



1 Introduction

The purpose of this document is to present the Terms of Reference (ToR) for the Webequie First Nation Supply Road Project (“Webequie Supply Road”, “WSR”, “the Project”) to meet the requirements of the Ontario *Environmental Assessment Act* (EA Act). The ToR is a document that establishes the framework for the planning and decision-making process during the Environmental Assessment (EA) and is submitted by the proponent to the Minister of the Environment, Conservation and Parks (MECP) for review and approval.

Alongside the ToR document, material to be submitted for the public record includes the Record of Consultation, which is a stand-alone written record that documents the engagement of and consultation with Indigenous (First Nation and Métis) communities, government agencies, the public, and stakeholders during the development of the ToR, including feedback received (comments, concerns, questions) and project team responses.

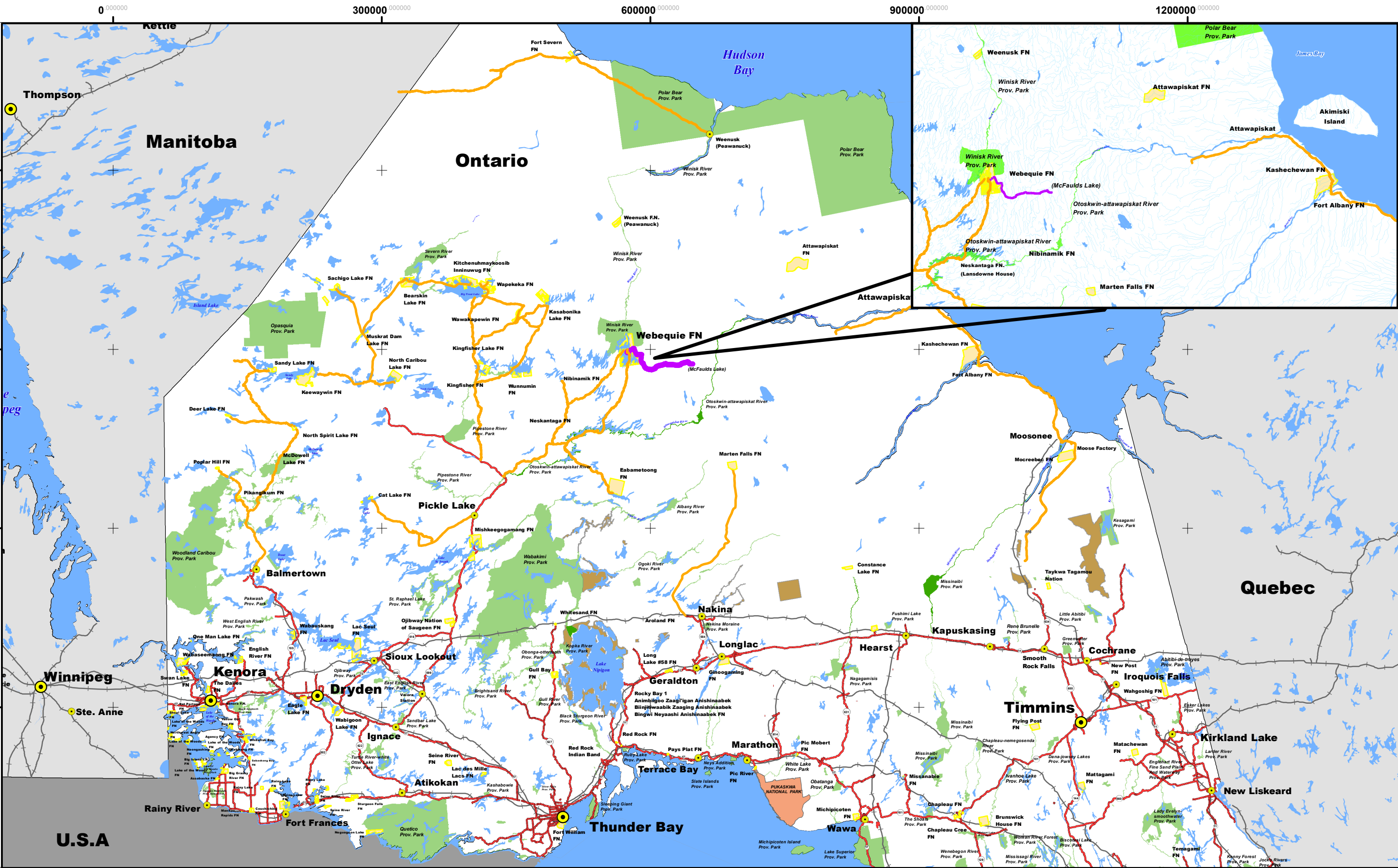
The proposed Webequie Supply Road is a new all-season road of approximately 107 km in length from Webequie First Nation to the mineral deposit area near McFaulds Lake (also referred to as the Ring of Fire). A Location Plan for the Project is shown on **Figure 1.1**. The preliminary corridor for the road consists of a northwest-southeast segment running 51 km from Webequie First Nation to a 56 km segment running east before terminating near McFaulds Lake. A total of 17 km of the corridor is within Webequie First Nation Reserve lands. Based on the scale and complexity of the Project, and the potential for significant environmental effects, an Individual Environmental Assessment must be completed for approval under the EA Act.

The Webequie Supply Road could be constructed and operated as a facility that only provides a connection between Webequie First Nation and the McFaulds Lake area to serve mineral exploration and future mining development activities, with no connection to the provincial highway system. However, it is expected that there will ultimately be an all-season road connection between the McFaulds Lake area and the provincial highway system to ensure/maximize the viability of mine developments. This means that, with implementation of the Project, it is also likely that Webequie First Nation could more readily gain year-round access to the provincial highway system (i.e., the community currently has no plans to avoid an all-season road connection to the provincial highway system). It is in this scenario that the effects of the road would likely be realized or felt to the fullest.

