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Assessment Agency

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March 9, 2017

Sent by E-mail

Mr. William Napier
Vice President, Prodigy Gold Incorporated
Box 209, 3 Dree Road
Dubreuilville, ON
POS 1B0
William.Napier@argonautgold.com

Dear Mr. Napier,

SUBJECT: Outcome of conformity review of the *Magino Gold Project Environmental Impact Statement*

On January 23, 2017, the Canadian Environmental Assessment Agency (the Agency) received the Environmental Impact Statement (EIS) and EIS Summary for the Magino Gold Project (the Project) from Prodigy Gold Incorporated (the proponent).

The Agency and federal departments reviewed the EIS in consideration of the requirements of the *Guidelines for the Preparation of an Environmental Impact Statement pursuant to the Canadian Environmental Assessment Act, 2012 for the Magino Gold Project* (EIS Guidelines), which were issued on November 1, 2013. The Agency has determined that the EIS does not meet the requirements outlined in the EIS Guidelines to proceed to the detailed technical review and to commence a public comment period. The primary deficiencies relate to:

- The clear articulation and documentation of the effects analysis framework throughout the EIS and EIS Summary.
- The clear articulation and documentation of Indigenous engagement activities and outcomes into the effects analysis framework.

Annex 1 (attached) identifies EIS deficiencies that must be corrected prior to resubmission. Based on the nature of the comments, the Agency has determined that the proponent must submit a fully revised EIS that includes insertions or changes made throughout the EIS main text, Addenda, and EIS Summary. An exception is that deficiencies in the Technical Support Documents can be addressed through the provision of supplementary information at the end of each document. In addition, the Agency, in Annex 2, (attached) is providing additional areas that require clarification. Where possible, these should be addressed prior to resubmission of the EIS (EIS main text, Addenda, and EIS Summary) to facilitate the detailed technical review and to commence a public comment period. Redressing the identified deficiencies will strengthen the effectiveness of the Agency's Indigenous consultation activities, which will begin once an EIS is accepted as final.

.../2



Annex 3 (attached) identifies items noted where there are early indications of technical deficiencies that would be developed into information requests following the technical review of the EIS. Although not required, you are encouraged to address the comments in Annex 3 through EIS revisions prior to resubmission of the EIS to help facilitate its review and reduce future information requirements during the technical review.

The outcome of this conformity review, including this letter and Annexes, will be shared with federal authorities and Indigenous groups and will be posted on the Canadian Environmental Assessment Registry Internet Site. Upon your submission of a revised EIS, the Agency may take up to a maximum of 30 days to complete another conformity review without the timeline for the environmental assessment resuming. The timeline will resume if the Agency has not come to a conclusion after 30 days. For more information on the approach to managing federal environmental assessment timelines, please consult the Agency's *"Operational Policy Statement: Information Requests and Timelines, February 2016"* at https://www.ceaa-acee.gc.ca/Content/E/6/5/E65B85D2-1F68-4E0C-A405-4322BB425454/OPS-Information_Requests_and_Timelines.pdf.

Following the second conformity review, the Agency will notify you in writing about the outcomes and next steps. If the Agency determines that the revised EIS has addressed the deficiencies identified in Annex 1, the Agency will begin a technical review of the EIS and a public comment period. If the deficiencies are not addressed, the Agency will notify you of the information required.

The Agency welcomes the opportunity to discuss the outcome of this conformity review with you and provide further advice on how to best address the information requirements identified. If you wish to schedule a meeting, or have questions about this conformity review, please contact me at 416-952-1585 or via email at Magino@ceaa-acee.gc.ca.

Sincerely, <Original Signed By>

Ian Martin
Project Manager
Canadian Environmental Assessment Agency, Ontario Region

Attachments (3)

1. Annex 1: Information required to conform with the EIS Guidelines
2. Annex 2: Additional areas for clarification
3. Annex 3: Early technical issues or comments identified

cc: Amiel Blajchman – Manager Provincial Environmental Assessment Process, Magino Project

Annex 1: Information Required to Conform with the EIS Guidelines

Conformity review of the Magino Gold Project Environmental Impact Statement, received January 23, 2017. Canadian Environmental Assessment Agency

Please note: In the text below, "TSD" refers to "Technical Support Document"

ID: IRC-1

Topic: Effects Analysis Framework and documentation in the main EIS and EIS Summary

Issue: Effects Analysis Framework and documentation unclear

Reference to EIS Guidelines: Part 2, Section 8; Part 2, Section 6.3; Part 1, Section 4.5

Reference to EIS: Chapter 6, Section 6.5 and Table 6-21; Chapter 7, Section 7.8, p. 7.433; EIS Summary

Context and Rationale: The purpose of the EIS of a project is to provide information regarding the effects assessment, proposed mitigation measures, characterization of residual effects, determination of significance of residual environmental effects, and development of follow-up programs for all valued components. This should be done in both textual and tabular format, (EISG *Part 1, Section 4.5*, Part 2, Sections 6.3 and 8).

The purpose of the EIS Summary is to simplify and consolidate the effects assessment and conclusions for public review. Notwithstanding that access to all EIS documentation is enabled through the Canadian Environmental Assessment Registry Internet Site, the EIS Summary is the main document distributed for review during the public comment period.

The Agency notes an unnumbered table in the EIS Chapter 7, Section 7.8, starting on page 7.433 listing residual adverse effects and significance conclusions, and Table 6-21 listing "*mitigations integrated into the project.*" However, these tables and accompanying text do not provide sufficient detail regarding effect-mitigation relationships. No clear, consistent linkage between effects assessment, proposed mitigation measures, characterization of residual effects, determination of significance of residual environmental effects, and development of follow-up programs for all valued components could be drawn throughout the EIS. The Agency also notes that the EIS Summary includes two tables to provide a summary of effects assessment, Table 8-1 and Appendix A. These tables are insufficient to articulate the analytical framework of the proponent.

