

March 25, 2013

Honourable Jim Bradley
Minister of the Environment
77 Wellesley Street West
11th Floor, Ferguson Block
Toronto, ON M7A 2T5

Via Email To: minister.moe@ontario.ca

Re: Referral of Cliffs Natural Resources Chromite Project, Terms of Reference to mediation

Dear Minister Bradley:

I write this letter to request that you exercise your powers under the *Environmental Assessment Act* (Act) to refer the terms of reference for the Cliffs Natural Resources Chromite Project ("ToR") to mediation before it is decided upon.

CPAWS Wildlands League, as you may recall, represents over 6,000 members in Ontario and our mission is to protect wilderness through the establishment of protected areas and through the promotion of natural resource use that is sustainable for nature, communities, and the economy.

As an organization, we have extensive knowledge of land use in Ontario and a history of working with government, communities, scientists, the public, and resource industries on progressive conservation initiatives. We have specific experience with the impacts of industrial development on boreal forests and the wildlife that depend upon them.

Further, with respect to our involvement with mining policy and environmental assessment in Ontario, we closely monitored and participated in the *Mining Act* Modernization process; and participated in four separate environmental assessment processes of the Victor Diamond Mine (by the province and federal governments). Currently we are closely following the development of regulations under the *Mining Act* and aiding in that process, and are monitoring impacts from early exploration activities, land use and environmental assessments in the area known as the Ring of Fire in northern Ontario.

We have provided your Ministry with multiple comments on the proposed ToR for an environmental assessment of the Cliffs Natural Resources' ("Cliffs") Proposed Chromite Project. It is our understanding that Cliffs submitted an amended ToR to your Ministry on January 25, 2013 for a decision under the Act.

To summarize (the concerns we have already extensively identified in our previous submissions on this ToR), we recommend that Ontario does not approve the Cliffs TOR as submitted at this time, and only considers it upon re-submission once appropriate further amendments have been made to address its substantial shortcomings including: (a) appropriate public transparency; (b) conformity to the full expected requirements of an individual EA to S.6.1(2) of the Act; (c) clear alignment and integration with the concurrent federal process; and (d) after the province's intentions regarding a regional assessment are made clear.

The submitted TOR contains significant changes from the previous version, without the benefit of, and without respecting the rights of the public to, public review and opportunity to comment. These seem to have been incorporated at the last minute and without the benefit of public scrutiny. Three examples include (a) the screening out of underground mining and (b) the screening out of the East West corridor and (c) a mid-stream change in the approach used under the EA. It is also clear that the underlying issue of proponenty of the road remains confused in the Cliffs ToR.

The impacts of the Cliffs approach is being felt broadly in the region with repercussions of the 'initial term sheet' deal (that Cliffs and Ontario are discussing) unintentionally now affecting how Noront structures its EA for its Eagle's Nest Project (another proposed Ring of Fire mine). In the most recent version of its ToR for the Eagle's Nest Project, Noront included the north-south corridor even though this corridor is inconsistent with the company's own technical studies and evaluations.

Overall, it is our opinion that it is highly unlikely that the Cliffs ToR as currently proposed will lead to an EA that meets the purpose of the Act, and that is consistent with protecting the public interest. It is also our fear that in the absence of a strategic regional process, infrastructure to access the Ring of Fire will not be properly assessed and the public interest will not be served by multiple, proponent driven (project level) environmental assessments.

We have participated in good faith with Cliffs and have no choice now but to seek mediation to address our outstanding concerns as a public interest participant and to ensure adequate public consultation occurs. We strongly request that you exercise your powers under the *Environmental Assessment Act* (Act) to refer the terms of reference for the Cliffs Natural Resources Chromite Project ("ToR") to mediation before it is decided upon. We understand that a similar request has been made by Neskantaga First Nation, citing issues of lack of responsiveness to their concerns as well. We support their request, share many of the same concerns and note that our concerns were also not addressed in the amended ToR that you have before you.

We urge you to refer the Cliff's ToR to a mediated process in advance of considering its approval. We would be open to including any interested parties that have a keen interest in these issues.

We look forward to hearing from you.

Yours truly,



Janet Sumner
Executive Director
CPAWS Wildlands League
Ext 39

cc: Alex Blasko, Special Project Officer, Ministry of Environment,
Environmental Assessment and Approvals Branch
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Chief Peter Moonias, Neskantaga First Nation