



Canadian Wildlife Service
Environment and Climate Change Canada
4905 Dufferin Street
Toronto, ON M3H 5T4

March 25, 2026

Impact Assessment Agency of Canada
Ontario Region
600-55 York Street
Toronto ON M5J 1R7

RE: Acknowledgement of receipt of a notification pursuant to ss.79 (1) of the *Species at Risk Act* for the Proposed Marten Falls Community Access Road Project

Dear Ms. Boucher Lalonde,

This letter confirms receipt of your letter of notification pursuant to ss. 79(1) of the *Species at Risk Act* (SARA), on February 27, 2026 in the context of the proposed Marten Falls Community Access Road (MFCAR) project.

Notification: SARA-listed species

Your letter indicates the proposed MFCAR project is likely to affect the following SARA listed species and/or critical habitat, for which the Minister of Environment and Climate Change Canada (ECCC) is the competent minister under SARA:

- Species at risk (SAR) bats
 - Little Brown Myotis – Endangered
 - Northern Myotis – Endangered
- SAR birds
 - Bank Swallow – Threatened
 - Chimney Swift – Threatened
 - Wood Thrush - Threatened
 - Barn Swallow – Threatened (under consideration for status change to Special Concern)
 - Canada Warbler – Threatened (under consideration for status change to Special Concern)
 - Eastern Whip-poor-will – Threatened (under consideration for status change to Special Concern)
 - Common Nighthawk – Special Concern
 - Eastern Wood-pewee – Special Concern
 - Evening Grosbeak – Special Concern
 - Olive-sided Flycatcher – Special Concern
 - Yellow Rail – Special Concern



- Rusty Blackbird – Special Concern
- Short-eared Owl – Special Concern (under consideration for status change to Threatened)
- Insects
 - Gypsy Cuckoo Bumble Bee – Endangered
 - Nine-spotted Lady Beetle – Endangered
 - Transverse Lady Beetle – Special Concern
 - Yellow-banded Bumble Bee – Special Concern
- Plants
 - Pitcher’s Thistle – Special Concern
- Terrestrial mammals
 - Woodland Caribou (Boreal population) – Threatened
 - Wolverine – Special Concern

Note that the distribution of Pitcher’s Thistle is limited to the Great Lakes basin of Canada and the United States and the species is unlikely to be within the MFCAR project area or affected by the project in any way.

ECCC recommends you advise the proponent to consult with ECCC for expertise and advice that is available to the department for these species.

Missing species

Section 79(1) requires notification of all SARA listed species likely to be affected by the project. The following SARA listed species or their critical habitat were not identified in the notification letter but can potentially be affected by the project.

- Red Knot, *rufa* subspecies – Endangered
- Red-necked Phalarope – Special Concern

COSEWIC-assessed species

The following species are not currently listed under SARA, but have been assessed as at risk by COSEWIC and are likely to be affected by the project:

- Woodland Caribou (Eastern Migratory population) – assessed as Endangered
- Eastern Red Bat – assessed as Endangered
- Hoary Bat – assessed as Endangered
- Silver-haired Bat – assessed as Endangered
- Lesser Yellowlegs – assessed as Threatened
- Short-billed Dowitcher, *hendersoni/griseus* – assessed as Threatened
- Snowy Owl – assessed as Threatened
- Black Ash – assessed as Threatened
- Suckley’s Cuckoo Bumble Bee – assessed as Threatened



These species may become listed under SARA within the timeframe of this project, requiring further action to meet statutory and regulatory requirements. As such you are advised that it is best practice to consider these species as though they were listed under SARA and to identify ways to avoid and lessen adverse environmental effects to these species and to monitor them.

Jurisdiction

For SARA listed or COSEWIC assessed species on the above lists that are not protected under the Migratory Birds Convention Act (MBCA) and/or are not located on federal lands, you are also advised to consult the Ontario government for species-specific technical information as well as mitigation and protection measures. These species include:

- Little Brown Myotis
- Northern Myotis
- Woodland Caribou (Boreal population)
- Rusty Blackbird
- Short-eared Owl
- Snowy Owl
- Wolverine
- Woodland Caribou (Eastern Migratory population)
- Eastern Red Bat
- Hoary Bat
- Silver-haired Bat
- Black Ash
- Suckley's Cuckoo Bumble Bee

Effective Protection

The SARA competent minister's role within a federal environmental assessment is to provide technical advice and support to the "person" in addressing s. 79 of SARA and the federal environmental assessment requirements. However, it should be noted that the competent minister also has certain specific obligations related to species and critical habitat protection stemming from SARA itself, separate from federal environmental assessment processes.

Specifically, if the Minister is of the opinion that existing laws/instruments are not effective at protecting individuals, residences, or critical habitat; this may lead the minister to have to conclude that protection is not sufficient. If so, the Minister may be obligated to make a recommendation to Governor in Council for one or several Order(s) (depending upon the circumstances, this may be a s. 34 "Safety Net" type order for protection of individuals, s. 61 "Safety Net" critical habitat protection order or a s. 80 emergency protection order).