The Agency also observes that Section 16.5 of the EIS indicates "*a table of commitments is currently in preparation.*" It is unclear whether this table is intended to fulfill the requirements of Section 8 of the EIS Guidelines to "*...summarize all key mitigation measures and commitments which will more specifically mitigate any significant adverse effects...*"

Information Required to Conform:

IRC 1.1: Update the text in both the EIS and EIS Summary to provide information clearly linking potential environmental effects, proposed mitigation measures that are specific to each effect, characterization of residual effects, determination of significance of residual environmental effects, and development of follow-up programs for all valued components.

IRC 1.2: Provide the above information in tabular form in both the EIS and EIS summary. The Agency recommends following the example provided in Appendix 1 of the EIS Guidelines, but is open to other options.

IRC 1.3: Identify the key mitigation measures and commitments that are essential to ensure that the Project will not result in significant adverse environmental effects. You may choose to build this information into the tabular form requested above.

If the referenced missing table in Section 16.5 was intended to fulfill a requirement, please provide it. If not, remove this reference. Provide a comprehensive commitment registry in accordance with Valued Components, main effects and project phases.

Means to Address Deficiency:

IRC 1.1: Revise Chapter 7 of the EIS and the EIS Summary.

IRC 1.2: Insert the summary table into Chapter 7 of the EIS and into the EIS Summary.

IRC 1.3: Revise Chapter 7 of the EIS, and/or the summary table in Chapter 7 of the EIS and EIS Summary. Remove reference to the missing table in Section 16.5 of the EIS. Provide a comprehensive commitment registry.

ID: IRC-2

Topic: Indigenous Engagement

Issue: Documentation missing – effects, issues and concerns

Reference to EIS Guidelines: Part 2, Section 5; Part 2, Section 7

Reference to EIS: Chapter 12; Appendix 5; Addendum A5

Context and Rationale: Part 2, Section 5 of the EIS Guidelines requires the proponent to “engage with Aboriginal groups ... as it relates to: effects of changes to the environment on Aboriginal peoples ..., and potential adverse impacts of the project.” As it relates to cumulative effects, “the final choice of VCs and the appropriate boundaries selected to assess the cumulative effects for each VC shall be determined in consultation with ... Aboriginal groups.” Furthermore, the proponent is required to “document: comments, specific issues and concerns raised by Aboriginal groups and how the key concerns were responded to or addressed,” and “any additional issues and concerns raised by Aboriginal groups in relation to the effects of changes to the environment ... and the potential adverse impacts of the project ... and mitigation measures.”

The EIS Guidelines also require the proponent to “keep detailed tracking records of its engagement activities, recording all interactions with Aboriginal groups, the issues raised by each Aboriginal group and how the proponent addressed the concerns raised. The proponent will share these records with the Agency.”

Specific issues or concerns related to effects of changes to the environment or to potential adverse impacts on potential or established rights were not documented in the EIS. The EIS provides evidence that the proponent has had meetings to discuss the Project and its potential effects. It contains meeting logs but there is no detail about the contents of those discussions beyond the general topic. The EIS provides a list of general issues and comments, which are not separated for each group and do not reflect any specific questions or answers about project effects or mitigation measures. Outreach material is provided in the EIS, but it is unclear how and what specific effects and potential impacts of the Project were presented, and what responses were received. It is also unclear from the

documentation received how engagement contributed to the cumulative effects assessment. Chapter 12, table 12-8 contains a response from the proponent, which says *“cumulative effects of this project with other projects or activities are being assessed and will be described in Chapter 11.0 of this the EIS. ... Aboriginal groups will have an opportunity to review this information during the CEAA review process.”* It is not clear from this response if and how Indigenous groups had an opportunity to contribute to the cumulative effects assessment.

It is unclear based on the information provided in Chapter 12, Addendum A5, and Appendix 5 if Indigenous groups were made aware of any specific effects of changes to the environment and the potential adverse impacts of the Project. Furthermore, it is unclear what feedback was received about potential effects and impacts of the Project, or what specific issues were raised. Feedback received, issues raised by groups, and the proponent’s responses should be documented and presented separately for each group.

The EIS Guidelines state that *“information provided in the EIS related to potential adverse impacts on potential or established Aboriginal or Treaty rights will assist the Crown in assessing the adequacy of consultation and accommodation.”* In order to fulfill this aim, the Agency needs to better understand specific outcomes from the consultation activities with each Indigenous group, including all comments, concerns and issues raised. Additional information is needed on what specific effects of changes to the environment caused by the Project and potential adverse impacts of the Project were presented by the proponent, what feedback, comments, and issues raised were shared by Indigenous groups, and how the proponent addressed them.

Information Required to Conform: Update the meeting logs provided with comments and input received during these meetings from Indigenous groups.

Distinguish comments received by identifying potential effects and adverse impacts presented.

Demonstrate how the comments from Indigenous groups have been addressed and how the comments then informed your analysis of projects effects, including choice of Valued Components, identification of mitigation measures, residual effects and significance conclusions. Also give consideration of the comments from Indigenous groups in the cumulative effects analysis.

Additionally, present the comments received separately for each group, while respecting the confidentiality of certain information.

If no specific issues or concerns were shared, include an explanation of efforts made to acquire the views of each potentially affected Indigenous group and the results of that engagement.

In the meeting logs, indicate the basic nature of the meeting (e.g. did the agenda focus on providing a project update, present potential environmental effects with a view to seek input etc.).

Means to Address Deficiency: Provide the missing information through revisions to Chapter 12 and Appendix 5. Additional engagement materials can be supplied through the provision of a supplement to Addendum A5. The Agency notes that a missing TSD may contain some of the required information (see comment AAC-3). If this is the case, please provide the TSD.