1.1 Proponent

The Project proponent is Webequie First Nation (WFN). Webequie First Nation is an Ojibway community located in Northwestern Ontario, approximately 525 km north of Thunder Bay (refer to **Figure 1.1**). The Webequie First Nation is a fly-in community with no summer road access, and a total registered on-reserve population of 923 people (Indigenous Services Canada, 2019).

The Webequie First Nation Reserve is currently serviced by the Webequie Airport. Since 2015, the community has been involved in the investigation of an all-season road corridor as a means to better service the community, and provide for economic development opportunities for its members and businesses that reside in or around the community’s reserve and traditional territory.



Legend

Proposed Corridor for the Webequie Supply Road

City/Town

Airports

Winter Roads

All-Season Roads

Rail

First Nations Reserve

Federal National Park

Provincial Park

Conservation Reserve

Waterbody

WSR

WEBEQUIE

SUPPLY ROAD

0

50

100

Km

N

Canada Lambert Conformal
Conic Projection

Webequie Supply Road
Project Location

Date: 2019/07/08

Figure Number:

File Number: 649920

Sub Code: 0000

Rev.

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1.2 Proponent Contact Information

The contact information for the proponent is as follows:

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1.3 Project Background and Context

The Webequie First Nation is a remote fly-in community that has access to materials and goods via the Webequie Airport and the use of seasonal winter roads that connect to the provincial highway system.

To provide context and background for the proposed development of the all-season Webequie Supply Road (WSR) and the scope of this EA, it is important to understand the various road/transportation studies that have been completed in the region. A brief description of these relevant studies is presented below. Section 5 of the ToR (Description of and Rationale for Alternatives) provides additional detail. All of these studies have contributed to the rationale for the development of the WSR.

Noront Resources Eagle's Nest Mine Access Road (2013)

In 2013, Noront Resources prepared a draft federal/provincial Environmental Impact Statement/Environmental Assessment Report (EIS/EAR) for their proposed Eagle's Nest mine in the McFaulds Lake area, which examined alternative road routes and types (e.g., winter, all-season and combined winter/all-season) that would connect the mine to the provincial highway system. The Noront draft EIS/EAR was not completed. The WSR Project Team understands that the document was reviewed by federal agencies and comments were returned to Noront, but it was not circulated to provincial agencies for comment. At present the Noront EIS/EA is on hold until there is more certainty about a potential all-season road to be developed by others. Details on the current status of Eagle's Nest Mine project, which now excludes any consideration of an all-season road connection to the provincial highway network as part of the environmental assessment, can be found on Noront's website (<http://norontresources.com>). However, the federal/provincial EA work undertaken by Noront up to 2013 date does provide relevant context on the alternative road routes considered in the study area for the WSR. In identifying route alternatives for the



Eagle's Nest mine access road, it was Noront's intention in 2013 to maximize the use of existing winter road corridors and thereby minimize additional clearing and environmental effects. From this assessment, the preferred route was identified as an east-west connection via Webequie First Nation to the Pickle Lake Road (previously Highway 808) and Highway 599 near Pickle Lake. This access road route provided potential all-season access to the provincial highway system for Webequie First Nation and other First Nations, including the Nibinamik, Neskantaga and Eabametoong First Nations.

From the Webequie First Nation perspective, this corridor provided community benefits by having an all-season access to the provincial highway system. In addition, the community would have potential economic development opportunities related to the transportation of goods and services between Webequie and the mine development area.

Cliffs Ferroalloys Black Thor Mine Integrated Transportation System (2011)

In 2011, Cliffs Natural Resources ("Cliffs"), announced its intention to move forward with permitting and development of the Black Thor Chromite Mine in the McFaulds Lake Ring of Fire area. From this study, Cliffs developed an Integrated Transportation System (ITS) that optimized all-season road connection of the Black Thor mine assets and facilities with the provincial highway system and the CN Rail system at Highway 584 near Nakina. Around the same time, KWG Resources (KWG), also active in the McFaulds Lake area, studied transportation options into the Ring of Fire area and identified a preference for a rail/road link that followed a similar corridor to the Cliffs proposed road corridor.

From the Webequie First Nation perspective, the preferred ITS selected by Cliffs did not include winter road or all-season road connection to the Webequie First Nation, thereby limiting the potential for the community to transport goods and services to the mine development area and potential for connection to the provincial highway system.

Winter Road Re-Alignment Study (2008)

On behalf of four First Nations (Marten Falls, Eabametoong, Neskantaga, Nibinamik and Webequie), the Matawa First Nations Tribal Council conducted a study in 2008 to examine realigning selected sections of winter roads. A number of the winter roads for consideration in the study were in the vicinity of the current WSR study area. The study included extensive consultation with the First Nations, regulatory agencies and other stakeholders (e.g., forestry companies and outfitters) and identified a number of alternative solutions (e.g., improvement to road design and construction standards) to address deficiencies in the winter road system.

All-Season Community Road Study (2016)

Webequie First Nation, in partnership with three (3) other First Nations (Neskantaga, Nibinamik and Eabametoong), completed the All-Season Community Road Study (ASCRS) in June 2016. The purpose of this study was to examine options for interconnecting these First Nation communities to the provincial highway system with the goal of providing community social and economic benefits. Many alternatives were examined, including those previously preferred by Noront Resources, Cliffs and KWG Resources.

From the community engagement and assessment completed, a preferred corridor was identified with a general east-west orientation that connected the four communities to the provincial highway system. The



preferred corridor/road from the 2016 ASCRS did not connect to the McFaulds Lake area due to unresolved issues and concerns expressed by some participating First Nations about mining development in the Ring of Fire area.

From the Webequie First Nation perspective, the preferred alternative emerging from the 2016 ASCRS provided a number of social and economic benefits, including the interconnection with other First Nation communities. However, there was additional interest in continuing to examine a supply road connection into the McFaulds Lake area. The connection between Webequie and McFaulds Lake is considered important to Webequie First Nation, as it could provide broader economic development opportunities and social benefits above and beyond the benefits of an all-season community road to Pickle Lake.

