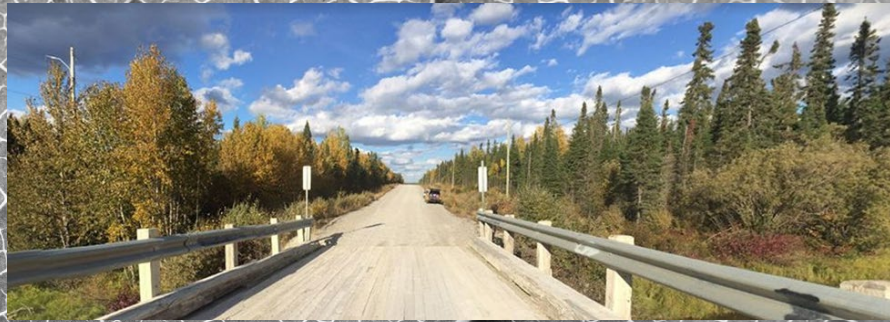




# Webequie Supply Road Environmental Assessment TERMS OF REFERENCE

Webequie First Nation



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Appendix A	Relevant Background Studies, Provincial Plans and Policies
Appendix B	List of Preliminary Evaluation Criteria and Indicators
Appendix C	Summary of Commitments Made During Terms of Reference Phase



## Acronyms and Abbreviations

ANSI	Area of Natural and Scientific Interest
ASCR	All-Season Community Road
BMP	Best Management Practice(s)
CBLUP	Community Based Land Use Plan
COSEWIC	Committee on the Status of Endangered Wildlife in Canada
COSSARO	Committee on the Status of Species at Risk in Ontario
DFO	Fisheries and Oceans Canada
EA	Environmental Assessment
EA Act	<i>Environmental Assessment Act</i>
EAR	Environmental Assessment Report
EASR	Environmental Activity and Sector Registry
ECA	Environmental Compliance Approval
ECCC	Environment and Climate Change Canada
ELC	Ecological Land Classification
EPP	Environmental Protection Plan
ESA	<i>Endangered Species Act</i>
GIS	Geographic Information System
GRT	Government Review Team
IAA	<i>Impact Assessment Act</i>
IS	Impact Statement
ISC	Indigenous Services Canada
LIO	Land Information Ontario
LiDAR	Light Detection and Ranging (surveying method)
ENDM	Ministry of Energy, Northern Development and Mines
MHSTCI	Ministry of Heritage, Sport, Tourism and Culture Industries
MNDMF	Ministry of Northern Development, Mines and Forestry (2011)
MNRF	Ministry of Natural Resources and Forestry
MECP	Ministry of the Environment, Conservation and Parks
MOI	Ministry of Infrastructure
MTO	Ministry of Transportation of Ontario
NHIC	Natural Heritage Information Centre
NAPS	Nishnawbe Aski Police Service
OBBA	Ontario Breeding Bird Atlas
PSW	Provincially Significant Wetland
ROM	Royal Ontario Museum
PTTW	Permit to Take Water
ROW	Right-of-Way
SAR	Species at Risk
SARA	<i>Species at Risk Act</i>
SARO	Species at Risk in Ontario
TISG	Tailored Impact Statement Guidelines
ToR	Terms of Reference
TAC	Transportation Association of Canada
SWH	Significant Wildlife Habitat
UTM	Universal Transverse Mercator
WFN	Webequie First Nation
WSR	Webequie Supply Road