ID: IRC-3

Topic: Effects on Indigenous Peoples

Issue: Forestry and logging by Indigenous Peoples

Reference to EIS Guidelines: Part 2, Section 6.2.6, Section 6.3, Section 6.4

Reference to EIS: Chapter 4, Section 4.6.4.4; Chapter 7, Section 7.6.1.5.3; Chapter 7, Section 7.7

Context and Rationale: Part 2, Section 6.2.6 of the EIS Guidelines requires a description of, *“with respect to Aboriginal peoples, how changes to the environment caused by the project will affect forestry and logging operations.”*

Information on Indigenous forestry and logging operations has been identified throughout Chapter 4 for Missanabie Cree First Nation, Michipicoten First Nation, Batchewana First Nation, and Pic Mobert First Nation. E.g. Chapter 4, Section 4.6.4.4 indicates that Michipicoten First Nation has been working with the Ministry of Natural Resources and Forestry (MNRF) towards developing management activities for the Magpie Forest (p. 4.343); Batchewana First Nation is involved with commercial forestry and the production of non-timber forest products (p.4.345); Pic Mobert First Nation is involved with the forestry sector as part of numerous joint ventures (p. 4.346).

The EIS concordance table indicates that effects on Indigenous forestry and logging operations are assessed in Chapter 7.7. Chapter 7.6.1.5.3, p. 7.352 describes the effects of the Project on non-Indigenous forestry operations. However, in Chapter 7.7, there is no assessment of effects on Indigenous forestry and logging operations, or relevant socio-economic conditions.

Information Required to Conform: Provide a detailed description of how changes to the environment caused by the Project will affect Indigenous forestry and logging operations.

As this comment is addressed, the Agency expects revisions will be incorporated into the effects assessment, proposed mitigation measures, characterization of residual effects, determination of significance of residual environmental effects, and development of follow-up programs for all valued components.

Means to Address Deficiency: Revise Chapter 7, Section 7.7 to include this information.

ID: IRC-4

Topic: Effects on Indigenous Peoples

Issue: Baseline health conditions not provided

Reference to EIS Guidelines: Part 2, Section 6.1.9

Reference to EIS: Chapter 4, Chapter 10, TSD 14

Context and Rationale: Part 2, Section 6.1.9 of the EIS Guidelines requires the proponent to describe *“With respect to Aboriginal peoples, general health conditions and demographics (from readily available information).”*

While the EIS describes available health services in the region (Chapter 4, Section 4.4.5.4) and potential effects to these services due to the Project (Chapter 7, Section 7.5.2.5.4), no information was found in Chapter 4 (Existing Conditions) or Chapter 10 (Human Health) of the EIS, or in TSD 14 (Human Health),

describing general baseline health conditions of Indigenous peoples that use the area potentially affected by the Project, such as general health indicators or trends, and considerations of the resiliency of the health of Indigenous peoples in the area.

An understanding of existing health concerns and baseline health conditions of Indigenous peoples in the area can provide context in determining the significance of residual effects on health.

Information Required to Conform: Provide information on general baseline health conditions of Indigenous peoples in the area, if possible by individual Indigenous group. Document efforts made to gather information, particularly if not provided.

Describe how general health conditions were used in assessing the significance of residual effects on human health. As this comment is addressed, the Agency expects revisions will be incorporated into the effects assessment, proposed mitigation measures, characterization of residual effects, determination of significance of residual environmental effects, and development of follow-up programs for all valued components.

Means to Address Deficiency: Revise Chapter 4, Section 4.6.3 to include available baseline information. Revise Chapter 10 to summarize how this information was used in the effects analysis for human health.

If there is additional information for TSD 14, it can be provided as supplementary information in an addendum.

ID: IRC-5

Topic: Alternatives Assessment

Issue: Alternatives assessment for mine waste disposal

Reference to EIS Guidelines: Part 2, Section 2.2

Reference to EIS: Chapter 5; Appendix 3; TSD 5

Context and Rationale: Part 2, Section 2.2 of the EIS Guidelines states that “... *in its alternative means analysis, the proponent will address, at a minimum, the following project components: ... mine waste disposal (methods and sites considered).*”

The EIS Guidelines require the identification of “...*those elements of each alternative means that could produce effects in sufficient detail to allow a comparison with the effects of the project.*”

Chapter 5 of the EIS appears to have followed the Agency’s Operational Policy Statement (OPS) “*Addressing “Purpose of” and “Alternative Means” under the Canadian Environmental Assessment Act, 2012*” for the alternatives assessment of most project components. As suggested in the EIS Guidelines, an alternatives assessment for mine waste disposal was also undertaken in accordance with the Environment Canada Guidelines (2011) for MMER requirements (assessment found in TSD 5). The EIS main text states the conclusion of the MMER assessment and refers the reader to TSD 5 for details of the evaluation. It does not summarize the assessment.

The MMER assessment suggestion in the EIS Guidelines does not supersede the requirement to assess and present conclusions about the alternatives for mine waste disposal through the lens of the Agency’s OPS and in a complete package with the assessment of other project components.

Information Required to Conform: Include a section in Chapter 5 of the EIS on alternatives for mine waste based on the Agency's OPS and the MMER assessment found in TSD 5.

Means to Address Deficiency: Replace Chapter 5, Section 5.2 "Mine Waste Disposal Alternatives Evaluation" and amend Section 5.3 of the EIS main text and Appendix 3.

ID: IRC-6

Topic: Alternatives Assessment

Issue: Alternatives assessment for water management facilities

Reference to EIS Guidelines: Part 2, Section 2.2

Reference to EIS: Chapter 5; Appendix 3; TSD 5

Context and Rationale: Part 2, Section 2.2 of the EIS Guidelines states that "*... in its alternative means analysis, the proponent will address, at a minimum, the following project components:*

- water management facilities (potable and process) and general site drainage works";

Chapter 5 of the EIS does not address water management facilities including information related to potable water and general site drainage works. If only one option was considered for potable water and site drainage works, the rationale in relation to screening for the feasible alternative means should still be discussed as part of the alternatives analysis.

Information Required to Conform: Submit an alternatives analysis for potable water and site drainage works in accordance with the Agency's Operational Policy Statement.

Means to Address Deficiency: Revise Chapter 5, Section 5.3 and Appendix 3.