All-Season Community Road Study – Phase 2 (2017)

In 2017, the Nibinamik and Webequie First Nations continued the ASCRS on their own to refine the preferred corridor analysis from the previous phase of the study. The ASCRS – Phase 2 involved many discussions with Nibinamik and Webequie land users, elders and youth to refine the corridor centreline and to determine support for an east-west connection to the provincial highway system at the Pickle Lake Road. The Phase 2 study also included more extensive data collection, including field studies and gathering of more Indigenous Knowledge information. The Phase 2 study identified a refined east-west all-season road corridor, which has essentially the same purpose of connecting Webequie and Nibinamik to the provincial highway system at Pickle Lake.

From the Phase 2 study, it was determined there is reasonably strong support for an all-season community road to the provincial highway system, but not clear and full community support amongst the potentially connected and/or affected First Nations for interconnection of the all-season road to mining activity in the McFaulds Lake area.

From the perspective of the Webequie First Nation, there was general community and political support for an all-season community road to the provincial highway system. However, there was concern that the discussion of the all-season road did not include an extension from the community eastwards to McFaulds Lake, which was thought to provide potential for greater economic development opportunities associated with the proposed mine exploration and future mining operations.

The above studies, as background and context, provide the foundation for the development of the proposed Webequie Supply Road. In particular, the ASCRS and refined Phase 2 study helped to guide Webequie First Nation to identify the current preliminary preferred corridor for the Project, including consideration of alternatives. Further discussion and details of how and why project alternatives were developed to date and the determination of the preliminary preferred corridor for consideration in the EA Study are presented in Section 5 of the ToR.

1.4 Purpose and Rationale for the Undertaking and Study

On May 3, 2018, the Ontario Minister of Environment, Conservation and Parks (then Minister of Environment and Climate Change) signed a voluntary agreement with Webequie First Nation to make the Webequie Supply Road Project subject to Ontario's *Environmental Assessment Act*.



The EA Act requires the proponent to set out the reasons for developing the Project in a statement of purpose, and further requires the proponent to provide a rationale for developing the undertaking. These are provided in the following sections.

1.4.1 Purpose of the Undertaking

The goals and objectives of the Webequie Supply Road Project (“the Undertaking”) are as follows:

- › To facilitate the movement of materials, supplies and people from the Webequie Airport to the area of existing mineral exploration activities and proposed mine developments in the McFaulds Lake area;
- › To provide employment and other economic development opportunities to WFN community members and businesses that reside in or around the community’s reserve and traditional territory, while preserving their language and culture; and
- › To provide experience/training opportunities for youth to help encourage pursuit of additional skills through post-secondary education.

The preliminary proposed corridor for the Project will accommodate a two (2) lane all-season gravel road. The EA Study for the Project will assess corridor alternatives and complete an effects assessment and evaluation of the selected preferred corridor for the all-season road and supporting infrastructure elements, which include aggregate extraction and processing areas, access roads, laydown/storage yards and construction camps. In accordance with the Ontario *Environmental Assessment Act*, the EA Study will involve an assessment of potential environmental effects, evaluation of alternatives, description of impacts, identification of mitigation measures and conclusions on the overall net effects of the Project on the environment.

1.4.2 Rationale for the Undertaking

The significant mineral potential in and around the McFaulds Lake area (Ring of Fire) has been well documented and will not be repeated in this Terms of Reference, although details will be provided in the Environmental Assessment.

For the purposes of this Terms of Reference, it is important to understand that accessing the Ring of Fire area from the provincial highway system and/or the national railway system is a key aspect to continuing exploration and for the development of future mining operations.

The type and location of infrastructure that is needed to connect the mineralized area with markets to the south has been examined for a number of years, as described in Section 1.3 above, both directly for the purposes of connecting future mining operations to provincial and national infrastructure, as well as in the context of broader provincial objectives for infrastructure development in the region.

Different types of ore and different scales of mining operation necessitate different types of infrastructure. There are many types of minerals that have been found in the Ring of Fire area. Some of these, primarily gold, could potentially be developed, processed and delivered to market with the existing winter road and airport infrastructure. However, the large deposits of chromite and other metals, such as nickel, that are also prevalent in the area, and have the potential to provide the greatest social and economic benefits, cannot be developed and processed relying solely on existing infrastructure, including with consideration of the proposed Webequie Supply Road. Due to the volume of ore to be transported to off-site processing



facilities an all-season industrial road connection to the provincial highway system and/or heavy rail connection to the national railway system is required for these types of mining developments to be economically viable under the current market conditions.

In addition to the mining context and potential economic development benefits of linking the WFN to the mineralized zone, the Webequie Supply Road is also relevant in the context of broader, long-term provincial growth, development and multimodal transportation initiatives in the region. Although WFN is seeking approval for the development of a supply road, the basic corridor (35 m right-of-way width) that will be subject to environmental assessment will be wide enough to accommodate future communications (e.g., broadband fibre optic line) and low voltage power distribution line, if and when connection is established to the provincial highway and electricity grid system. If ultimately built, these other infrastructure elements will bring additional economic development, education and health benefits. The key provincial plans and government priority initiatives around regional infrastructure include the following, the relevance of which are summarized in **Appendix A** to the ToR.

- › The 2041 Northern Ontario Multimodal Transportation Strategy (Draft) (MTO and MNDM, 2017);
- › The Growth Plan for Northern Ontario (MOI and MNDMF, 2011); and
- › Ontario's Mineral Development Strategy (MNDM, 2015).

As discussed in Section 1.3, a number of studies have been conducted to examine the optimum location for the required infrastructure which support and provides the basis for the proposed Webequie Supply Road. In these studies, routing considerations such as distance (and cost) to access either the provincial highway system and/or the national railway system were examined, as well as other factors considered to be important for identifying the optimum routes for connecting infrastructure, including (but not limited to):

- › Potential social and economic impacts and benefits to First Nations communities in the region;
- › Environmental impacts;
- › Constructability (in particular, the availability of well-drained land and access to aggregate materials);
- › Distance to potential processing facilities;
- › Safety of road users (i.e., dedicated versus mixed commercial and non-commercial traffic); and
- › Ownership (in particular, private versus public ownership).