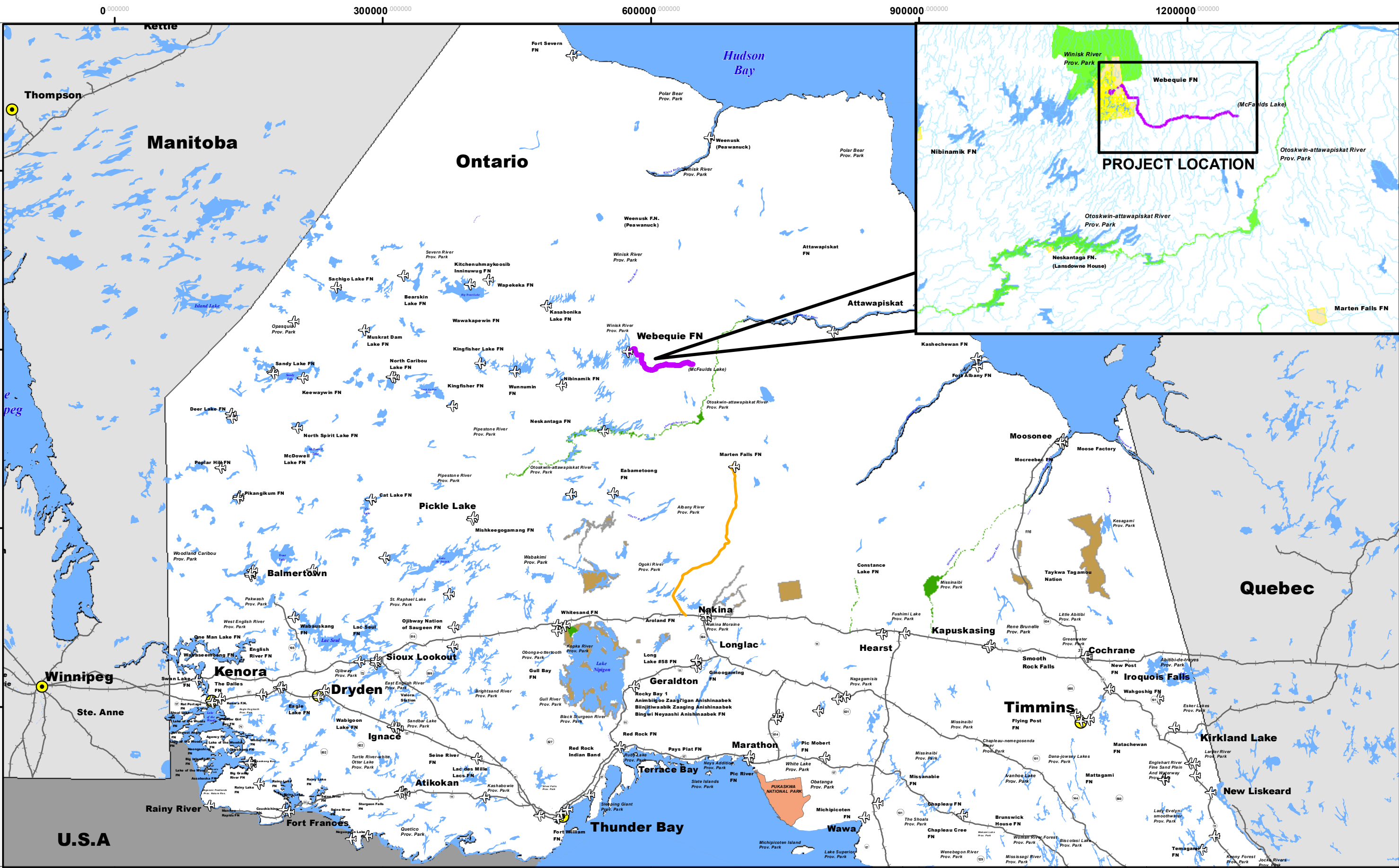
# 1 Introduction

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”, “the Undertaking”) 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 and the Supporting Documentation package. Both of these are stand-alone documents that will be reviewed when determining whether the Terms of Reference should be approved, but are not specifically subject to approval by the Minister. The Record of Consultation documents the engagement of and consultation with Indigenous (First Nation and Métis) communities, government ministries and agencies, the public, and stakeholders during the development of the ToR, including feedback received (comments, concerns, questions) and project team responses. The purpose of supporting documentation is to provide more detailed information that will assist the Minister and other persons in understanding the planning process that the proponent carried out in order to arrive at the proposal.

