately the Attawaspiskat River, through changes in water quality including release of waste, effluents and sediments;
- adverse effects to surface water flow patterns and quantity which may affect fish spawning habitat and peatland hydrology; and
- adverse effects to fish habitat quality resulting from the use of explosives or road construction activities.

WCS Canada similarly expressed concerns regarding the project's adverse effects on fish and fish habitat and aquatic species at risk including Lake Sturgeon.

Weenusk First Nation expressed concerns around the ecological risk to fish and aquatic ecosystems if copper, palladium, or platinum is discharged into the environment. They note that there are currently no federal limits for palladium in water, waste rock, or process solids, nor is it listed as a deleterious substance in the MDMER. Weenusk First Nation indicated that federal conditions should be put into place for the project to address the risk from palladium and platinum group metals.

DFO noted that the project does have the potential to cause adverse effects within federal jurisdiction. Although the mine footprint appears to be 100 hectares with no destruction of waterbodies, impacts to fish and fish habitat could result from changes in water quantity caused by land surface alterations and/or groundwater drawdown caused by construction of open pits. A *Fisheries Act* Authorization could be required as the project has the potential to cause death of fish and/or harmful alteration, disruption, or destruction to fish habitat. If required and granted, Authorizations under the *Fisheries Act* would include avoidance, mitigation, and offsetting measures to address potential adverse effects to fish and fish habitat.

DFO reviews projects for effects to listed aquatic species at risk, any part of their critical habitat, or the residences of their individuals in a manner which is prohibited under sections 32, 33 and subsection 58(1) of SARA, respectively. Based on the information available, the project area is not within the distribution or critical habitat of any listed aquatic species at risk. As currently proposed, it is unlikely that SARA will apply to the project

ECCC noted that potential adverse effects on fish and fish habitat could largely be managed through the pollution prevention mechanisms of the *Fisheries Act*. However, ECCC expressed uncertainty based on the conceptual design to store all mine tailings underground via backfilling. ECCC noted that with this design, there is potential for groundwater interaction with the backfilled mine tailings, which may introduce the potential for acid-rock drainage and metal leaching into groundwater and adjacent waterways, and that following the Environmental Code of Practice for Metal Mines,⁴ water quality monitoring measures would be required. ECCC also noted that the processing and short-term storage of waste on surface at the site prior to backfilling has the potential to impact water quality and fish and fish habitat via run off and seepage, but clarified that surface water management is within the legislative authority of the Province of Ontario.

ECCC indicated that the project has the potential to adversely affect water quantity and to cause adverse effects to fish and fish habitat through activities during all phases. ECCC indicated that the project could alter the hydrological regime and reduce baseflows that sustain streams, and the hydroperiod of wetlands and peatlands due to potential water withdrawals and discharges. Given the project's location in the

⁴ Environment Canada, 2009. Environmental code of practice for metal mines.

<https://www.canada.ca/content/dam/eccc/migration/main/lcpe-cepa/documents/codes/mm/mm-eng.pdf>

Muketei River watershed, which is highly sensitive to water level fluctuations, concerns were raised regarding alterations to surface water quantity impacting fish and fish habitat through changes in natural flow patterns in tributaries draining to the Muketei River. In the absence of any mitigation measures, increased erosion, sedimentation, and the potential discharge of effluent during operations may degrade water quality and diminish habitat conditions required for spawning, rearing, and feeding of fish.

NRCan noted that the project's potential adverse effects on water quality could have an adverse effect on fish and fish habitat. Mining deposits such as Eagle's Nest, could potentially result in metal-leaching and acid rock drainage into the surrounding environment.

The proponent indicated that baseline and technical studies are ongoing with a focus on minimizing potential environmental impacts. They stated that mitigation measures and best management practices will be identified through the permitting and consultation process and will be implemented as required to avoid, minimize, or manage potential impacts. They acknowledged that the federal *Fisheries Act* and SARA may apply to the project as well as the *Ontario Water Resources Act*, *Environmental Assessment Act*, and *Endangered Species Act*, and committed to engaging with all relevant regulatory authorities to confirm permitting requirements and undertake Indigenous consultation.

IAAC considered the input received and is of the view that existing federal and provincial mechanisms such as the *Fisheries Act*, *Metal and Diamond Mining Effluent Regulations*, *Species at Risk Act*, *Environmental Protection Act*, *Endangered Species Act* and the *Ontario Water Resources Act* provide a framework to address effects to fish and fish habitat, including aquatic species at risk.

Aquatic Species at Risk

The project may result in a change to aquatic species, as defined in subsection 2(1) of SARA. See the section Fish and Fish Habitat section for analysis relating to fish species at risk. The project will not affect the marine environment or marine plants.