ID: IRC-7

Topic: Surface water; Fish and fish habitat

Issue: Inability to delineate subwatershed features

Reference to EIS Guidelines: Part 2, Section 6.1.5

Reference to EIS: Chapter 4, Section 4.2.8; TSD 7, Appendix A; TSDs 3, 7 and 16

Context and Rationale: Part 2, Section 6.1.5 of the EIS Guidelines requires "*delineation of drainage basins, at appropriate scales (water bodies and watercourses), including intermittent streams, flood risk areas and wetlands, boundaries of the watershed and subwatersheds, overlaid by key project components.*"

Chapter 4, Section 4.2.8 of the EIS provides a reference to Figure 4.2-1 to show the "*subwatershed boundaries and direction of water flow.*" Three unnamed figures in TSD 7, Appendix A, PDF p. 138-140 show the lake and stream watershed catchments along with the direction of water flow. The map and figures referenced above do not appear to delineate the watersheds at a scale that allows an assessment of subwatershed features such as intermittent streams, flood risk areas and wetlands. Figures in Chapter 4 and TSDs 3, 7 and 16 also lack an overlay of water features by key project components, as required by the EIS Guidelines.

This information is important for reviewers to conduct their review of baseline data, of the changes to groundwater and surface water features caused by the interaction between project components with the environment, and of effects on fish and fish habitat due to such changes.

Information Required to Conform: Provide watershed delineation maps on the scale of the directly affected subwatersheds, including intermittent streams, flood risk areas and wetlands, and how these water features interact with project components.

Means to Address Deficiency: Revise Chapter 4 to include the required maps and figures. Maps and figures in the TSDs could be provided as supplementary information in the form of an addendum.

ID: IRC-8

Topic: Fish and fish habitat

Issue: Descriptions of fish habitats by homogenous sections

Reference to EIS Guidelines: Part 1, Section 4.2; Part 2, Section 6.1.6

Reference to EIS: Chapter 4, Section 4.3.2, and 4.3.4.3; TSD 15, Figure 3-2 and Section 3.2.4

Context and Rationale: Part 2, Section 6.1.6 of the EIS Guidelines requires “a description of the habitat by homogeneous section ...,” and “... information on the surveys carried out and the source of data available (e.g. location of sampling stations, catch methods, date of catches, species).” Part 1, Section 4.2 of the EIS Guidelines further states that “all data collection methods will be specified.”

The description of fish habitat assessment methods are described in Chapter 4, Sections 4.3.2 and 4.3.4.3, and TSD 15, Section 3.2.4, but these descriptions do not provide habitat assessments by *homogenous sections*, as required by the EIS Guidelines.

TSD 15, Figure 3-2 provides a map with the location of fisheries sampling; Table 3-2 provides sampling program effort and Table 3-3 provides a summary of field investigations. No information was presented in the above documents to provide descriptions of the areas that were sampled for fish presence. For example, it is unclear whether electrofishing occurred in a 100 m section of stream or a number of square meters of littoral habitat and where specifically on the waterbodies these efforts were distributed.

This information is important for the reviewers to perform a technical analysis of sampling locations for water, sediments, and fish and fish habitat.

Information Required to Conform: Provide an in-depth description of fish habitat assessment methodology, particularly transects or quadrats that were sampled. Include maps at an appropriate scale to display the areas that were sampled in each waterbody.

Means to Address Deficiency: Revise Chapter 4 to include the missing information (including maps and figures). Missing information in the TSDs could be provided as supplementary information.

ID: IRC-9

Topic: EIS Summary

Issue: Quality of French translation

Reference to EIS Guidelines: Part 1, Section 4.5

Reference to EIS: EIS Summary, French version

Context and Rationale: The French version is insufficient in quality of language and lacking in technical accuracy in comparison to the English version. There is missing technical detail in the French version that appears in the English version. The French version is also missing a glossary that appears in the English version. Some representative examples are provided below:

1. Examples of grammar and translation mistakes

- ~~Appendix~~ *Annexe A* « Tableaux de l'évaluation des effets »
- Tableau 10-1 Liste de plans de gestion environnementaux

2. Examples of technical vocabulary mistakes

- 9.2. Évaluation ~~significative de l'importance~~ des accidents et pannes
- Figure 2-3 Coupe *transversale* ~~section croisée~~ du talus de l'IGR
- 2.2.2 Installations de traitement
Par. 4, ligne 2. « de l'or et l'argent *en solution*. La sousverse ~~Le débordement~~ de l'épaississeur est acheminée dans le circuit... »

3. Examples of technical gaps in comparison to English version

- 2.2.3 Installation de gestion de résidus → missing information in French
- ~~Appendix~~ *Annexe A* « Tableaux de l'évaluation des effets »
 - Qualité de l'air → réversibilité → marked « réversible » in French, but « – » in English
 - Bruit, lumière → réversibilité → marked « RÉVERSIBLE » in French, but low in English

Information Required to Conform: Submit a French version of the revised English version of the EIS Summary that is an accurate translation, free of language errors, vocabulary mistakes and informational gaps.

Please note that we have only provided representative examples. A thorough review of material and quality control of the French translation is required to support the public comment period.

Means to Address Deficiency: Revise the entire EIS Summary – French version.

ID: IRC-10

Topic: General

Issue: Table of Contents

Reference to EIS Guidelines: Part 1, Section 4.4

Reference to EIS: N/A

Context and Rationale: Part 1, Section 4.4 of the EIS Guidelines state that “the EIS will explain how information is organized in the document.” It is standard practice for large technical documents such as an Environmental Impact Statement (EIS) to include an upfront, stand-alone Table of Contents that outlines chapters, appendices, addenda, and TSDs, and includes a full list of figures and tables. This provides overall context for document organization and enables quick navigation by technical reviewers and the public. A few representative examples from the Canadian Environmental Assessment Registry

Internet Site (CEARIS) include the Cote Gold Mine Project, Rainy River Project, Murray River Coal Project, and Black Point Quarry Project.