The Province of Ontario and Federal government funded the All-Season Community Road Study in 2016 and Ontario provided funding for the 2017 All-Season Road Study. These studies examined alternative road connections between the provincial highway system near Pickle Lake, several First Nations to the north, and the proposed Noront Resources Eagle's Nest nickel-copper-platinum mine in the McFaulds Lake area. The preferred road corridor coming out of these studies is commonly referred to as the east-west alignment. In 2018, studies were initiated to further examine an all-season road interconnection between Nakina (near Geraldton) in the Greenstone Region and the Marten Falls First Nation, with longer term consideration of a continuation of that road north to the Ring of Fire area. The proposed section of all-season road between Nakina and Marten Falls First Nation is referred to as the Marten Falls Community Access Road project, which is subject to Ontario's *Environmental Assessment Act*. Marten Falls First Nation is also from a feasibility perspective, and as a separate project, examining an all-season road from their community to the Ring of Fire mineralized area. Collectively, these two projects are commonly referred to as the north-south corridor between the provincial road network to the mineralized area near McFaulds Lake. These studies by Marten Falls are ongoing in parallel to the Webequie Supply Road EA.



A development group known as the East-West Ring of Fire Road Coalition, made up of representatives of northern municipalities and businesses and First Nations leaders, has indicated their interest in continuing to examine the East-West road option from the Pickle Lake area into the mineralized zone.

From the perspective of the Webequie First Nation, a road connection between the community and the McFaulds Lake area would facilitate their participation in the supply of goods and services to the existing and future mining activities at McFaulds Lake, regardless of whether a north-south or east-west connection to the existing highway network is developed to facilitate future mine development. If a north-south corridor is ultimately developed, in addition to providing economic development opportunities, the Webequie Supply Road would also provide connection to the provincial highway system at Nakina. If an east-west corridor is ultimately developed, the Webequie Supply Road would facilitate the community's participation in the supply of goods and services to the existing and future mining activities at McFaulds Lake, while the east-west road would provide connection to the provincial highway system near Pickle Lake.

As plans and studies move forward towards the identification of the ultimate interconnection of the mineralized zone and the provincial highway system and/or national railway system continue, the Webequie First Nation will continue to move its plans forward for their supply road, and will maintain interests in participating in either of the north-south and/or east-west all-season road options.

In addition to road connection to the areas of potential mineral development, and ultimately the provincial highway system, WFN and some other remote First Nation communities are also interested in exploring the potential for connection to the provincial electricity grid and the telecommunications grid in the future.

1.5 Outline of Terms of Reference (ToR)

The ToR for the Webequie Supply Road Project identifies the process that will be followed during preparation of the EA in accordance with the requirements of the EA Act. Once approved by the MECP, the EA will be prepared in accordance with the detailed requirements set out in the approved ToR. In accordance with the MECP *Code of Practice: Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario*, (MECP, 2014) the ToR contains the following information:

- › Identification of the proponent;
- › Indication of how the environmental assessment will be prepared;
- › Purpose of the study or undertaking;
- › Description of the undertaking (the Project);
- › Description of and rationale for alternatives;
- › Description of the existing environment and potential effects of the undertaking;
- › Approach for the assessment and evaluation of alternatives and the undertaking;
- › Commitments and monitoring;
- › Consultation plan for the environmental assessment;
- › Flexibility to accommodate new circumstances; and,
- › Other approvals required.

The ToR document is organized into the following sections in order to satisfy the requirements under the EA Act:



Webequie Supply Road Environmental Assessment Draft Terms of Reference



- › Regulatory Framework for the Project (Section 2)
- › Approach for the Preparation of the Environmental Assessment (Section 3)
- › Description of the Undertaking (Section 4)
- › Description of and Rationale for the Alternatives Considered (Section 5)
- › Existing Environmental Conditions in the Study Area (Section 6)
- › Potential Environmental Effects (Section 7)
- › Approach for Assessment and Evaluation of Effects (Section 8)
- › Commitments and Monitoring (Section 9)
- › Consultation (Section 10)
- › Flexibility to Accommodate New Circumstances (Section 11)
- › Other Permits and Approvals (Section 12)



2 Regulatory Framework for the Project

2.1 Regulatory Framework

2.1.1 Ontario's Environmental Assessment Act

The Ontario *Environmental Assessment Act* (EA Act) is a planning and decision-making process to ensure the protection, conservation, and wise management of the environment.

Projects can be classified as falling under either a Class Environmental Assessment process or an Individual Environmental Assessment process.

Class Environmental Assessments are those projects which are approved subject to compliance with an approved standardized planning process. This standardized planning process is for classes or groups of projects that are carried out routinely and have predictable environmental effects which can be largely mitigated. No formal approval under the *Environmental Assessment Act* is required, provided the procedural requirements of Class EA parent documents are followed, and a request to the Minister of the Environment, Conservation and Parks to make the undertaking subject to Part II of the EA Act (the preparation of an Individual EA) (Part II Order) is not granted.

Individual Environmental Assessments are completed for those projects which are complex in nature with the potential for significant environmental effects.

The Webequie Supply Road Project is following an Individual Environmental Assessment process (refer to ToR Section 3.2 for details). The Project will be subject to meeting the requirements of Ontario's *Environmental Assessment Act*, and the federal *Impact Assessment Act*.

The proposed ToR has been prepared following the *Code of Practice: Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario* (MECP, January 2014). The ToR establishes the EA assessment process and work plan for the Project.

2.1.2 Impact Assessment Act

The Webequie Supply Road Project is subject to review under the federal *Impact Assessment Act* (IAA), 2019, which requires proponents of such projects that are described in the Act's *Regulations Designating Physical Activities* to prepare Initial and Detailed Project Descriptions. "Physical Activities", are defined to include "the construction, operation, decommissioning and abandonment of a new all-season public highway that requires a total of 75 km or more of new right of way." Review of the Detailed Project Description by the Impact Assessment Agency of Canada (the Agency), and the results of the Agency's associated engagement and consultation activities, will determine whether a federal environmental assessment must be prepared, based on the significance of anticipated environmental effects.