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 (refer also to Section 2.1.1 regarding regulatory requirements).

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, with implementation of the Project and future mining and road infrastructure developments in the McFaulds Lake area, it is likely that Webequie First Nation could 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.



- Legend**
- |                                                            |                  |                       |                      |
|------------------------------------------------------------|------------------|-----------------------|----------------------|
| Proposed Preliminary Corridor for the Webequie Supply Road | All-Season Roads | First Nation Reserve  | Conservation Reserve |
| City/Town                                                  | Rail             | Federal National Park | Waterbody            |
| Winter Roads                                               |                  | Provincial Park       | Airports             |

**WSR**  
WEBEQUIE  
SUPPLY ROAD

0 50 100 Km



Canada Lambert Conformal  
Conic Projection

**Webequie Supply Road**  
*Project Location*

Date: 2020-03-13	File Number: 649920	Sub Code: 0000
Figure Number:	1.1	Rev. 0



## 1.1 Proponent

The Project proponent is Webeque First Nation (WFN), an Ojibway community located in Northwestern Ontario, approximately 525 km north of Thunder Bay (refer to **Figure 1.1**). Webeque 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 Webeque First Nation Reserve is currently serviced by the Webeque 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. It should be noted that WFN is the proponent of the WSR Environmental Assessment only at this point. WFN continues to have discussions with the Province on roles and responsibilities with respect to ownership and construction of the WSR; proponenty for the WSR construction will be determined later in the project development process.

## 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 Webeque First Nation is a remote fly-in community that has access to materials and goods via the Webeque 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 Webeque Supply Road 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 the relevant studies is presented in chronological order



below. **Appendix A** of the ToR provides additional detail. All of these studies have contributed to the rationale for the development of the WSR.

#### ***Winter Road Re-Alignment Study (2008)***

On behalf of five 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 project 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.

From the Webequie First Nation perspective, this study was helpful in providing guidance towards improving existing winter roads that run to the south and west of the community. However, it did not examine a supply road connection into the McFaulds Lake area, which was considered important to Webequie First Nation, as it could provide broader economic development opportunities and social benefits.

#### ***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. As part of the Black Thor Chromite Mine 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 Webequie, 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.

#### ***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, including an examination of 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 process was not completed. The provincial notice of approval for the Noront EA Terms of Reference for the Eagle’s Nest Mine Project included the requirement that Noront re-screen four road corridors before reaching a conclusion on its access road corridor. The draft EIS/EAR for the Noront Eagle’s Nest Mine Project was prepared in advance of the approval of the ToR and does not reflect the requirement to re-screen access road corridors. The MECP Environmental Assessment Permissions Branch did not review the draft EIS/EAR. The WSR Project Team understands that the document was reviewed by federal agencies and comments were returned to Noront. As part of the transition to the new *Impact Assessment*





Act on August 28, 2019, the Impact Assessment Agency of Canada issued a Notice of Termination of the federal EA for the Eagle's Nest Mine Project.

At present, the Noront EA process 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 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 Northern Ontario Resource Trail (NORT) North Road/Pickle Lake Road 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.

#### ***All-Season Community Road Study (2016)***

Webequie First Nation, in partnership with three 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 NORT North Road/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 Webeque 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 Webeque First Nation, there was general community and political support for an all-season community road connection 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 Webeque Supply Road. In particular, the ASCRS and refined Phase 2 study helped to guide Webeque 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 the Environment, Conservation and Parks (then Minister of the Environment and Climate Change) signed a voluntary agreement with Webeque First Nation to make the Webeque Supply Road Project subject to an Individual Environmental Assessment under Ontario's *Environmental Assessment Act* (refer to **Section 2.1.1** Regulatory Framework – Ontario *Environmental Assessment Act* for the rationale behind this agreement).