Migratory Birds

The requester and WCS Canada expressed concerns about project effects to migratory birds, waterfowl and their habitat within the Muketei and Attawaspiskat river systems. The requester and WCS Canada noted several migratory bird species at risk at the project location, based on previous studies, such as the Canada Warbler, Sandhill crane, Common Nighthawk, Olive-sided Flycatcher, Barn Swallow, Black Tern, and Yellow Rail. The requester noted concerns that the project may result in adverse effects to feeding and nesting habitat of waterfowl such as American Wigeon, Blue-winged Teal, Bufflehead, Common Goldeneye, Common Merganser, Northern Pintail, Tundra Swan, and Snow Goose. The requester noted that these species are central to their seasonal harvesting practices and traditional way of life.

Weenusk First Nation identified migratory birds as being very important to them, especially the Canada Goose and Snow Goose. They have observed declines in these species from year to year, both in population and quality of the birds they hunt. They raised concerns that the project's blasting, vegetation clearing, and solids management techniques could contribute to further declines.

ECCC noted that the project could have potential to cause adverse effects to migratory bird individuals, nest, and their eggs, including migratory bird species at risk. Incidental mortality of individuals and the destruction of nests and eggs could occur through vegetation clearing, and mortality of individuals through



strikes with vehicles or project infrastructure. Waterfowl may be affected by increased access and human presence associated with the project, which could lead to an increase in waterfowl hunting.

ECCC also noted that the project could allow for the introduction of invasive species, which could drastically alter migratory bird and waterfowl habitat including peatlands and wetlands. The loss, degradation, and fragmentation of migratory bird and waterfowl habitat is a concern. In addition, sensory disturbances (e.g., light, noise) could affect individuals and potentially lead to the abandonment of nests and lead to avoidance, creating a larger zone of habitat loss and fragmentation than just the project footprint.

Similar to fish and fish habitat, the proponent indicated that baseline and technical studies are ongoing with a focus on minimizing potential environmental impacts. They stated that mitigation measures and best management practices will be identified through the permitting and consultation process and will be implemented as required to avoid, minimize, or manage potential impacts. They acknowledged that the federal *Migratory Birds Convention Act, 1994* and the *Species at Risk Act* may apply to the project, as well as the provincial *Endangered Species Act*, and *Environmental Assessment Act*, and committed to engaging with all relevant regulatory authorities to confirm permitting requirements and undertake Indigenous consultation.

IAAC considered the input provided and is of the view that existing federal and provincial mechanisms such as the *Migratory Birds Convention Act, 1994*, *Species at Risk Act*, *Endangered Species Act* (as amended) and the *Species Conservation Act, 2025* (when proclaimed in force to replace the *Endangered Species Act*) provide a framework to address these potential effects.

Indigenous Peoples

The project is located on forested, provincial crown land in Treaty 9 territory. No part of the project is located on or immediately adjacent to any First Nation reserves. The closest reserves are Webequie, approximately 60 kilometres northwest of the project and Neskantaga approximately 100 kilometres southwest of the project.

Current Use of Lands and Resources for Traditional Purposes

The requester expressed concerns as to how the project will affect water, air and wildlife on the lands they use for traditional purposes and sustain their way of life. The requester described that changes to lands and waters in the watershed resulting from the project would alter their ability to practice a traditional way of life, including hunting, fishing, trapping, and gathering plants, berries and medicine. Attawapiskat First Nation, Fort Albany First Nation, Ginoogaming First Nation, Kitchenuhmaykoosib Inninuwug, and Weenusk First Nation and WCS Canada shared this concern and Weenusk First Nation emphasized that their members report that 50-100 percent of their diet comes from the land. They are concerned about the impacts the project could have on their food sources and ability to live off the land.

Attawapiskat First Nation, Fort Albany First Nation, Ginoogaming First Nation, and Kitchenuhmaykoosib Inninuwug raised concerns about impacts to the waters, lands, and species found within their territories, with which they share a deep connection. They are particularly concerned about potential impacts to the waters, since it holds significant cultural and spiritual value. Water is also used for travel and many other purposes.

HC and NRCan noted concerns regarding the project's potential to release deleterious substances which could potentially impact surface and groundwater sources which provide traditional land use and traditional food sources; particularly the Muketei River and the Lake Sturgeon fish, both of which hold cultural, spiritual, and ecological significance to the Neskantaga First Nation.

ISC noted that the project could have direct and cumulative loss of access to traditional lands. The project could potentially reduce access to country foods due to habitat destruction and habitat fragmentation, ultimately limiting harvesting opportunities and disrupting intergenerational harvesting practices.

IAAC considered the input provided and is of the view that existing federal and provincial mechanisms outlined in the sections above to address effects to fish and fish habitat and migratory birds, including species at risk, provide a framework to address effects that the project may cause on the current use of lands and resources for traditional purposes by the requester and other Indigenous groups. This includes mechanisms such as the *Fisheries Act*, *Migratory Birds Convention Act, 1994*, *Species at Risk Act*, and the provincial *Environmental Protection Act*, *Ontario Water Resources Act*, *Endangered Species Act*, and *Ontario Heritage Act*. Requirements for Indigenous consultation are associated with the *Fisheries Act* Authorization, Environmental Compliance Approvals under the *Ontario Water Resources Act* and the *Environmental Protection Act*, *Ontario Heritage Act*, and the *Endangered Species Act* permit process.