If a project includes an activity that is described on the Project List within the *Regulations Designating Physical Activities* subject to the Act), the principal steps in the IAA process leading to a decision on the EA typically include:



- › Prior to the planning phase, the proponent prepares an Initial Project Description, containing information about the proposed project and identifying the location, local communities and Indigenous groups who may be affected. The proponent is responsible for conducting engagement activities to support the preparation of the Initial Project Description;
- › If deemed acceptable, the Agency conducts a comment period on the Initial Project Description, which includes consulting with federal authorities who may be in possession of specialist or expert information or knowledge;
- › During the comment period, the Agency would also seek input from various provincial, territorial and Indigenous jurisdictions, as applicable, that may have responsibilities in relation to assessment of the designated project in order to prepare for a possible impact assessment;
- › Following the comment period, the Agency prepares a Summary of Issues, which includes issues raised by provincial, territorial and Indigenous jurisdictions, as applicable, Indigenous groups, the public, federal authorities and other participants. The Agency provides the Summary of Issues to the proponent, posts a copy on the Impact Assessment Registry, and shares the detailed comments with the proponent to address in the preparation of the Detailed Project Description. As applicable, the proponent is responsible for conducting engagement activities to support the preparation of the Detailed Project Description;
- › Proponent prepares a Response to Summary of Issues that describes how the identified issues will be addressed, and a Detailed Project Description that meets the requirements of the Act's *Information and Management of Time Limits Regulations*;
- › Proponent submits a Response to the Summary of Issues and the Detailed Project Description to the Agency. The Agency determines if an impact assessment is required and posts the decision and the reasons for the decision on the Impact Assessment Registry;
- › Following receipt of the Detailed Project Description, the Agency prepares drafts of the following plans and consults with:
 - a) Indigenous groups, to develop the Indigenous Engagement and Partnership Plan (describing how Indigenous groups will be engaged and consulted throughout the impact assessment process and their preferred engagement tools and strategies);
 - b) The public, to develop the Public Participation Plan (outlining how the public will be engaged throughout the impact assessment process, and preferred engagement tools and strategies);
 - c) Other jurisdictions, including Indigenous jurisdictions, as applicable, to develop the Cooperation Plan (describing how the Agency will work with other jurisdictions throughout the impact assessment process);
 - d) Federal expert departments in order to develop the Permitting Plan (identifying the anticipated federal permits, licences and authorizations required for the Project); and
 - e) All parties to develop the Tailored Impact Statement Guidelines (including the scope of the factors that are to be considered by the proponent in its Impact Statement as part of an impact assessment);
- › Once finalized, the Agency provides the Tailored Impact Statement Guidelines and the Plans to the proponent and posts the documents to the Impact Assessment Registry with the Notice of Commencement;



- › Following the completion of the planning phase, which takes 180 days to complete, the proponent prepares the Impact Statement in accordance with the Tailored Impact Statement Guidelines. The proponent continues to engage Indigenous groups and the public to inform its Impact Statement;
- › Upon receipt of a satisfactory Impact Statement from the proponent, the Agency reviews the proponent's Impact Statement to determine if the information requirements set out in the Tailored Impact Statement Guidelines have been met. If there are deficiencies, the Agency will provide information on those gaps to the proponent;
- › The Agency may engage with federal authorities, Indigenous groups, other jurisdictions and members of the public to ensure all information and studies outlined in the Tailored Impact Statement Guidelines are included in the proponent's Impact Statement;
- › Proponent prepares responses to comments received from government agencies, Indigenous communities, and other interested stakeholders; Refinement of the Impact Statement;
- › Once the Agency is satisfied with the content of the Impact Statement, the Agency will post a Notice of Determination on its Registry Internet Site. The proponent has three years to prepare and submit a satisfactory Impact Statement;
- › Once a Determination has been posted, the 300-day time period and the Impact Assessment phase begins. The Agency would hold a formal comment period on the Impact Statement and may continue analysis of and engagement/consultation on Impact Statement throughout this phase;
- › Agency considers comments received and may engage the proponent to seek clarifications, resolve issues, or to ask questions on the Impact Statement;
- › Once the Agency is satisfied that it has the necessary information, the Agency prepares and holds a formal comment period on a draft Impact Assessment Report (IAR)., prepared by the Agency, and potential conditions (requirements included in a decision statement issued by the Minister of Environment and Climate Change with which the proponent must comply, including mitigation measures and follow-up programs); and also prepares a Consultation Report (including advice to the Minister regarding the adequacy of consultations to fulfill the Crown's duty to consult and accommodate Indigenous groups);
- › Agency considers comments received, finalizes the IAR and potential conditions, and provides the IAR, potential conditions and Consultation Report to the Minister of Environment and Climate Change;
- › Following submission of the Agency's advice to the Minister, the Impact Assessment Phase is completed. The Minister has 30 days to issue his/her Decision based on the Impact Assessment Report. The Minister must determine if the adverse effects within federal jurisdiction and the adverse direct or incidental effects are in the public interest, or refer the determination to the Governor in Council;
- › The Minister issues the Decision Statement, including detailed reasons related to the public interest determination, any enforceable conditions with which the proponent must comply, and the final description of the designated project.



2.1.3 Process for Federal-Provincial Coordinated EA

The Project is subject to both the Ontario *Environmental Assessment Act* and the federal *Impact Assessment Act*. The requirements of the Acts and the process to execute the assessments differ somewhat, as displayed in **Figure 2.1** below. As the steps in an EA required by MECP and by the Agency differ, a coordinated approach is needed to meet the requirements of the federal and provincial processes. To guide this coordinated process, Canada and Ontario entered into an agreement in entitled “Canada-Ontario Agreement on Environmental Assessment Cooperation” (2004). For the Webequie Supply Road Project, the two levels of government have indicated a willingness to follow the coordinated EA process and produce one body of documentation. The single EA document will address the requirements of both the provincial ToR and the federal Tailored Impact Assessment Guidelines. To help facilitate a coordinated process, an EA Coordination Team has been established for this project that includes representatives of both the federal and provincial governments. The purpose of this team is to address and coordinate the requirements of both processes in an efficient manner.