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 Webeque Supply Road Project ("the Undertaking") are as follows:

- › To facilitate the movement of materials, supplies and people from the Webeque 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 complete an effects assessment and evaluation of the corridor alternatives for the all-season road and the alternatives for 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. The level of detail in assessing the preferred alternative(s) is expected to be greater than the level of detail for assessing the broader group of alternative methods, which is not atypical, given that additional technical and consultation input may be gathered/received once the preferred alternative method of implementing a project has been identified.

#### 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 and **Appendix A**, 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 consideration of the proposed Webeque 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. However, the Webeque Supply Road could be constructed and operated as a facility that only provides a connection between Webeque First Nation and the McFaulds Lake area to serve mineral exploration and future mining development, with no connection to the provincial highway system.

In addition to the mining context and potential economic development benefits of linking WFN to the mineralized zone, the Webeque 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



## Webequie Supply Road Environmental Assessment Terms of Reference



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 lines, if and when connection is established to the provincial highway and electricity grid system. However, given the current uncertainty as to how and when power and communications infrastructure will be extended into the project area, these components have not been included in the scope of the Project. 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; of which details and excerpts are presented in **Appendix A** of the ToR.

- › The 2041 Northern Ontario Multimodal Transportation Strategy (Draft) (MTO and MNMD, 2017);
- › The Growth Plan for Northern Ontario (MOI and MNDFM, 2011); and
- › Ontario's Mineral Development Strategy (MNMD, 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 provide 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 were 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 Nation 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 studies discussed in Section 1.3 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. Marten Falls First Nation is currently leading a coordinated federal-provincial environmental assessment process for the Marten Falls Community Access Road, which would connect Marten Falls First Nation to the provincial highway network via a connection to Painter Lake Road. This environmental assessment is ongoing at the same time as the Webequie Supply Road EA. From a feasibility perspective, and as a separate project, Marten Falls First Nation is also examining an all-season road from their community to the Ring of Fire mineralized area ("Phase 2" or "the Northern Road Link"). Collectively, these two Marten Falls initiatives are commonly referred to as the north-south corridor between the provincial road network to the mineralized area near McFaulds Lake. On March 2, 2020, the Province announced a partnership with Webequie First Nation and Marten Falls First Nation to advance the environmental assessment, planning and development of the Northern Road Link, which would connect to the proposed Marten Falls Community Access Road at the south end and to the proposed Webequie Supply Road at the north end.



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 McFaulds Lake mineralized zone.

From the perspective of the Webeque 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 Webeque Supply Road would also provide connection to the provincial highway system at Nakina. If an east-west corridor is ultimately developed, the Webeque 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, Webeque 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 Webeque 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 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 the Undertaking (the Project);
- › Description of the Undertaking;
- › Description of and rationale for alternatives considered;
- › 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:



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



## 2 Regulatory Framework for the Project

### 2.1 Regulatory Framework

#### 2.1.1 Ontario *Environmental Assessment Act*

The Ontario *Environmental Assessment Act* (EA Act) embodies and enables 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 apply to those projects that are deemed 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 that can be largely mitigated. No formal approval under the Ontario *Environmental Assessment Act* is required, provided the procedural requirements of Class EA parent documents are followed, and a request to the Ontario 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 that are complex in nature, with the potential for significant environmental effects and require a decision by the Minister of the Environment, Conservation and Parks under the EA Act.

The Webeque Supply Road Project is following an Individual Environmental Assessment process (refer to ToR Section 3.2 for details). Under normal circumstances, the Project would be subject to the Ministry of Natural Resources and Forestry's *Class Environmental Assessment for MNRF Resource Stewardship and Facility Development Projects* ("MNRF RSFD Class EA"), since multiple dispositions (land and resources) would be required from MNRF in order to implement the Project. There is no exemption from the MNRF Class EA requirements for dispositions associated with First Nation-led projects.