Physical and Cultural Heritage, or Structures, Sites or Items of Historical, Archaeological, Paleontological or Architectural Significance

MCM noted that potential issues include the impacts to the physical and cultural heritage of Indigenous Peoples and sites of archaeological importance. MCM stated that the proponent would have to confirm whether technical cultural heritage studies have been undertaken and whether there are known or potential built heritage resources or cultural heritage landscapes of interest to Indigenous groups. While there must be engagement with Indigenous groups for an archaeological assessment, MCM notes that it should not be relied upon alone to fulfill consultation obligations.

The proponent indicated that engagement activities with Indigenous groups that may be potentially affected by the project are ongoing to inform traditional land and resource use studies. Baseline studies including traditional knowledge and heritage are also ongoing with engagement activities being undertaken by the proponent. Archaeological work was completed in 2010, and additional work was completed in 2024. Archaeological studies completed during these timeframes did not identify the presence of artefacts or cultural heritage resources within the project footprint.

IAAC considered the input provided and is of the view that existing federal and provincial mechanisms outlined in the sections above provide a framework to address effects that the project may cause on physical and cultural heritage, or structures, sites or items of historical, archaeological, paleontological or architectural significance. Mechanisms include the *Ontario Heritage Act* and associated permitting requirements which include Indigenous consultation.

Health, Social and Economic Conditions

The requester expressed concerns that the social challenges that arise with resources extraction and an influx of workers will exacerbate ongoing health and social challenges that the remote Indigenous groups are already experiencing. They also raised concerns that workforce influx bring with it challenges with

substances, resulting in abuse and addictions, and further health issues to an already strained set of resources. The requester also shared concerns that the project will increase rates of violence, systemic racism and sexism that put sensitive populations, such as girls, women or two spirit individuals, at greater risk for harassment and violence. These concerns were also shared by Attawapiskat First Nation, Fort Albany First Nation, Ginoogaming First Nation, Kitchenuhmaykoosib Inninuwug, WCS Canada, as well as HC and ISC

Weenusk First Nation raised concerns around health effects from the bioaccumulation of copper, palladium and platinum in fish, wildlife, soil and water. They are especially concerned with the potential contamination of water in their traditional areas and noted that any impacts would be widespread due to the interconnected nature of the region. Additionally, they noted the potential for contaminants in air and noise exposures. Weenusk First Nation indicated that the involvement of HC as a federal authority is necessary to ensure proper consideration of potential impacts to the health of Indigenous Peoples and relevant mitigation measures.

Weenusk First Nation acknowledged that the project will result in regional socio-economic benefits but are unsure if the benefits will be available to their Nation. They expect that the development of the geographic area will result in both positive and adverse socio-economic impacts, but further assessment is needed to allow for better understanding.

Attawapiskat First Nation, Fort Albany First Nation, Ginoogaming First Nation and Kitchenuhmaykoosib Inninuwug noted that impacts to lands, waters, and species directly affect the physical, mental, and psychological well-being of their members. They stated that not understanding the impacts of the project would create anxiety and fear within people, due to concerns such as pollution, which can cause psychological harm.

HC noted that the project could have adverse impacts on Indigenous Peoples' health and well-being due to potential physical and perceived changes to air quality, noise, drinking water and recreational water quality, and contamination of and access to country foods. The deposition of atmospheric mercury and generation of methylmercury in peatland environments is an existing concern in the Ring of Fire region, which may be further accelerated by mining and development activities and accumulation in country foods, a concern shared by both HC and ISC. HC also noted this project, in combination with the cumulative impacts of future development in this region could result in complex positive and negative adverse effects on the health of Indigenous Peoples. These health effects are being investigated through the Regional Assessment in the Ring of Fire but are not fully understood at present. HC noted that the proponent's website provides a general vision of the current project, however, it does not include current technical and environmental documentation necessary to assess potential impacts on the health of Indigenous Peoples, or cumulative effects. Additionally, there's a lack of information regarding Indigenous consultation, which limits the ability to understand community perspective and potential concerns.

ISC noted that construction and operation of the project could disrupt the physical and cultural connection that Indigenous Peoples have with their traditional territories, impacting their overall health and well-being. Similarly, the project could potentially limit access to traditional foods and medicines, through the direct loss or contamination of the surrounding environment. Changes could contribute to adverse mental health wellness outcomes, including heightened stress, anxiety, grief and loss of cultural identity and connection to the land, as harvesting, sharing, and consumption of country food are closely linked to spiritual wellbeing, community, cohesion, and cultural continuity.