Effects to Species at Risk on Federal Lands



Insufficient information is available to adequately assess the potential effects to species at risk on the federal land portion of the project, as no specific information is provided in the Impact Statement on the impact to species at risk on federal land. In general, the project is likely to impact important habitat on Marten Falls First Nation reserve land for the species listed above as well as critical habitat for Woodland Caribou, boreal population (boreal caribou). Impacts may include harm or harassment of individuals and destruction and/or alteration of caribou winter and calving areas, wolverine denning sites, SAR bat maternity roost residences, insect habitats, and nesting and staging habitat for SAR birds.

In addition, especially for caribou (boreal and eastern migratory populations) and wolverine, the federal land portion of the project would contribute to fragmentation of important habitat, reducing connectivity and creating a permanent linear disturbance that these species are likely to avoid. This is likely to result in changes to the distribution of species at risk on Marten Falls First Nation reserve land.

SARA Permits

Permits are required by those “persons” conducting activities that affect species listed on Schedule 1 of SARA as Extirpated, Endangered, or Threatened, that is, activities which contravene the Act's general or critical habitat prohibitions, an Emergency Order issued under s.80 of SARA or regulations made under subs. 53, 59 or 71.

Under subsection 73(2) of SARA, permits may only be issued if the proposed activity falls under one or more of the following purposes: *the activity is scientific research relating to the conservation of the species and conducted by qualified persons; the activity benefits the species or is required to enhance its chance of survival in the wild; or affecting the species is incidental to the carrying out of the activity.*

Based on available information, ECCC expects that a SARA permit will likely be required for SAR bats as individuals and residences (maternity roosts) of these species are protected on federal land and may be impacted by the project. A SARA permit potentially may be required for boreal caribou in relation to individuals on federal land. In previous correspondence to IAAC (Enclosure 2 - Updating the Federal Permitting Plan for the Marten Falls Community Access Road project), ECCC outlined project specific information the proponent would need in order to determine the need for a SARA permit as well as information that would need to be provided in a SARA permit application.

In general, SARA permit applicants are expected to describe any changes that the activity may cause to the listed wildlife species, its critical habitat or the residences of its individuals, the possible effects of those changes and the significance of those effects. This information must also inform how the project activities meet the three pre-conditions under subsection 73(3) of SARA:

- all reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution has been adopted;
- all feasible measures will be taken to minimize the impact of the activity on the species or its critical habitat or the residences of its individuals;



- and if the activity will not jeopardize the survival or recovery of the species.

Characterization of Effects on Species at Risk

Your notification letter states:

Regarding the species at risk included in the above table, and pursuant to subsection 79(2) of SARA, IAAC has identified the following potential adverse effects of the project on those species and their critical habitats:

- *Changes in species distribution due to habitat loss and fragmentation, as well as sensory disturbance (noise, light, human activity) and predation (for caribou) from the creation of a linear feature.*
- *Potential loss of functionally important habitat used for denning, nursery, breeding, foraging, nesting and spawning from land/vegetation clearing and in-water works.*

IAAC currently understands that, for many SARA-listed species that may be present in or near the project footprint, available habitat is abundant locally and regionally. As such, IAAC understands that likely adverse effects resulting from habitat loss, including functionally important habitat, and sensory disturbance would not result in adverse effects at the population level for most of these species.

ECCC provides the following information and knowledge pertaining to potential effects from the project on caribou:

- Caribou distribution, and potentially abundance, is expected to be altered throughout the project LSA in all seasons for boreal caribou, and especially during winter season for both boreal and eastern migratory caribou. There may also be impacts to movement patterns across the RSA.
 - These impacts will likely be higher in the northern portion of the project LSA where the project will be a new disturbance that will significantly increase the local disturbance levels. In the southern portion of the LSA, the road will add to the existing cumulative habitat disturbance, and caribou have already been adversely impacted by the existing disturbance.
- The road will fragment habitat highly used by caribou resulting in a linear barrier to movement
 - Caribou are known to be highly sensitive to linear barriers such as roads and have a strong avoidance response despite implementation of common mitigation measures such as those described in the final IS. Avoidance further establishes a linear barrier to movement and loss of connectivity within and between ranges and within and between seasonal habitats.
 - This will likely alter both behaviour and distribution as caribou establish new movement patterns.
- The road will likely change predator/prey dynamics
 - Linear features are known to facilitate predator access and travel, potentially increasing predation rates on caribou.
 - Despite implementation of common mitigation measures, changes to habitat are likely to favour alternate prey species such as moose, which may then support larger predator populations and increase predation rates on caribou.