MNRF expressed concern that the length, significance and potential impacts of the proposed all-season supply road, along with the related activities (e.g., aggregate extraction), were expected to be outside of the intended scope of the MNRF Class EA, and the use of the Class EA could potentially fail to address the complexities that could reasonably be anticipated to arise for an all-season road of this length in this remote environment. Consequently, Webeque entered into a voluntary agreement with Minister of the Environment, Conservation and Parks under Section 3.0.1 of the Ontario *Environmental Assessment Act* to make the Project subject to the Act, as the Individual EA process was considered to be more appropriate for effectively addressing the scale, complexity and potential for significant environmental effects. MNRF has advised MECP and Webeque that, assuming there are no deficiencies or gaps in the preparation of the Individual EA, the Individual EA should address MNRF's RSFD Class EA requirements. It is Webeque's intent to satisfy the MNRF RSFD Class EA requirements through the Individual EA process.

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 basic EA assessment process and work plan for the Project.



The Project will also be subject to meeting the requirements of the federal *Impact Assessment Act*, the requirements of which are outlined in Section 2.1.2.

### 2.1.2 Canada *Impact Assessment Act*

The Webequie Supply Road Project is subject to review under the federal *Impact Assessment Act* (IAA), enacted June 21, 2019, which requires proponents of projects that are described in the Act's *Regulations Designating Physical Activities* to prepare Initial and Detailed Project Descriptions.<sup>1</sup> “Physical Activities” subject to the Act 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.” From a review of the Detailed Project Description, and the results of associated engagement and consultation activities, the Impact Assessment Agency of Canada (“the Agency”) has determined that a federal impact assessment (IA) must be prepared, based on the significance of anticipated project effects.

Following a determination that a federal IA must be prepared, the principal steps in the IAA process leading to a decision on the IA typically include:

- › The Agency develops draft 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) and plans that will guide consultation and engagement on the Project, and consults with participating parties on these documents. 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 (end of the 180-day **Planning phase**; commencement of the **Impact Statement phase**). These activities occurred on February 24, 2020;
- › The proponent has three years to prepare and submit a satisfactory Impact Statement in accordance with the Tailored Impact Statement Guidelines;
- › Once the Agency is satisfied with the content of the Impact Statement, the 300-day **Impact Assessment phase** begins and the Agency prepares a draft Impact Assessment Report (IAR). The Agency considers comments received on the draft IAR, finalizes the IAR and potential conditions, and provides the IAR, potential conditions and Consultation Report to the Minister of Environment and Climate Change for a decision.

The status of the IAA process for the Project can be accessed through the following link: <https://iaac-aeic.gc.ca/050/evaluations/proj/80183>.

On a matter also related to the IAA, on February 10, 2020, the Minister of Environment and Climate Change granted requests for conducting a Regional Assessment in the area centred on the Ring of Fire mineral

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<sup>1</sup> The WSR Project was initiated under the *Canadian Environmental Assessment Act, 2012*. Based on the status of the Project Description when the IAA came into force on August 28, 2019, the Project transitioned to the IAA process at that time. “The IAA replaces CEAA, 2012 and establishes an impact assessment process to serve as a project planning tool, which takes into consideration the whole range of environmental, health, social and economic effects of projects. The new regime shifts away from decisions based solely on the significance of adverse environmental effects and will focus instead on whether the adverse effects in areas of federal jurisdiction are in the public interest.” (Canada Gazette\_g2-15317, August 21, 2019).





deposits. As a nearby project (within 200 km), the Webeque Supply Road will be included in the Regional Assessment.

### 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*. For the purposes of discussion in this section, the term “EA” is meant to include both the provincial environmental assessment and the federal impact assessment. 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. In addition, the Webeque Three-Tier Model for consultation (refer to **Section 10.1.1.2**) is being incorporated in the EA process. To guide this coordinated process, Canada and Ontario entered into an agreement entitled “Canada-Ontario Agreement on Environmental Assessment Cooperation” (2004). For the Webeque Supply Road Project, the two levels of government have indicated a willingness to follow the coordinated EA process to the extent possible, and for the proponent to produce one body of documentation, referred to as the Environmental Assessment Report/Impact Statement (EAR/IS). The EAR/IS will address the requirements of both the provincial ToR and the federal Tailored Impact Statement 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 of Ontario; and
- › Impact Assessment Agency of Canada.

