



## Noront Submits Environmental Assessment for Eagles Nest Project – What’s Next for Aboriginal Communities, Resource Proponents and Government in the Ring of Fire?

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*Noront Resources Ltd. submitted its draft Environmental Impact Statement/Environmental Assessment Report for its Eagles Nest Project in Northern Ontario’s Ring of Fire on December 21, 2013. Aboriginal communities and resource companies in the region are now wondering what happens next. Resource development in the Ring of Fire, located some 500 km north of Thunder Bay, has been plagued by negotiation challenges between the Ontario government and affected Aboriginal communities. Other setbacks include political indecision and an ongoing slump in commodity prices.*

*The question now is how will the federal and provincial approvals be coordinated? What will happen once Noront submits its final EIS/EA Report for the Eagles Nest Project? Will the same challenges scupper the project or will project approvals move forward?*

### **Canada–Ontario Coordination**

Noront’s Eagles Nest Project is a high-grade nickel-copper-platinum group element deposit. The [draft Environmental Impact Statement/Environmental Assessment Report](#) (EIS/EA Report) responds to Ontario’s requirements for an Individual Environmental Assessment under the Ontario Environmental Assessment Act (EAA). It also responds to Federal requirements for a Comprehensive Study Environmental Assessment under the former Canadian Environmental Assessment Act (CEAA). Noront submitted the EIS/EA Report to the Canadian Environmental Assessment Agency (CEAA) and the Ontario Ministry of the Environment (MOE).

Canada and Ontario have agreed that the processes will be coordinated. The agreement provides that, for the most part, there will be only one set of technical studies. Second, the agreement commits to coordinating consultation opportunities as much as possible. Finally, the agreement provides that Aboriginal groups and stakeholders will only need to submit one set of comments on similar documents. Formal coordination among approval authorities is not new – Voisey’s Bay and Sable Gas/Maritimes & Northeast Pipeline are examples of successfully coordinated approval processes.

## Consultation Plan

The draft EIS/EA also contains a Consultation Plan with Aboriginal communities, the Government, and the public. A review of the EIS/EIA Report indicates that Noront may already have responded to feedback from First Nations consultation and stakeholder engagement. Noront has modified the scope and design of the Eagles Nest Project, particularly regarding the location of the transportation corridor, maximizing the placement of infrastructure underground and maximizing Aboriginal training and employment. Successful consultation will continue to be an important component of the project.

Former Ontario Premier Bob Rae was hired by the Matawa Tribal Council to lead negotiations with the province with an aim to ensure appropriate environmental, education and economic outcomes from resource projects. Veteran Supreme Court justice Frank Iacobucci has been brought in as the government's lead negotiator.

## Next Steps in the EA Process

Critical next steps for the Eagles Nest Project are:

- ◆ **Draft Comprehensive Study Report** – The federal CEAA will review the draft EIS/EA and prepare a draft Comprehensive Study Report (CSR). Aboriginal groups and government technical reviewers may comment on the draft CSR.
- ◆ **Public comment on draft EIS/EA Report (7 weeks)** – Meanwhile, provincial government technical reviewers, Aboriginal communities and the public have seven weeks to review the draft EIS/EA Report and submit comments.
- ◆ **MOE Review (5 weeks)** – After the close of the comment period, MOE has five weeks to review comments and ensure that Noront has addressed them. MOE will then publish a Ministry Review which will provide details on whether Noront has met EAA requirements, whether the environmental assessment was prepared in accordance with Noront's final Terms of Reference (which has been awaiting MOE approval since October 6, 2012), and whether the Eagles Nest Project as proposed is in the public interest.
- ◆ **Ontario public comment period on Ministry Review (5 weeks)** – Aboriginal groups, the public and the Ontario government have five weeks to comment on the Ministry Review.
- ◆ **Federal CSR submission for review** – The CEAA submits the CSR to the federal Minister of the Environment and posts it for public comment and Aboriginal group review.
- ◆ **Recommendation to Minister of the Environment (13 weeks)** – After the government has received comments on the Ministry Review, MOE will make a recommendation to the Minister based on all of the input received. The Minister may either refer the application to the Environmental Review Tribunal, approve the project (with or without conditions), or refer the application to mediation.
- ◆ **Federal determination** – The federal Minister of the Environment will either determine (1) that the project is not likely to cause significant adverse environmental effects once mitigation measures are taken into account, in which case federal departments and agencies may issue required permits or authorizations; or (2) that the project is likely to cause significant adverse effects once mitigation measures are taken into account, in which case no required permits or authorizations may be issued.

## **Conclusion**

While the EIS/EIA submission is an important milestone, there is a long road ahead. Progress will depend on the ability of provincial and federal governments to work with Aboriginal communities and industry to overcome infrastructure, consultation and environmental hurdles.

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