The EIS contains a partial summary of contents at the end of Chapter 1, as well as an individual Table of Contents within each chapter and TSD. Overall context and navigability are missing and a reviewer using the CEARIS would not instinctively know where to look for items of interest. An upfront, stand-alone Table of Contents is required.

Information Required to Conform: Include an upfront, stand-alone, continuous Table of Contents outlining all parts of the EIS (Chapters with sections and sub-sections, Appendices, Addenda, and TSDs) and including a full list of figures and tables.

Means to Address Deficiency: Insert the Table of Contents as the first PDF of the EIS in the revised package.

ID: IRC-11

Topic: General

Issue: Quality of maps and figures

Reference to EIS Guidelines: Part 1, Section 4.4

Reference to EIS: Maps and figures, various locations

Context and Rationale: Part 1, Section 4.4 of the EIS Guidelines states that *“The proponent will provide charts, diagrams, tables, maps and photographs, where appropriate, to clarify the text. ... Maps will be presented in common scales and datum to allow for comparison and overlay of mapped features.”*

Several maps and figures provided in the EIS and supporting documents are of poor legibility, which hinders the reviewer’s ability to perform a technical review of the information presented.

Some representative examples are provided below:

- Chapter 4, Figures 4.3-4 to 4.3-6 provide an overview of fish populations encountered in waterbodies and watercourses. The maps and titles of fish species and waterbodies are hard to read.
- Chapter 4, Figures 4.3-11 to 4.3-16, and 4.3-25 to 4.3-26, provide fish-bearing waterbodies with bathymetry. Numbers in the figures are hard to read.
- TSD 8, Figure 3-1 provides proximal and distal vantage point locations and visibility. Names of locations and vantage point references are hard to read.

Information Required to Conform: Ensure that all maps and figures in the EIS (main text and supporting documents) and EIS Summary are high quality and presented at a suitable scale.

Please note that we have only provided representative examples. A thorough review of material and replacement of maps that are not legible, prior to resubmission, would support the technical review and public comment period.

Means to Address Deficiency: Replace figures, where necessary, within the EIS and EIS Summary. Any maps that are not legible in the TSDs should be replaced directly within the text. If this is not feasible they can be submitted as an addendum to each TSD.

ID: IRC-12

Topic: General

Issue: Electronic version of the EIS – locked files

Reference to EIS Guidelines: Part 1, Section 4.4

Reference to EIS: TSDs 3, 7, 9, 10, 11, 13, 14, 15 and 16

Context and Rationale: Part 1, Section 4.4 of the EIS Guidelines requires “... *copies of the EIS and its summary for distribution, including paper and electronic version in an unlocked, searchable PDF format, as directed by the Agency.*”

The electronic versions for TSDs 9, 10, 11, 13 and 14 that were submitted to the Agency are locked. TSDs 3, 7, 15 and 16 do not have navigable table of contents. All EIS files will be shared with federal reviewers and made available to the public and Indigenous groups through the Canadian Environmental Assessment Registry Internet Site, and should therefore be easily searchable.

Information Required to Conform: Ensure all chapters of the EIS, TSDs and EIS Summary (English and French versions) are unlocked, searchable, and include a navigable table of contents.

Means to Address Deficiency: Fix within the electronic versions of the EIS, TSDs and EIS Summary (English and French versions).

Annex 2: Additional Areas for Clarification

Conformity review of the Magino Gold Project Environmental Impact Statement, received January 23, 2017. Canadian Environmental Assessment Agency

Please note: In the text below, “TSD” refers to “Technical Support Document”

ID: AAC-1

Topic: Cumulative Effects

Issue: Cumulative effects assessment guidance not followed

Reference to EIS Guidelines: Part 1, Section 4.4; Part 2, Section 7; Operational Policy Statement, Technical Guidance

Reference to EIS: Chapter 11

Context and Rationale: Part 1, Section 4.4 of the EIS Guidelines states that the EIS “*may make reference to the information that has already been presented in other sections of the document The exception ... is the cumulative effects assessment, which should be provided in a stand-alone section.*”

Chapter 11 entitled “*Cumulative Effects*” makes references to Chapters 4, 5, 6 and 7 of the EIS, directing the reader to where information pertinent to the cumulative effects assessment can be found. For example, Section 11.7.2.1, p. 11.22, states that the on-going operation of the Island Gold Mine “*has already been considered within the effects assessment of the Project.*” All information relevant to the cumulative effects assessment (CEA) must be presented in this stand-alone document. Furthermore, It is unclear how air, noise, vibration and greenhouse gas emissions from Island Gold Mine were considered in the effects assessment presented in Chapter 7, and associated TSDs.

Part 2, Section 7 of the EIS Guidelines states that “*the proponent will identify and assess the project’s cumulative effects using the **approach described in the Agency’s Operational Policy Statement (OPS) entitled Addressing Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012 and the guide entitled Cumulative Effects Assessment Practitioners’ Guide, 1999**” (Technical Guidance). Furthermore, the EIS Guidelines require that “*the final choice of VCs and the appropriate boundaries selected to assess the cumulative effects for each VC shall be determined in consultation with ... Aboriginal groups.*”*

The cumulative effects assessment (CEA) presented in Chapter 11 of the EIS does not follow the scoping **approach described in the OPS and Technical Guidance** for identifying Valued Components (VCs), or setting of spatial and temporal boundaries. The outcome of the scoping approach described in the guidance is a list of VCs that are carried forward for analysis, and rationale for exclusion of VCs that are not. Given the scoping is not clearly articulated, the rationale for exclusion of VCs from analysis is unclear. It is also unclear from the documentation presented elsewhere in the EIS, and in Chapter 11, how Indigenous engagement contributed to the identification and selection of VCs and spatial boundaries.

Identification of Valued Components:

The OPS and Technical Guidance prescribe that all VCs with residual effects are considered for scoping in the CEA. The residual effects for each VC should be presented in the CEA and discussed as part of the scoping.