The mandate of the EA Coordination Team is to meet with the Webeque 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; work on coordinating the EAs and keep the processes moving forward in lockstep to the greatest possible extent; and seek feedback on Indigenous, 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.

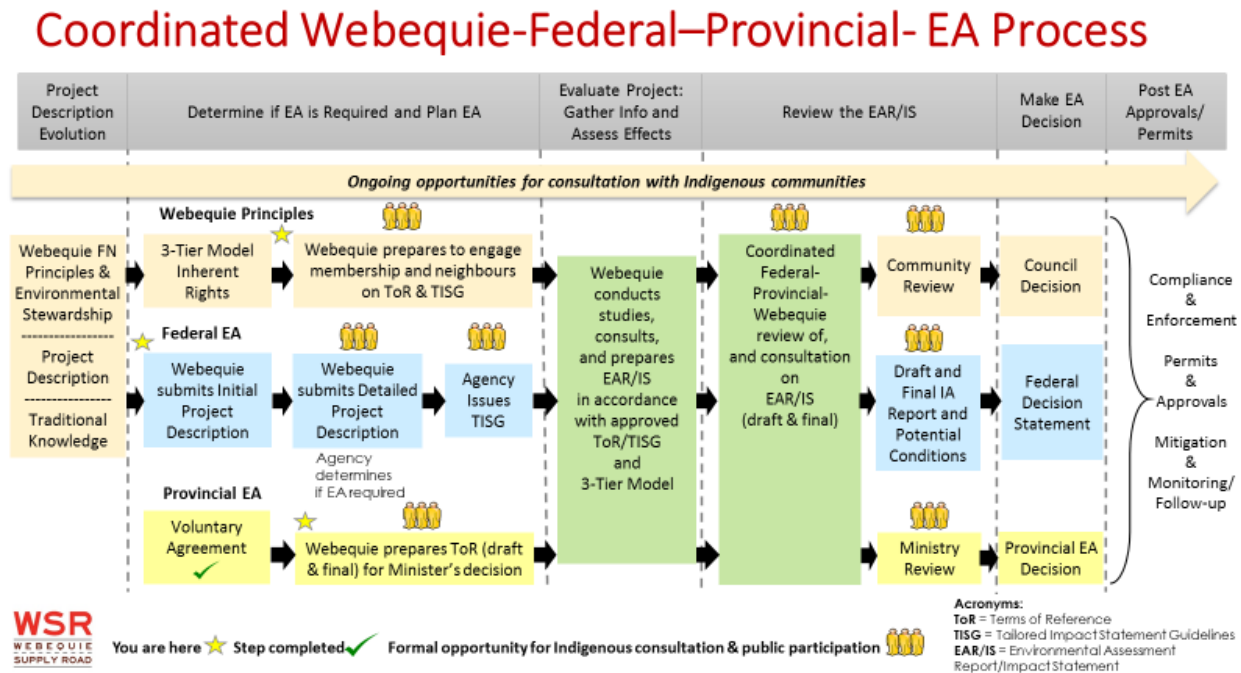
As part of the coordinated federal-provincial EA process, the Webeque Supply Road Environmental Assessment will include the following process milestones, as presented in **Figure 2.1**:

- › Pre-EA Planning, including signing of the voluntary agreement between Ontario and Webeque First Nation to participate in the process, development of the ToR and the Tailored Impact Statement Guidelines;
- › EA commencement;
- › Environmental baseline studies and preparation of the Environmental Assessment Report/Impact Statement;



- › EA decision; and
- › Monitoring and follow-up.

**Figure 2.1: Coordinated Webeque-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>Canadian Navigable Waters 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 listed in the Schedule to the Act designating Navigable Waters, but there will be major, minor and other works on unlisted waterways deemed to be navigable that will be subject to the Act's provisions.