The EA Coordination Team is comprised of the following provincial and federal agencies:

- › Ontario Ministry of Energy, Northern Development and Mines;
- › Ontario Ministry of the Environment, Conservation and Parks;
- › Ontario Ministry of Natural Resources and Forestry;
- › Ministry of Transportation Ontario; and
- › Impact Assessment Agency of Canada.

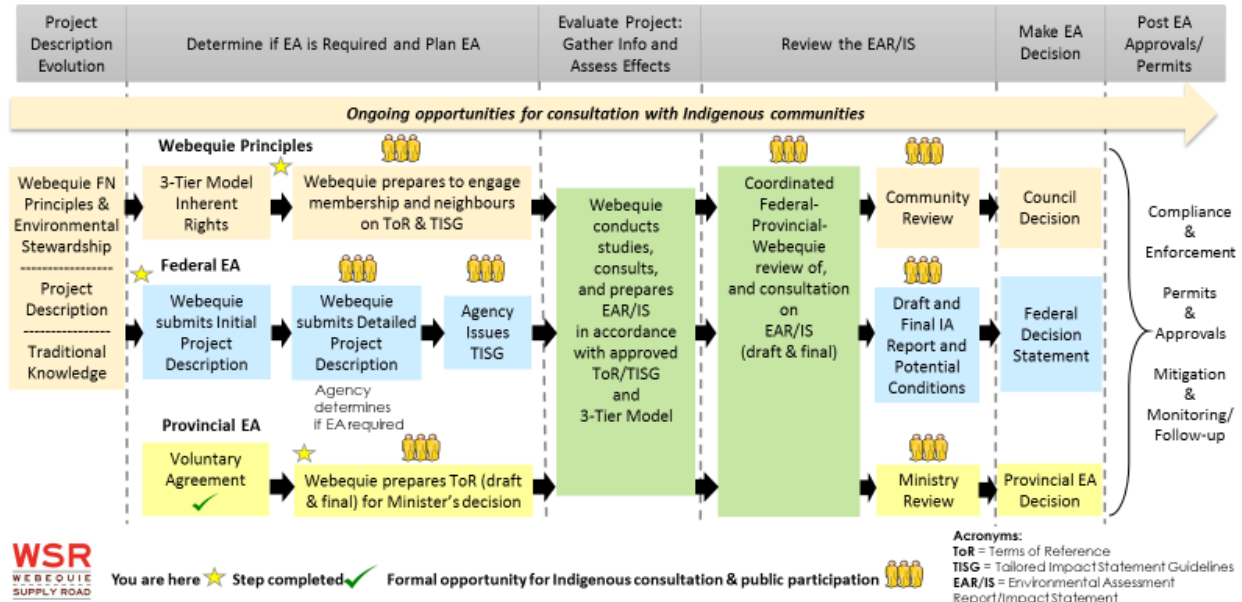
The mandate of the EA Coordination Team is to meet with the Webequie Project Team on a regular basis, in a forum where team members can exchange information, including providing each other with updates on the EA process; explore issues and collectively try to resolve them before they compromise the EA process; work on coordinating the EAs and keep the processes moving forward in lockstep to the greatest possible extent; and seek feedback on Indigenous and public and stakeholder consultation. Meetings with the EA Coordination Team are scheduled to occur every two weeks via teleconference, and in person when it is determined to be of assistance.

As part of the coordinated federal-provincial EA process, the Webequie Supply Road Environmental Assessment will include the following process milestones, as presented in **Figure 2.1**:

- › Pre-EA Planning, including signing of the voluntary agreement to participate in the process, development of the ToR and the Tailored Impact Assessment Guidelines;
- › EA commencement;
- › Environmental baseline studies and preparation of the Environmental Assessment Report/Impact Statement (EAR/IS);
- › EA decision; and
- › Monitoring and follow-up.

Figure 2.1: Coordinated Webequie-Federal-Provincial EA Process

Coordinated Webequie-Federal-Provincial- EA Process



2.1.4 Other Relevant Federal Legislation and Permits

The Project may require permits and approvals under the federal legislation identified in **Table 2-1**.

Table 2-1: Federal Legislation, Permits and other Authorizations

Federal Agency	Legislation/Permit/Act	Applicability to the Project
Transport Canada	<i>Navigation Protection Act</i>	Consult with Transport Canada on any work in or over a navigable waterbody that may interfere substantially with navigation (e.g., construction of a bridge, boom, dam or causeway, dumping of fill in or excavation of materials from the river bed, placement of any power cable, wire, structure or device). There are no crossings of waterbodies included in the Schedule to the Act designating Navigable Waters.
Fisheries and Oceans Canada	Authorization under <i>Fisheries Act</i>	Work or undertaking that may result in serious harm to fish that are part of a commercial, recreational or Indigenous fishery, or to fish that support such a fishery. Serious harm to fish is the



Federal Agency	Legislation/Permit/Act	Applicability to the Project
		death of fish or any permanent alteration to, or destruction of, fish habitat.
Environment and Climate Change Canada	Permit under <i>Species at Risk Act (2002) Section 73</i>	Work that causes a specified impact to a terrestrial, avian or aquatic species listed under SARA Schedule 1, or its habitat, and which contravenes the Act's general or critical habitat prohibitions (includes intrusive methods for sampling).
Indigenous Services Canada (ISC)	<i>Authorization under Indian Act Section 28(2)</i>	ISC must authorize the occupation of, use of, residency on, or exercise of rights on First Nations Reserve lands: "The Minister may by permit in writing authorize any person for a period not exceeding one year, or with the consent of the council of the band for any longer period, to occupy or use a reserve or to reside or otherwise exercise rights on a reserve." Portions of the road corridor would be located on First Nation Reserve lands.
Natural Resources Canada	Blasting Explosives Purchase and Possession Permit Transportation of Explosives Permit under the <i>Explosives Act</i>	Purchase, use, storage or transportation of explosives.