Setting of Spatial Boundaries:

VC-specific spatial boundaries for the cumulative effects assessment are not defined or justified. Only one figure has been provided for the consideration of spatial boundaries for the cumulative effects assessment (Chapter 11, Section 11.3, Figure 11-2, p.11.7) which is not VC-specific and for which no rationale is provided. The figure also does not include the locations of past, current and future physical activities of interest (e.g., Island Gold Mine), which makes it difficult to ensure that the VC-specific spatial boundaries encompass the effects from other physical activities that have been or will be carried out.

Setting of Temporal Boundaries:

No information is provided to identify or justify the spatial boundaries used for the selection of future actions. The cumulative effects assessment refers to timelines only as “past, existing, or future” actions. Although physical activities have been provided, understanding the duration of these activities is important to assessing the cumulative effects on selected VCs over time.

In order to undertake a technical review on the cumulative effects assessment, scoping must be clearly articulated using the guidance provided by the Agency. The selection of VCs must be justified and spatial and temporal boundaries for each VC must be clearly defined and understood.

Clarification to Support Review: Follow the approach for carrying out a cumulative effects assessment described in the Agency’s Operational Policy Statement (OPS) entitled *Addressing Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012* and the *Technical Guidance for Assessing Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012*, which replaces the guide entitled *Cumulative Effects Assessment Practitioners' Guide, 1999*.

Carry out scoping using the described approach; identify and justify the valued components that will constitute the focus of the cumulative effects assessment, and identify and justify spatial and temporal boundaries for each selected VC scoped for inclusion in the cumulative effects assessment. This should all be contained within the stand-alone Chapter 11 cumulative effects assessment.

Make clear in the cumulative effects analysis stand-alone document (Chapter 11) how consultation with Indigenous groups contributed to the selection of VCs and spatial boundaries.

Means to Address Deficiency: Revise and resubmit Chapter 11.

ID: AAC-2

Topic: Concordance Table

Issue: Vague referencing, information difficult to find

Reference to EIS Guidelines: Part 1, Section 4.4

Reference to EIS: Magino EIS Appendices – Appendix 2

Context and Rationale: The EIS Guidelines require the proponent to provide “a table of concordance, which cross references the information presented in the EIS with the information requirements identified in the EIS Guidelines, will be provided.”

While the EIS does provide a table of concordance, it does not refer to all parts of the EIS Guidelines, and its references to parts of the EIS where information satisfying the requirements of the EIS Guidelines can be found are generally very broad.

For example, The concordance table is missing a reference to where one can find a description of general health conditions and demographics of Indigenous peoples, which is in Part 2, Section 6.1.9 of the EIS Guidelines. Where appropriate, references should be specific to sections within a Chapter or TSD rather than whole Chapters or TSDs. This is particularly important when the EIS Guideline requirement is specific. Where the information can be found dispersed across a chapter, or multiple chapters and TSDs, all references should be provided and clearly delineated. Technical reviewers, Indigenous groups, and members of the public need to be able to navigate the document with ease.

Clarification to Support Review: A new table of concordance, which contains more specific references to where in the EIS information satisfying the requirements of the EIS Guidelines can be found, should be provided. All parts of the EIS Guidelines need to be addressed by the table of concordance. When information pertinent to a specific requirement of the EIS Guidelines is found in several chapters, sections or documents, each should be specified and the nature of the information contained within each should be delineated as appropriate.

Means to Address Deficiency: Submit a new table of concordance as an addendum to the main EIS text. It can be incorporated into the table of contents document required above (IRC-4).

ID: AAC-3

Topic: General

Issue: Redaction of sensitive or confidential information

Reference to EIS Guidelines: Part 1, Section 4.3.4

Reference to EIS: Addendum A4, Addendum A5, Addendum A6

Context and Rationale: Part 1, Section 4.3.4 of the EIS Guidelines states that the *“EIS will not contain information that: is sensitive or confidential ... that is treated consistently as confidential, and the person affected has not consented to the disclosure; or may cause harm to a person or harm to the environment through its disclosure.”*

The EIS contains personal contact information such as the home and email addresses of members of the public that participated in public engagement sessions. The EIS also contains correspondence with signatures of Agency employees, the proponent, and consultants. Home addresses, email addresses, and signatures are considered sensitive information and should be redacted by the proponent. The signatures of qualified professionals who are signing off on their work (i.e.: as found on technical documents) can remain in the document for the Agency’s reference, but will be redacts prior to being made available online. For comments received from Indigenous groups, organizations, or governments, where the contact information is readily accessible online, only signatures should be removed.

Clarification to Support review: Home and email addresses of public participants, as well as signatures of government employees, employees of the proponent, and consultants found in correspondence and engagement materials should be redacted prior to submitting an EIS.

Means to Address Deficiency: Review the EIS and redact all sensitive or confidential information.

ID: AAC-4

Topic: General

Issue: Vague cross-referencing

Reference to EIS Guidelines: Part 1, Section 4.4

Reference to EIS: Numerous

Context and Rationale: Part 1, Section 4.4 of the EIS Guidelines states that *“separate appendices... will be referenced by appendix, section and page in the text of the main document.”*

Numerous references to TSDs in the EIS refer only to the number or name of the TSD. Referring to entire TSDs, instead of the specific sections where pertinent details or the relevant point are presented, can make it difficult for the reviewers to perform an efficient and effective technical analysis.

For example, Chapter 7, Section 7.3.2.4.2 states that *“The modelling was performed using both 2- and 3-dimensional (2D and 3D) models. The 2D models were used to simulate seepage flow from the TMF. The model assumptions and boundary conditions, as well as results of the 2D analyses, are provided in the TSD 4.”* It is unclear where in the TSD the results of the 2D analyses are presented. Section 6.3.3 of TSD 4 titled *“Seepage and Flux from TMF and MRMF”* entails a discussion of seepage flow from the TMF but it is unclear whether this was the intended section of the TSD that was referenced, as there is no mention of 2-D analysis in TSD 4.