Federal Agency	Legislation/Permit/Act	Applicability to the Project
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 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</i> (2002) <i>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</i> (1997)	<ul style="list-style-type: none"> <li>To facilitate the capture and transfer of fish during in-water works, such as cofferdam construction or dewatering.</li> </ul>



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"> <li>Facilitates the capture and transfer of wildlife.</li> </ul>
	Authorization under the <i>Fish and Wildlife Conservation Act</i> (1997)	<ul style="list-style-type: none"> <li>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.</li> </ul>
	Forest Resource Licence (Cutting Permit) under the <i>Crown Forest Sustainability Act</i> (1994)	<ul style="list-style-type: none"> <li>Harvesting and/or cutting timber on Crown land.</li> </ul>
	Burn Permit under <i>Forest Fires Prevention Act</i> (1990)	<ul style="list-style-type: none"> <li>Burning of materials from forest clearing, if required.</li> </ul>
	<i>Public Lands Act</i> (1990)	<ul style="list-style-type: none"> <li>Works on crown lands and/or shore lands, including geotechnical investigations, construction/upgrade of access roads and trails, culverts/bridges.</li> <li>The majority of the Project components would require a Work Permit under the Act.</li> </ul>
	Land Use Permits	<ul style="list-style-type: none"> <li>Necessary for access roads to and within project site, temporary laydown and/or spoil areas.</li> </ul>
	<i>Far North Act</i> (2010)	<ul style="list-style-type: none"> <li>Permits and approvals depend on type of development and stage of completion of a Community Based Land Use Plan (CBLUP). Approval of a CBLUP or acceptance of a Draft CBLUP, as well as the issuance of a Minister's Order designating a planning area, is the first step in the development process and can happen at any time. Far North Act authorization(s), including permission to proceed with the WSR Project without a CBLUP in place, will not be granted until after approval of the EA. Note: There is currently a proposal to repeal the Far North Act, which is under consideration by the Ontario Government".</li> </ul>
	Aggregate Permit under <i>Aggregate Resources Act</i> (1990)	<ul style="list-style-type: none"> <li>Extracting aggregate on all Crown land and on private land in areas of the Province designated (specifically identified) in the regulations.</li> </ul>



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Agency	Permit/Act	Corresponding Applicability to the Project
	Work Permit under <i>Lakes and Rivers Improvement Act</i> (LRIA)	<ul style="list-style-type: none"> <li>Channelization, diversions.</li> <li>Bridges and some culverts.</li> </ul>
Ontario Ministry of the Environment, Conservation and Parks (MECP)	Permit to Take Water or Environmental Activity and Sector Registration (EASR) under the <i>Ontario Water Resources Act</i> (1990)	<ul style="list-style-type: none"> <li>Where project construction requires water taking - pumping, draining, dewatering, wells.</li> <li>Takings up to 50,000 litres per day (L/Day) require no permit/registration.</li> <li>Dependent upon meeting specific criteria (e.g., water source, purpose, etc.) of the Water Taking EASR Regulation – O. Reg. 63/16, some takings between 50,000 and 400,000 L/day may qualify for registry (EASR), while other takings (e.g., associated with aggregate pit) may require a PTTW.</li> <li>Takings over 400,000 L/day require a permit (PTTW).</li> </ul>
	Authorization under the <i>Endangered Species Act, 2007</i>	<ul style="list-style-type: none"> <li>Potential for corridor/road construction to have effects on listed species or habitat.</li> </ul>
	Approval under <i>Health Protection and Promotion Act</i> (1990)	<ul style="list-style-type: none"> <li>Facilitates provision of potable water and on-site sewage treatment and disposal systems at temporary construction camp(s).</li> </ul>
	Environmental Compliance Approval under <i>Environmental Protection Act</i> (1990)	<ul style="list-style-type: none"> <li>Enables waste to be transported by haulers from the project work site and enables emissions from on-site equipment.</li> <li>An Environmental Compliance Approvals (ECA) may be required for the discharge and treatment of wastewater generated from some water takings.</li> <li>An ECA will be required for aggregate wash water systems with capacity greater than 10,000 L/Day.</li> <li>An ECA will be required for on-site sewage systems with a design capacity in excess of 10,000 L/Day.</li> <li>An ECA will be required for activities related to noise and air impacts resulting from aggregate extraction.</li> </ul>
	Approval under <i>Environmental Assessment Act</i>	<ul style="list-style-type: none"> <li>Consideration of potential environmental effects of the Project.</li> </ul>