ISC also expressed concerns that contamination of surface and groundwater from mining operations, tailings, or waste, could affect the quality of drinking water in private wells or surface water for drinking.

The proponent indicated that baseline and technical studies are ongoing to inform project development minimizing potential negative environmental impacts and enhancing potential positive impacts. The proponent is engaging and consulting with Indigenous groups to build capacity and inform technical development related to the project. Assessments related to the health and socioeconomic environment will be advanced following engagement and consultation with Indigenous groups.

IAAC considered the input received and is of the view that existing federal and provincial mechanisms outlined in the sections above provide a framework to address effects that the project may cause on the health, social, and economic conditions of Indigenous Peoples. This includes mechanisms such as the *Fisheries Act*, and the provincial *Ontario Water Resources Act*, and the *Environmental Protection Act*. Requirements for Indigenous consultation are associated with the *Fisheries Act* authorization, the *Ontario Water Resources Act*, and Environmental Compliance Approval process under the *Environmental Protection Act*. The proponent has indicated that as part of their activities, they would continue to share information and participate in meaningful consultation with Indigenous groups.

Federal Lands

The project is not located on federal lands, as defined in the IAA. The requester did express concern that traditional use of lands extends beyond reserve boundaries and that effects to waters or lands resulting from the project would affect them, and other Indigenous groups whose reserve lands are downstream from the project.

The project is located on provincial crown land, secured by mining lease LEA-109494 by the proponent.

Pollution of Boundary, Interprovincial or International Waters

The project is distant from interprovincial or international boundaries. Any discharges to water or air emissions from the project would have to meet provincial regulatory requirements outlined in the *Ontario Water Resources Act* and the *Environmental Protection Act* respectively. The proponent indicated that the project will not impact boundary waters, but that compliance with the MDMER would be required in accordance with any associated *Fisheries Act* Authorization, as required.

IAAC is of the view that the project is unlikely to cause non-negligible adverse changes from pollution to the marine environment and transboundary water as defined in section 2 of the IAA. As well, federal and provincial mechanisms such as the *Fisheries Act* and the *Ontario Water Resources Act* provide a framework to address such adverse effects within federal jurisdiction and protect water quality.

Direct or incidental adverse effects

Direct or incidental effects refer to non-negligible adverse effects that are directly linked or necessarily incidental to a federal authority's exercise of a power or performance of a duty or function that would permit



the carrying out, in whole or in part, of a project, or to a federal authority's provision of financial assistance to a person for the purpose of enabling that project to be carried out, in whole or in part.

The project as described may require the exercise of the following federal powers, duties, or functions:

- Authorization pursuant to 34.2(2)(b) and 35(2)(b) of the *Fisheries Act* (DFO);
- Permit under the Migratory Birds Regulations, 2022 (ECCC); and
- Permit under the Species at Risk Act (ECCC).

The project is not located on federal lands as noted in the above section. Moose Cree First Nation and Nibinamik First Nation anticipate that the proponent will receive federal funding or subsidies for the project, such as through programs for critical minerals, and believe that the project's impacts should be assessed before any funding is provided. The proponent indicated that no federal funding for the project has been received to date and further information about any federal funding for the project would be required to understand potential effects.

The carrying out of the project may cause direct or incidental adverse effects. The proponent anticipates compliance with the MDMER, in accordance with the associated *Fisheries Act* Authorization, as required, the *Migratory Birds Convention Act, 1994* and SARA. DFO anticipates it will be unlikely that SARA will apply for aquatic species at risk, to the project as currently described. ECCC does not expect to exercise a power or perform a duty or function related to the project, as proposed, to enable it to proceed. However, ECCC would require additional information on the potential effects of the project on listed migratory bird species before determining whether a SARA permit would be required. The direct or incidental adverse effects related to the described powers, duties or functions would be limited or addressed through the due diligence of the federal authority.

IAAC is of the view that the existing legislation provides a framework to address direct or incidental adverse effects.

Public concerns

IAAC received one letter from a public organization expressing support for the designation request. Outside of this letter, IAAC did not receive any other public concerns related to adverse effects within federal jurisdiction or direct or incidental adverse effects.

In the letter of support for the designation request, WCS Canada raised concerns about impacts to Indigenous rights and livelihoods, species at risk and cumulative effects that would further affect Indigenous Peoples, fish habitat and migratory birds. IAAC's views on areas of federal jurisdiction are described within respective subsections of 'Potential adverse effects within federal jurisdiction' and as related to adverse impacts on the section 35 rights of Indigenous Peoples below. WCS Canada also expressed concerns outside of federal jurisdiction as defined by the IAA about the impacts to the peatland ecosystem and the lack of a comprehensive EA by the province of Ontario.