Chapter 8 makes several references to TSD 20. TSD 20 is divided into several sub-documents and references to this TSD require the specific sub-document that contains the relevant information.

(The Agency notes that in some cases it is suitable to reference an entire TSD, such as when the reference is intended to be vague or all-encompassing. For example, Chapter 6, Section 6.1.4.1 states that *“the complete report of the multiple account analysis is attached in TSD 5”*; this is fitting because the intention was to refer to the entire TSD.)

Clarification to Support Review: Cross-references to appendices, TSDs and other parts of the EIS should include the appendix/TSD number (where applicable), and the section and subsection number when pertinent.

Means to Address Deficiency: Revise the EIS to include the specific sections and subsections of TSDs. Clarifications within TSDs could be provided in a table as supplementary information.

ID: AAC-5

Topic: General

Issue: Incorrect cross-referencing and possible missing TSDs

Reference to EIS Guidelines: Part 1, Section 4.4

Reference to EIS: TSDs, and possibly EIS main text

Context and Rationale: Part 1, Section 4.4 of the EIS Guidelines states that “*the EIS may make reference to the information that has already been presented in other sections of the document, rather than repeating it.*” However, numerous references to incorrect or non-existent TSDs, and to incorrect sections of documents, were found in the EIS, particularly in the TSDs. Referring to incorrect documents makes it difficult for reviewers to perform an efficient and effective technical analysis, and creates uncertainty about the completeness of the submission.

Some representative examples are provided below:

- TSD 11, Section 3.3, p. 21 and TSD 13, Section 3.3, p. 16 refers the reader to a “*Consultation and Engagement TSD*” for feedback received from consultation and engagement that served as the basis to identify noise and light as VECs. No Consultation and Engagement TSD was provided with the EIS, and this information could not be found in any other section of the EIS. Chapter 12 of the main body of the EIS, titled “*Aboriginal Engagement*”, and Addendum A5, titled “*Aboriginal Engagement Material*”, do not explain how feedback received from consultation and engagement informed the choice of noise or light as VECs.
- TSD 14, Section 3.1, p. 19 lists seven TSDs that provide “*baseline environmental information collected as part of the EA and used in support [sic] the assessment of human health.*” Of the seven TSDs identified in the list, five were not part of the EIS (Terrestrial Environment TSD, Socio-economic Environment TSD, Aboriginal Interests TSD, Aquatic Environment TSD, and Geology, Geochemistry and Soil TSD).
- TSD 14, Appendix A, Section 5.2.2, p. 17 and TSD 14, Appendix A, Section 8.0, p.31 makes three references to information on emissions and air quality modelling provided in “*Section 6.4 of the EA Report*” or “*Chapter 6.4 of the EA Report.*” It is not understood what this reference means: Section 6.4 of the EIS does not discuss air emissions or modelling, and there is no section 6.4 in the Meteorology and Air Quality TSD (TSD 9) or the Human Health Risk Assessment TSD (TSD 14). TSD 14, Appendix A, Section 8.0, p.31 also references “*Chapter XX of the EA Report.*”

Clarification to Support Review: Ensure that all cross-references to and between TSDs and the EIS main text are correct. If a TSD was omitted, providing it will reduce the likelihood of technical information requests.

Please note that we have only provided representative examples. A thorough review of material for erroneous cross-references prior to resubmission would support the technical review and public comment period.

Means to Address Deficiency: Any cross-referencing errors found within the EIS main text should be revised directly within the text. Any cross-referencing errors in the TSDs would ideally be revised directly within the text. If this is not feasible we suggest a supplementary table be provided as an addendum to each TSD that clarifies any erroneous cross-references.

ID: AAC-6

Topic: Surface water, Groundwater, Fish and Fish habitat

Issue: Inconsistencies and contradictions in data

Reference to EIS Guidelines: Part 1, Section 4.2

Reference to EIS: TSD 4, Section 2.6.1, Table 2-5; TSD 3, Section 5, Table 5-1; TSD 4, Figure 6-10a and 6-10b

Context and Rationale: Part 1, Section 4.2 of the EIS Guidelines state that *“all data, models and studies will be documented such that the analyses are transparent and reproducible.”*

Table 2-5 in TSD 4 and Table 5-1 in TSD 3 show the monthly distribution and average of streamflow (runoff) for the Magino Study Area. The monthly runoff data provided in these two tables do not match and as a result, the site mean annual precipitation values are also different.

Additionally, Figure 6-10a and 6-10b in TSD 4 indicate they show simulated transient positive net lake fluxes and negative net lake fluxes; however, both figures appear to be identical.

These contradictions and inconsistencies in the data make it difficult to perform a technical review of the EIS.

Clarification to Support Review: Ensure that there are no inconsistencies and contradictions in the data provided in the EIS and supporting documents, as shown in the two examples presented.

Means to Address Deficiency: Revise all parts of the EIS that may have inconsistencies or contradictions in data. Revisions in the TSDs could be provided as supplementary information in the form of addenda or errata.

Annex 3: Early Technical Issues or Comments Identified

Conformity review of the Magino Gold Project Environmental Impact Statement, received January 23, 2017. Canadian Environmental Assessment Agency

Please note: In the text below, "TSD" refers to "Technical Support Document"

ID: TIC-1

Topic: Air Quality

Issue: Contour plots for air quality

Reference to EIS Guidelines: Part 1, Section 4.4; Part 2, Section 6.2.1

Reference to EIS: Chapter 7, Section 7.2.1, Tables 7.2.1-6 and 7.2.1-7; TSD 9, Section 5.1.2, Tables 5.2.1-1 and 5.2.1-2, Section 5.4, Table 5.4-2

Context and Rationale: Part 1, Section 4.4 of the EIS Guidelines states that *"The proponent will provide charts, diagrams, tables, maps and photographs, where appropriate, to clarify the text."*

Part 2, Section 6.2.6 of the EIS Guidelines states that the assessment will include, *"with respect to Aboriginal peoples, a description of how changes to the environment caused by the project will affect: human health ..., socio-economic conditions ..., current uses of land and resources for traditional purposes ..., physical and cultural heritages ..."*