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Agency	Permit/Act	Corresponding Applicability to the Project
Ministry of Health and Long-Term Care	Permit to Construct - Sewage System	<ul style="list-style-type: none"> <li>A district Health Unit permit will be required for on-site sewage systems with a design capacity of up to 10,000 L/Day.</li> </ul>
Ontario Ministry of Labour	<i>Occupational Health and Safety Act (1990)</i>	<ul style="list-style-type: none"> <li>Notice of Project under Section 23(2).</li> </ul>
Ministry of Heritage, Sport Tourism and, Culture Industries	<i>Ontario Heritage Act (1990):</i> Part III.1 (Standards and Guidelines for Conservation of Provincial Heritage Properties) Part VI (Archaeological Resources) <i>Standards and Guidelines for Consultant Archaeologists</i>	<ul style="list-style-type: none"> <li>Letters for archaeological and other cultural heritage assessment(s) as part of environmental assessment and Ontario Heritage Act due diligence.</li> </ul>





## 3 Approach for Preparation of the Environmental Assessment

### 3.1 Environmental Assessment Principles

There are several 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 and considerations must be incorporated for the EAR/IS to meet federal and provincial regulatory requirements<sup>2</sup>:

- › 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 or Project and alternative methods for carrying out the Project;
- › Consideration of the environment, and potential impacts resulting from the Undertaking;
- › Identification of mitigation measures;
- › Evaluation and significance of net environmental effects; and
- › Documentation in the form of a consolidated Environmental Assessment Report/Impact Statement 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.

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 EA Act.

EA Act subsection 6.1(2):

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<sup>2</sup> As adapted from the MECP *Code of Practice: Preparing and Reviewing Environmental Assessments in Ontario* (January 2014) and Bill C-69, An Act to enact the *Impact Assessment Act* and the *Canadian Energy Regulator Act*, to amend the *Navigation Protection Act* and to make consequential amendments to other Acts.



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);



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- (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 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 Webeque 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) and the Code of Practice: *Preparing and Reviewing Terms of Reference for Environmental Assessments in Ontario* (January 2014)<sup>3</sup>.

The Webeque 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 information provided by Indigenous communities. Where conflicts between Indigenous Knowledge information and western science information arise, the approach taken will be the one that is most protective of the environment. 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 Webeque 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/the Project;
- › A description of and a statement of the rationale for the Undertaking and alternative methods;
- › 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 potential environmental effects and related advantages and disadvantages of the Undertaking and alternative methods to the environment, including measures to mitigate potential adverse effects; net effects; and identification of the preferred alternative method(s) (the Project);

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<sup>3</sup> 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).”



## Webequie Supply Road Environmental Assessment Terms of Reference



- › 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;
- › A description of the Indigenous community, public, government ministry and 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, soils, including geochemistry)
- › Air Quality
- › Noise
- › Indigenous Knowledge
- › Indigenous Land and Resource Use
- › Groundwater
- › Surface Water
- › Vegetation and Wetlands
- › Wildlife
- › Aquatic Resources (i.e., fish and fish habitat)
- › Species at Risk
- › Socio-Economic Environment
- › Human Health
- › Climate Change (mitigation and adaptation)
- › Cultural Environment (i.e., archaeological resources, built heritage resources and cultural heritage landscapes)
- › Visual/Aesthetic Environment
- › Preliminary Engineering Design

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