Adverse impacts on the section 35 rights of Indigenous Peoples

IAAC considered views from the Indigenous groups who provided comments with respect to impacts on Section 35 rights.

The requester, Attawapiskat First Nation, Fort Albany First Nation, Ginoogaming First Nation, Kitchenuhmaykoosib Inninuwug, and Nibinamik First Nation are concerned the project will cause irreversible adverse impacts to their territories and to the exercise of their Aboriginal and Treaty rights. The Indigenous groups indicated that the project poses a threat to their way of life. WCS Canada shared similar concerns regarding project impacts on Aboriginal and Treaty rights.

The requester and Weenusk First Nation expressed concern with the Ontario and Federal governments' shift towards fast-tracking resource development projects and how Indigenous consultation may be impacted. Weenusk First Nation indicated that they may have limited ability to participate in a meaningful way on provincially regulated mines following the introduction of *Protecting Ontario by Unleashing our Economy Act, 2025* and the *Building More Mines Act, 2023*.

The requester, Attawapiskat First Nation, Fort Albany First Nation, Ginoogaming First Nation, and Kitchenuhmaykoosib Inninuwug indicated that designation of the project is essential for the principle of reconciliation and to ensure federal consultation obligations are met rather than proceeding without the Free, Prior, and Informed Consent of affected First Nations. They indicated that not designating the project would be a breach of the honour of the Crown. The requester, Moose Cree First Nation and Nibinamik First Nation raised concerns around Canada's commitment to the United Nations Declaration on the Rights of Indigenous Peoples and stated they cannot give consent to a project without fully understanding its potential impacts to their way of life.

ISC indicated that the project may result in potential adverse impacts on the rights of Indigenous Peoples and that while permits and authorizations will be required for portions of the project, the lack of an environmental assessment poses challenges for understanding and mitigating impacts to rights, in an enforceable manner. Additionally, the application of multiple, separate regulatory mechanisms and consultation processes for discrete aspects of the project may complicate the coordination of Crown engagement with Indigenous Peoples, including discussions related to free, prior, and informed consent, which ISC acknowledges are undertaken as part of broader Crown–Indigenous relations.

The proponent acknowledged the need for Indigenous consultation and noted that engagement and consultation started in August 2022 and will continue through all phases of the project with a focus on relationship building and maintaining dialogue. The proponent has employed various methods to engage and inform Indigenous groups and noted that productive feedback is considered as they continue to advance technical studies related to the project. The proponent has communicated directly with Aroland First Nation, Constance Lake First Nation, Eabametoong First Nation, Ginoogaming First Nation, Marten Falls First Nation, Matawa First Nations Management, Neskantaga First Nation, Nibinamik First Nation, Webequie First Nation, Long Lake #58 First Nation, Attawapiskat First Nation, and Mushkegowuk Council. Recent dialogue has focused on project details and capacity building, as well as peat and hydrology. The proponent is also aware of concerns related to species at risk, engagement, project information, scheduling and development, agreements, environmental studies and assessments, traditional territory rights and

claims, fieldwork, impacts to water, housing, medical services, and employment opportunities. The proponent may be required to obtain a *Fisheries Act* authorization and consult with the potentially affected communities to address impacts to fish and fishing activities. The proponent also noted that they have implemented a data management system platform to consolidate and transparently share baseline data and project activities with Indigenous groups. This is intended to improve consistency and quality of information and support meaningful, timely, and informed dialogue with Indigenous groups.

IAAC considered the input received and is of the view that the project may cause adverse impacts on rights that are recognized and affirmed by section 35 of the *Constitution Act, 1982*. However, existing federal and provincial mechanisms such as the *Fisheries Act*, *Species at Risk Act*, *Migratory Birds Convention Act, 1994*, and the provincial *Endangered Species Act*, *Ontario Water Resources Act*, *Environmental Protection Act*, *Mining Act* and the *Ontario Heritage Act* provide a framework to address the effects that could result in the potential adverse impacts on rights. Notably, the *Fisheries Act*, *Environmental Protection Act*, *Ontario Water Resources Act*, and the *Ontario Heritage Act* include requirements for consultation with potentially impacted Indigenous groups to address potential impacts to their rights. IAAC notes that the project is primarily provincially regulated and the Province of Ontario has a legal duty to consult and accommodate, as appropriate, impacts on Aboriginal and treaty rights. In addition, any required federal permits and authorizations also include the legal duty to consult and accommodate, as appropriate, impacts on Aboriginal and treaty rights.

Other considerations

Cumulative Effects

IAAC reviewed information from the requester, Indigenous groups, WCS Canada, ECCC, HC, ISC, and the proponent about adverse effects within federal jurisdiction and direct and incidental adverse effects in relation to the designation request under subsections 9(1) and 9(2) of the IAA. IAAC is of the view that existing legislation provides a framework to address cumulative effects.