- These factors may affect caribou behaviour and distribution as they seek to avoid predators.
- Even with proposed mitigation, the road will likely alter caribou habitat so that it is less suitable
 - Upland habitats are important to caribou as travel corridors. Loss and degradation of upland habitat, already relatively rare in the project area, may alter connectivity and movement patterns.
 - Peatland habitats provide winter and calving habitat as well as connectivity that enables caribou to travel between these important areas. Peatlands also function as areas where caribou are able to better avoid predation, notably during sensitive life stages like calving and post-calving. Loss and degradation of peatland habitat associated with the project may also alter connectivity and caribou movement patterns.
 - These factors are likely to reduce suitable habitat at a local scale which may affect local caribou abundance as well as broader caribou behaviour and distribution as they establish new movement patterns and seek different habitat to better meet their needs.
- The above factors are likely to result in residual adverse effects to caribou and caribou habitat in terms of change in the distribution, and potentially a decrease in the abundance, of caribou throughout the project LSA and change in movement patterns across the RSA (Missisa, Ozhiski, Nipigon, Pagwachuan ranges). This may result in a population level effect in terms of altering movement and migration patterns within and between ranges and seasonal habitats.
- Since the road projects present a permanent disturbance, the cumulative effects from reasonably foreseeable development (the three road projects, expected mining projects, and other induced developments) have the potential to permanently alter caribou distribution and movement patterns within the four caribou ranges.
- As a worst-case scenario, caribou may no longer occur in or move through the MFCAR LSA, as well as the LSAs for the Webeque Supply Road and Northern Road Link projects. This would likely reduce landscape and genetic connectivity of caribou populations with potential for consequential effects on likelihood of individual survival and reproduction and leading to potential impacts to population level genetic structure.

Impacts to boreal caribou critical habitat should be avoided and/or minimized to the extent possible as this habitat is required for their survival and recovery, but there are currently no critical habitat prohibitions in place under SARA within the project area, either on federal or non-federal land. The proposed MFCAR corridor is within the federal Far North and Nipigon ranges for boreal caribou, and a portion of the project LSA falls within the Pagwachuan range. The Far North, Nipigon and Pagwachuan ranges are above the management threshold of 65% undisturbed habitat (at 86%, 68% and 71% undisturbed, respectively¹). For these ranges, as well as the 6 boreal caribou ranges provincially defined within the federal Far North range in Ontario, a range plan that identifies how and where the minimum of 65% undisturbed habitat will be maintained is not available. In that context, in ranges at or above the management threshold of 65% undisturbed habitat, ECCC advises that all undisturbed habitat should be considered critical habitat. Most of the habitat within the proposed corridor and surrounding area is

¹ [Report on the Progress of the Recovery Strategy Implementation \(Period 2017 to 2022\) and the Action Plan Implementation \(Period 2018 to 2023\) for Caribou \(*Rangifer tarandus*\), Boreal Population, in Canada](#)

undisturbed, except for a patch of fire disturbance in the southern half of the LSA, and existing anthropogenic disturbance at the south end of the LSA.

In addition to the quantitative aspect of critical habitat, the biophysical attributes of critical habitat (e.g., those associated with winter, calving, travel) appear within the proposed corridor. It is important to note that removing or altering biophysical attributes and reducing connectivity within a range increase the likelihood of destroying critical habitat.

Mitigation Measures

Your notification letter also states:

Subsection 79(2) of SARA requires that, if the project is carried out, measures are taken to avoid or lessen adverse effects on listed species and their critical habitats, and to monitor them. The measures must be taken in a way that is consistent with any applicable recovery strategy and action plans. IAAC asks that Environment and Climate Change Canada and Fisheries and Oceans Canada, given respective departmental mandates, assist in determining these measures, while exploring opportunities to maximize collaboration with the Province of Ontario to take full advantage of provincial regulatory mechanisms, including actions that might be expected of proponents through provincial means.

ECCC provides the following information and knowledge pertaining to mitigation and follow-up measures related to caribou.

The mitigation and follow-up measures proposed by the proponent in the MFCAR Impact Statement are generally in line with recovery strategies for the SAR likely to be affected by the project but residual adverse effects related to the above effects are likely, as noted in the proponent's IS.

ECCC recommends that offsetting measures for species at risk, covering both habitat and non-habitat measures, should be considered to increase the consistency with recovery strategies, especially for boreal caribou. ECCC also recommends that the proposed Wildlife Management and Monitoring Plan include monitoring of wolf populations and their movements, to inform adaptive management during project construction and operation. This should be done in consultation with the province and Indigenous communities. A robust follow-up program is also needed to monitor and manage the risk to caribou within the RSA as a result of wolf predation. The monitoring plan should outline the methods to be used, the indicators to measure, and thresholds to guide adaptive management.

ECCC remains available to provide expert information and knowledge in the development of such measures.

If you have any questions, please contact Wendy Dunford at wendy.dunford@ec.gc.ca.



Yours sincerely,

Lesley Dunn
Regional Director
Canadian Wildlife Service, Ontario Region

Cc:

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Attachments:

Attachment 1: Enclosure 2: Updating the Federal Permitting Plan for the Marten Falls Community Access Road Project