2.1.5 Other Relevant Provincial Legislation and Permits

The Project may require permits and approvals under the provincial legislation identified in **Table 2-2**.

Table 2-2: Provincial Legislation, Permits and Other Authorizations

Agency	Permit/Act	Corresponding Applicability to the Project
Ontario Ministry of Natural Resources and Forestry	Permit to Collect Fish for Scientific Purpose under the <i>Fish and Wildlife Conservation Act (1997)</i>	<ul style="list-style-type: none"> To facilitate the capture and transfer of fish during in-water works, such as cofferdam construction or dewatering



Agency	Permit/Act	Corresponding Applicability to the Project
	Permit to Collect Wildlife for Scientific Purpose under the <i>Fish and Wildlife Conservation Act</i> (1997)	<ul style="list-style-type: none"> Facilitates the capture and transfer of wildlife
	Authorization under the <i>Fish and Wildlife Conservation Act</i> (1997)	<ul style="list-style-type: none"> Project construction and operation is anticipated to destroy the nests or eggs of birds, a beaver dam, or the den of a black bear or some furbearing mammals, or interfere with a black bear in its den
	Forest Resource Licence (Cutting Permit) under the <i>Crown Forest Sustainability Act</i> (1994)	<ul style="list-style-type: none"> Harvesting and/or cutting timber on Crown land
	Burn Permit under <i>Forest Fires Prevention Act</i> (1990)	<ul style="list-style-type: none"> Burning of materials from forest clearing, if required
	<i>Public Lands Act</i> (1990)	<ul style="list-style-type: none"> Works on crown lands and/or shore lands, including geotechnical investigations, construction/upgrade of access roads and trails, culverts/bridges
	Land Use Permits	<ul style="list-style-type: none"> Necessary for access roads to and within project site, temporary laydown and/or spoil areas
	<i>Far North Act</i> (2010)	<ul style="list-style-type: none"> Permits and approvals depend on type of development and stage of completion of community-based land use plans. Note: this Act is currently being repealed
	Aggregate Permit under <i>Aggregate Resources Act</i> (1990)	<ul style="list-style-type: none"> Extracting aggregate on all Crown land and on private land in areas of Province designated (specifically identified) in the regulations
	Licence of Occupation under <i>Public Lands Act</i> (1990)	<ul style="list-style-type: none"> Construction work occurring on Crown lands
	Work Permit under <i>Lakes and Rivers Improvement Act</i> (LRIA)	<ul style="list-style-type: none"> Channelization, diversions Bridges and some culverts



Agency	Permit/Act	Corresponding Applicability to the Project
Ontario Ministry of the Environment, Conservation and Parks (MECP)	Permit to Take Water or Environmental Activity and Sector Registration under the <i>Ontario Water Resources Act</i> (1990)	<ul style="list-style-type: none"> Where project construction requires water taking - pumping, draining, dewatering Takings up to 50,000 L/day require no permit/registration Takings between 50,000 and 400,000 L/day require registration (EASR) Takings over 400,000 L/day require a permit (PTTW)
	Permit under Section 17 of the <i>Endangered Species Act, 2007</i>	<ul style="list-style-type: none"> Potential for corridor/road construction to have effects on listed species or habitat
	Approval under <i>Health Protection and Promotion Act</i> (1990)	<ul style="list-style-type: none"> Facilitates provision of potable water and on-site sewage treatment and disposal systems at temporary construction camp(s)
	Environmental Compliance Approval under <i>Environmental Protection Act</i> (1990)	<ul style="list-style-type: none"> Enables waste to be transported by haulers from the project work site and to enable emissions from on-site equipment An ECA will be required for on-site sewage systems with a design capacity in excess of 10,000 L/Day
	Approval under <i>Environmental Assessment Act</i>	<ul style="list-style-type: none"> Consideration of potential environmental effects of the Project
Ministry of Health and Long-Term Care	Permit to Construct - Sewage System	<ul style="list-style-type: none"> A district Health Unit permit will be required for on-site sewage systems with a design capacity of up to 10,000 L/Day
Ontario Ministry of Labour	<i>Occupational Health and Safety Act</i> (1990)	<ul style="list-style-type: none"> Notice of Project under Section 23(2)
Ministry of Tourism, Culture and Sport	<i>Ontario Heritage Act</i> (1990)	<ul style="list-style-type: none"> Letter(s) of Satisfaction for archaeological cultural heritage assessment(s) conducted as part of environmental assessment



3 Approach for Preparation of the Environmental Assessment

3.1 Environmental Assessment Principles

There are several EA principles that govern the Environmental Assessment process. These principles are used to evaluate the EA to ensure that the Project meets the requirements of the *Environmental Assessment Act* and the *Impact Assessment Act*. The Webequie Supply Road EA will incorporate these principles into the process being followed for this project. The following principles must be incorporated for the EAR/IS to meet federal and provincial regulatory requirements:

- › Engagement with Indigenous communities, federal, provincial and municipal agencies and identified potentially affected stakeholders and other persons who may have an interest in the Project;
- › Consideration of alternatives to the undertaking;
- › Consideration of alternative methods for carrying out the Project;
- › Consideration of the environment, and potential impacts resulting from the undertaking;
- › Evaluation of net environmental effects; and
- › Documentation in the form of a consolidated Environmental Assessment Report/Impact Statement (EAR/IS) that will document the process followed in a transparent and traceable manner.

3.2 Indication of How the Environmental Assessment is to be Prepared

The EA for the Project will be prepared in accordance with the ToR, as approved by the Minister of the Environment, Conservation and Parks, and in accordance with the requirements of the Ontario *Environmental Assessment Act*, and the federal Tailored Impact Statement Guidelines provided by the Impact Assessment Agency of Canada (the Agency).