The requester expressed concerns related to climate change and how a changing climate disproportionately affects Indigenous groups already dealing with floods and wildfires. The requester raised the concern that this project, in combination with other projects, will accelerate climate change effects, which disrupt natural ecosystems and traditional Indigenous practices. The requester also expressed concerns for the peatlands that may be disturbed from project development. The requester raised concerns that the peatlands in the Hudson Bay lowlands, which currently provide carbon storage, may be turned to a carbon emission source, also increasing the risk and severity of wildfires. Attawapiskat First Nation, Fort Albany First Nation, Ginoogaming First Nation, Kitchenuhmaykoosib Inninuwug, Moose Cree First Nation, Nibinamik First Nation and WCS Canada also shared these concerns regarding peatlands and carbon sequestration, as well as the sensitivity of the boreal forest ecosystem. Ginoogaming First Nation added that the area has not been scientifically studied in depth and that expertise of the land systems lies within the Elders and land users, who should be engaged to achieve an understanding of the landscape.

ECCC shared sources of information relevant to cumulative effects and development activities across Canada. These sources provide access to regulatory registries that list government authorizations of other



developments (e.g., the *Fisheries Act* Registry on the Government of Canada's Common Project Search platform), which can be useful in understanding the cumulative pressures on an area.

HC and ISC shared concerns about the cumulative effects from the various proposed mines and associated infrastructure, and the effects of these developments on Indigenous health, both positive and negative, not being fully understood at present. HC suggested that findings from the Regional Assessment in the Ring of Fire Area be used to inform and strengthen assessments moving forward.

The proponent indicated that effects of the project combined with past, present and future activities on the environment, health, social, and economic conditions will be considered through anticipated approval and permitting processes, and that the significance of impacts resulting from the project will be determined. Follow up and mitigation plans will be developed as appropriate.

IAAC is of the view that findings from the Regional Assessment in the Ring of Fire Area will inform and strengthen assessments moving forward and that existing mechanisms, such as the *Fisheries Act* and the *Environmental Protection Act* and those outlined above to address effects to fish and fish habitat, migratory birds and Indigenous Peoples, provide a framework to address the cumulative effects the project may cause.

Accidents and Malfunctions

The requester, Nibaminik First Nation and WCS Canada shared concerns regarding the proponent's plan to deposit the excavated mine tailings back into the underground mine space for long-term storage and believe that this is an exceptional circumstance that supports designating the project. The requester shared concerns that the long-term health and environmental risks of this tailings storage are unknown and introduce a long-term uncertainty on the ecosystems and their traditional way of life. The proponent shared that while the proposal to store the entirety of excavated mine tailings underground is novel, the underground storage of mine tailings is not and is a current practice used in mines worldwide.

ECCC and NRCan noted that the tailings generated from the project will have the potential for acid-rock drainage and metal leaching. If the material used for mine backfill contains potentially acid-generating materials, monitoring measures should be implemented to assess impacts of the material on the quality of mine water. ECCC noted that following the Environmental Code of Practice for Metal Mineswater quality monitoring measures would be required. ECCC also noted that the processing and short-term storage of waste on surface at the site prior to backfilling has the potential to impact water quality and fish and fish habitat via run off and seepage, but clarified that surface water management is within the legislative authority of the Province of Ontario.

IAAC is of the view that existing legislative and regulatory mechanisms, such as the *Fisheries Act*, the *Ontario Clean Water Act*, the *Environmental Protection Act* and those outlined above related to potential effects to fish and fish habitat, migratory birds and Indigenous Peoples, provide a framework to address the potential effects caused by the project's tailing storage.

Project Scope and Provincial Assessment

Moose Cree First Nation and Nibinamik First Nation shared the concern with the requester that the full scope of the Eagle's Nest-Blackbird complex impacts cannot be assessed by considering the

developments separately. Additionally, Nibinamik First Nation noted that the current project does not include all the same infrastructure as the original project proposal and are concerned that the project is being split up to avoid a fulsome and robust assessment.

The proponent acknowledged concerns that were raised previously about the original scope of the project. In consideration of those concerns, the proponent revised the project scope to minimize the project footprint and impacts to peatlands and water. Additionally, portions of the original scope of the project, such as the all-season access roads, are now proposed by different proponents and are undergoing separate assessments. Furthermore, the proponent indicated that prior to determining resource potential of adjacent exploration targets, such as the Blackbird deposit, further early exploration activities to determine viability followed by multi-year, technical studies and environmental baseline would be required. Exploration activities in the Ring of Fire region were paused in 2025.

Since the comprehensive provincial environmental assessment was terminated in July 2025, Attawapiskat First Nation, Fort Albany First Nation, Ginoogaming First Nation, Kitchenuhmaykoosib Inninuwug, Moose Cree First Nation, Nibinamik First Nation and WCS Canada believe that a federal assessment is critical to address potential adverse effects from the project.

While both deposits are located in proximity and have been requested to be considered as one project, they are at different stages of development. IAAC understands that the Blackbird deposit is at an early stage of exploration with limited, defined details available as compared to the more advanced and technically defined Eagle's Nest Mine Project. As the Blackbird deposit is not a defined physical activity at this time, the Eagle's Nest Mine Project is the subject of IAAC's designation request analysis.

IAAC understands that the project scope as it is currently proposed is substantially changed from the project previously contemplated by Noront Resources Ltd. beginning in 2011. The scope of the mine and mine site infrastructure have changed and auxiliary components to the mine, such as the all-season access roads, are proposed as distinct projects by separate proponents and will be subject to separate legislative and regulatory processes. While the 2011 project as proposed was subject to CEAA, 1992 requirements, the proponent entered into a voluntary agreement with the province of Ontario in 2011 for a comprehensive environmental assessment. IAAC understands that the significant changes to the project scope were the principal factors for the province of Ontario to remove the 2011 requirement for a comprehensive environmental assessment.

Regional and strategic assessments

The project is located in the mineral deposits area commonly referred to as the "Ring of Fire", which is the subject of an ongoing regional assessment pursuant to section 93 of the IAA.

The Regional Assessment in the Ring of Fire Area (the Regional Assessment) is being conducted in the area centred on the Ring of Fire mineral deposits in northern Ontario, approximately 540 kilometres northeast of Thunder Bay (Figure 2). The Regional Assessment is due to be completed by July 20, 2027.

The Regional Assessment aims to gather information and data on the region; understand potential effects from past, existing and future development in the Ring of Fire area; and will inform and improve future impact assessments of designated projects under the IAA as well as other decision-making processes.



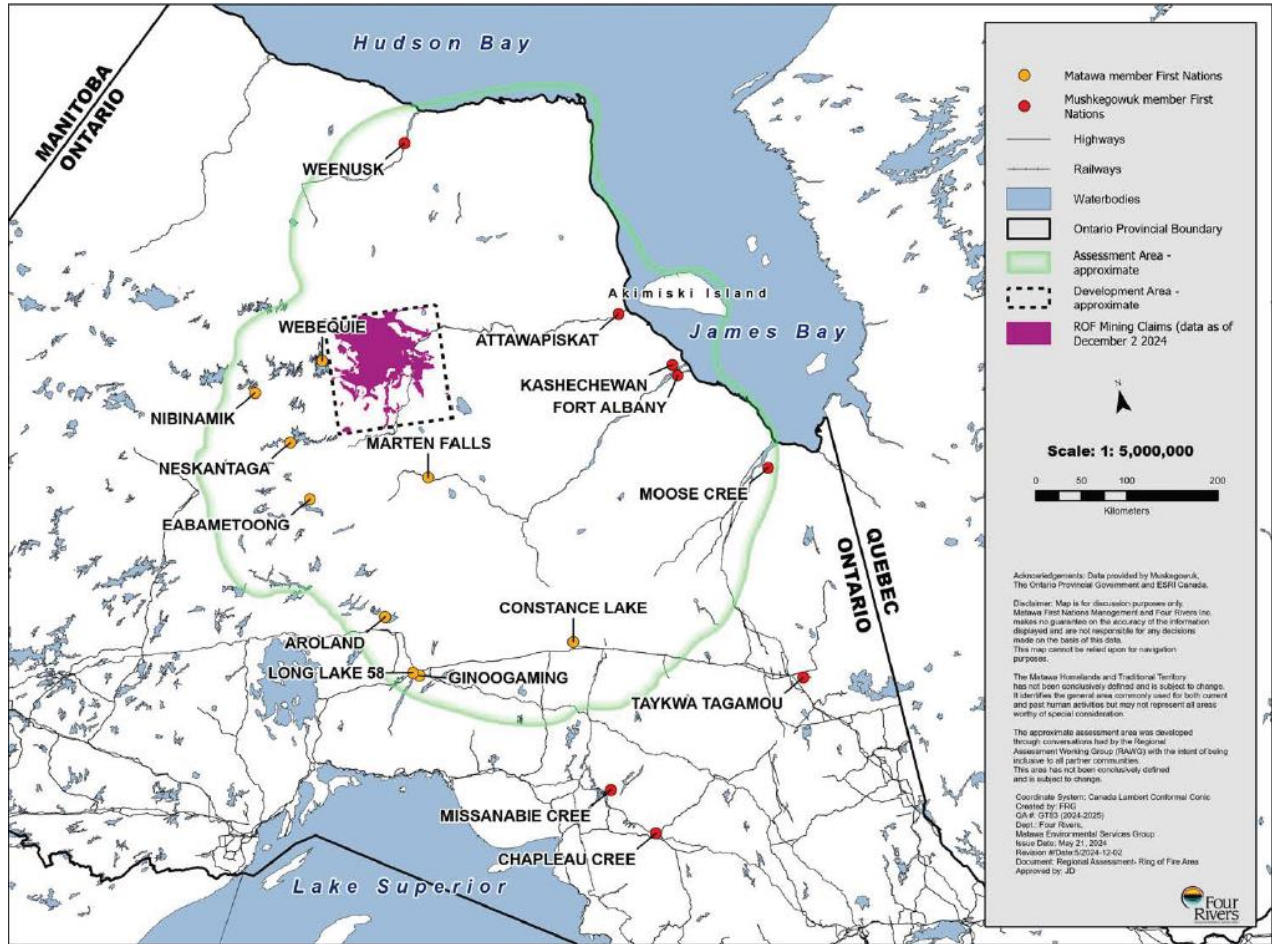
Indigenous partners (15 First Nations total) and IAAC are co-leading the regional assessment and will provide Indigenous groups and organizations, federal and provincial governments, non-government organizations and the public opportunities to meaningfully participate.