Under the EA Act, a proponent may prepare the EA under section 6.1(2), which includes an assessment of “alternatives to” the undertaking and “alternative methods of carrying out the undertaking, or it can proceed in accordance with subsections 6(2)(c) and 6.1(3) of the EA Act, which allow focusing of the EA on a more defined range of alternatives and the use of information other than the generic requirements outlined in subsection 6.1(2).

The following excerpts present the subsections referenced from the Act.

EA Act subsection 6.1(2):

6.1(2) Subject to subsection (3), the environmental assessment must consist of,

- (a) a description of the purpose of the undertaking;
- (b) a description of and a statement of the rationale for;



- (i) the undertaking;
 - (ii) the alternative methods of carrying out the undertaking; and
 - (iii) the alternatives to the undertaking;
- (c) a description of,
- (i) the environment that will be affected or that might reasonably be expected to be affected, directly or indirectly;
 - (ii) the effects that will be caused or that might reasonably be expected to be caused to the environment; and
 - (iii) the actions necessary or that may reasonably be expected to be necessary to prevent, change, mitigate or remedy the effects upon or the effects that might reasonably be expected upon the environment, by the undertaking, the alternative methods of carrying out the undertaking and the alternatives to the undertaking;
- (d) an evaluation of the advantages and disadvantages to the environment of the undertaking, the alternative methods of carrying out the undertaking and the alternatives to the undertaking; and,
- (e) a description of any consultation about the undertaking by the proponent and the results of the consultation. 1996, c. 27, s. 3.

Section 6.1(3) of the EA Act:

- 6.1(3) The approved terms of reference may provide that the environmental assessment consists of information other than that required by subsection (2). 1996, c. 27, s. 3.

Section 6(2) of the EA Act:

- 6(2) The proposed terms of reference must,
- (a) indicate that the environmental assessment will be prepared in accordance with the requirements set out in subsection 6.1 (2);
 - (b) indicate that the environmental assessment will be prepared in accordance with such requirements as may be prescribed for the type of undertaking the proponent wishes to proceed with; or
 - (c) set out in detail the requirements for the preparation of the environmental assessment. 1996, c. 27, s. 3.



Proponents may engage in the use of subsections 6(2)(c) and 6.1(3) of the Act if there is a more defined planning process and more details of the Project are already known. This is generally referred to as a “focused EA”. As described in Sections 1.3.1 and 5.1.2.1 of this ToR, addressing the project’s background and context, over the last decade, there has been extensive examination (planning and assessment) of alternative road corridors in and around the McFaulds Lake area, as well as alternatives for interconnecting future mine developments and remote First Nations to the provincial highway system.

Therefore, this ToR proposes that project alternatives (i.e., alternatives to the undertaking) have been considered to the point where a planning solution for fulfilling the project purpose, as identified by Webequie First Nation, has been identified (i.e., an all-season road corridor). “Alternative methods” for carrying out the Project (different ways of implementing the all-season road corridor) have also initially been identified in the ToR and these will be carried forward in a focussed evaluation in the EA in accordance with EA Act subsections 6(2)(c) and 6.1(3) as suggested by MECP in *Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario* (January 2014)¹. The focused EA will still be conducted to meet the requirements of subsection 6.1(2)(b) of the EA Act. Section 5 of this ToR provides the approach and analysis to the assessment of reasonable “alternatives to” the Project (including the “Do Nothing” option) and “alternative methods” of carry out the Project.

The Webequie Project Team acknowledges that assembly and use of the best available information from all sources will be required to conduct the EA. In the context of subsection 6.1(3) of the EA Act, the EA will place significant importance on Indigenous or Indigenous Knowledge (IK) information provided by Indigenous communities. Where conflicts between Indigenous Knowledge information and western science information arise, the IK information will be given priority and preference. The assessment will also be guided by the WFN principles of community consultation (referred to as the three-tier approach) to engage and consult with other First Nations (refer to Section 10.1.1 Indigenous Communities Consultation).

The EA for the Webequie Supply Road Project will be prepared in accordance with Sections 6(2)(c) and 6.1(3) of the EA Act and will include.

- › A description of the purpose of the undertaking;
- › A description of and a statement of the rationale for the undertaking;
- › Alternative methods of carrying out the undertaking;
- › A description of the environment that will be affected, or might reasonably be expected to be affected directly or indirectly by the Project and the identified reasonable alternative methods of carrying out the Project;
- › An evaluation of the advantages and disadvantages to the environment as a result of implementing the alternative methods of carrying out the Project, including net effects associated with potential measures to mitigate potential adverse effects; and identification of the preferred alternative method (the Project);
- › A description of the Project;
- › Anticipated effects to the environment resulting from implementation of the Project;
- › Commitments to mitigation and environmental protection measures that are expected to reduce the effects of the Project on valued environmental components;

¹ MECP states: “A proponent should use subsections 6(2)(c) and 6.1(3) if there is a more defined planning process and more details of the proposal are already known (for example, the potential alternatives it wishes to evaluate).”



- › A description of the Indigenous community, public, government agency, and stakeholder engagement and consultation undertaken during the EA process;
- › Identification of other/future permits, licences, approvals and other authorizations required to implement the Project;
- › Other commitments and assurances, including follow-up environmental monitoring plans, technical investigations, and engagement and consultation programs; and
- › Supporting documentation, including baseline surveys, mapping, technical memoranda and reports, and a Record of Consultation.

Detailed technical investigations and assessments will be undertaken for the Project and documented in the EAR/IS for the following:

- › Physical Environment (i.e., geology, terrain and soils)
- › Air Quality
- › Noise
- › Indigenous Knowledge
- › Indigenous Land and Resource Use
- › Archaeological Resources
- › Groundwater
- › Surface Water
- › Vegetation and Wetlands
- › Wildlife
- › Aquatic Biology (i.e., fish and fish habitat)
- › Socio-Economic Environment
- › Cultural Heritage Resources
- › Preliminary engineering road design assessment
- › Geotechnical, soil and terrain assessment

It is important to note that investigations/assessments additional to the ones listed above may be undertaken should they be deemed necessary.