On January 20, 2026, notice of an interim report on the regional assessment was published to the Canadian Impact Assessment Registry. The interim report provides a progress update of the Regional Assessment, including preliminary findings on community and regional conditions and priorities, possible development scenarios and knowledge gaps, and uncertainties identified in the process so far. The interim report does not include early recommendations related to the designation of proposed projects in the assessment area.

The requester, as a partner in the Regional Assessment, highlighted that the interim report for the regional assessment demonstrates a commitment to implementing Free, Prior and Informed Consent, and that the commitments are expected to guide IAAC's conduct in the regional assessment and in the assessment of proposed future development(s) in the assessment area. Moose Cree First Nation and Nibinamik First Nation indicated that the Regional Assessment supports the designation of the project and state that not designating the project would breach the trust built through the regional assessment process. Attawapiskat First Nation, Fort Albany First Nation, Ginoogaming First Nation, and Kitchenuhmaykoosib Inninuwug indicated that an IA for the project would benefit the regional assessment, as an IA could provide information relevant to the objectives of the Regional Assessment.

The Regional Assessment in the Ring of Fire Area will gather and provide information and knowledge related to environmental, health, cultural, social and economic conditions and their interconnections, as well as Aboriginal and Treaty rights, claims and interests, at the regional scale. The Regional Assessment is also intended to inform the assessment of potential effects from existing and future development activities in this area, as well as any associated infrastructure and induced development that may occur or that has occurred in the region. IAAC recognises that this process is not a substitute for a federal impact assessment, nor does not determine whether a specific project can advance or create binding conditions.

Figure 2. Regional Assessment in the Ring of Fire Area



Terms of Reference for the Regional Assessment in the Ring of Fire Area, January 2025



Conclusion

IAAC considered the information it received as part of the designation request process for the project to inform its analysis. Input was received from the proponent, federal authorities (DFO, ECCC, HC, ISC, NRCan, and TC), the Ontario Ministry of Citizenship and Multiculturalism, and Attawapiskat First Nation, Fort Albany First Nation, Ginoogaming First Nation, Kitchenuhmaykoosib Inninuwug, Moose Cree First Nation, Nibinamik First Nation and Weenusk First Nation and WCS Canada.

The project has the potential to cause adverse effects within federal jurisdiction, and direct or incidental adverse effects.

IAAC considered the factors in subsection 9(2) of the IAA and is of the view that there are means other than a federal impact assessment such as existing federal and provincial mechanisms, including the *Fisheries Act*, *Metal and Diamond Mining Effluent Regulations*, *Migratory Birds Convention Act, 1994*, *Species at Risk Act*, *Mining Act*, *Environmental Protection Act*, *Ontario Water Resources Act*, *Endangered Species Act* or *Species Conservation Act, 2025* (once proclaimed), *Ontario Heritage Act* and the *Public Lands Act* that provide a framework to address the potential adverse effects within federal jurisdiction and direct or incidental adverse effects that may be caused by the carrying out of the project, and public concerns related to these potential effects. The requirements under these mechanisms, some of which include consultations with Indigenous groups and public engagement, also provide a framework to address adverse impacts that the project may have on the rights of Indigenous Peoples recognized and affirmed by section 35 of the *Constitution Act, 1982*.

The Regional Assessment in the Ring of Fire Area is currently underway and not anticipated to be complete until mid 2027. IAAC notes that the Regional Assessment will consider several of the requestor's concerns as well as the interests of the Indigenous Partners.

IAAC also acknowledges other concerns raised by the requester, such as Canada's ability to meet its international climate change mitigation commitments, impacts to the peatland ecosystem and the lack of a comprehensive EA by the province of Ontario; however these concerns are not part of the analysis undertaken for the purposes of decision-making under section 9(1) of the IAA because these concerns do not describe adverse effects within federal jurisdiction or direct or incidental adverse effects as defined in the IAA, nor are these concerns within the factors to consider set out in section 9.