The EIS provides tables with maximum ambient air concentrations in the local study area (Chapter 7, Section 7.2.1, Tables 7.2.1-6 and 7.2.1-7, p. 7.18 and 7.19), but does not identify the locations of these maxima, other than being somewhere at the boundary of the project study area and the local study area (TSD 9, Section 3.3.1, p. 26), also known as a "fenceline" receptor (TSD 14, Appendix A, Section 5.1, p. 15). No information is provided on the geographic extent where changes to air quality could be expected. The Agency recommends that contour plots be provided to show predicted maximum ambient air concentrations for various compounds where changes are predicted. These figures could resemble the projected noise levels contour plots provided in TSD 11, Section 5.2.2, Figure 5.2.2-1, p. 51, with a separate figure for each compound.

A footnote to TSD 9, Section 5.4, Table 5.4-2, p. 63 indicates that PM₁₀ is predicted to have "high magnitude" (*i.e.*, exceed the National Ambient Air Quality Objective of 50 ug/m³) on 22.7% of the days. No information is provided on the location where this frequency of exceedances would occur, or what times of the year that these exceedances are likelier. Also, no information is provided on frequencies of exceedances of federal or provincial standards or Guidelines for various compounds in the local study area or regional study area. The Agency recommends that contour plots be provided to show frequencies at which exceedances would occur for any compounds.

The EIS indicates that air quality is included in assessments of effects on *"traditional use of lands and resources"* (Chapter 7, Section 7.7.2.4) and *"Aboriginal cultural activities and special places"* (Chapter 7, Section 7.7.3.4). The Agency notes that new receptor points related to human health and traditional land use may be identified during technical review. By providing these contour plots, the Agency will not need to file a new information requirement to understand air quality whenever a new receptor point is identified.

Issue or Comment: Provide contour plots for maximum ambient air concentrations for compounds for which exceedances of federal or provincial standards or Guidelines. Provide contour plots showing frequency of exceedances of federal or provincial standards or Guidelines.

Means to Address Deficiency: The location where the maximum ambient air concentrations are expected in the local study area should be included in Section 7.2.1.5 of the EIS. Locations where changes to air quality are expected should also be discussed in Section 7.2.1.5 of the EIS. This should be included in a revision of Chapter 7. However, new figures and text could also be provided as an addendum to TSD 9.

ID: TIC-2

Topic: Migratory Birds

Issue: Collision risk of migratory birds with project infrastructure

Reference to EIS Guidelines: Part 2, Section 6.2.4

Reference to EIS: Chapter 7, Section 7.4.5

Context and Rationale: Part 2, Section 6.2.4 of the EIS Guidelines requires the proponent to consider *“collision risk of migratory birds with any project infrastructure.”*

Chapter 7, Section 7.4.5, provides no information about the potential of a collision risk of migratory birds with project infrastructure. The assessment should consider the collision risk of migratory birds due to project infrastructure, which includes but is not limited to vehicles.

The only reference to collisions risk with birds is a mitigation measure limiting speed limits in Chapter 7, Section 7.4.5.6. The rationale for including this mitigation measure should be clear as to which potential effect(s) it addresses.

Further information is required to fully assess the potential for adverse effects on Migratory and Breeding Birds.

Issue or Comment: Describe all potential collision risks of migratory birds due to project infrastructures. If no other risks are identified, please state this and provide a rationale for the conclusion.

As this comment is addressed, the Agency expects revisions will be incorporated into the effects assessment, proposed mitigation measures, characterization of residual effects, determination of significance of residual environmental effects, and development of follow-up programs.

Means to Address Deficiency: Additional information on collision risks to migratory birds should be included in a revision to Chapter 7, Section 7.4.5 of the EIS. However, this could also be provided as supplementary information in the form of an addendum to Chapter 7.

ID: TIC-3

Topic: Effects on Indigenous Peoples

Issue: Contradictory information - Indigenous drinking water sources

Reference to EIS Guidelines: Part 2, Section 6.1.9

Reference to EIS: Chapter 3, 4, 10; TSD 14 and 18; Chapter 7, Section 7.7.2.2, Table 7.7.2-2; Addendum A5

Context and Rationale: Part 2, Section 6.1.9 of the EIS guidelines requires a description of, “*with respect to Aboriginal peoples, drinking water sources (permanent and seasonal, periodic, or temporary).*”

The EIS Concordance table indicates that this information is found in Chapter 3, 4, 10 and TSDs 14 and 18. Chapter 4 (p 4.72) describes how no groundwater drinking water supply wells are present in the LSA/PSA and Chapter 3, Section 3.3.2 indicates that no private water supply wells are present in the watersheds that host the Project. However, there is no explicit discussion of Indigenous drinking water sources in these chapters. Drinking water could also be sourced from surface waters accessed by Indigenous groups during the practice of current uses

Chapter 7.7.2.2 (p 7.395) indicates that “*there were no drinking water sources identified by Aboriginal people within the PSA, LSA or RSA.*” Missanabie Cree First Nation provided information in their Traditional Ecological Knowledge (TEK) Report about natural springs that are drinking water sources for the community (Addendum A5, p. 319). Specific springs used for drinking water sources were identified as Maskinonge Lake, End Lake, Justin Lake, and Trout Lake. Maskinonge Lake, according to Figure 7.7.2-2, is inside of the RSA. As this lake has been identified as a source of drinking water, this contradicts the sentence in the main text of the EIS stating that there is no Indigenous drinking water source located in the PSA, LSA or RSA.

The EIS should not contain contradictory information and should accurately describe the locations of drinking water sources used by Indigenous peoples based on the information received through consultation, including the information retrieved through Indigenous Traditional Knowledge Studies.

Issue or Comment: Provide accurate baseline information of drinking water sources (surface and ground) used by Indigenous peoples that are affected by the Project, including that found in the Missanabie Cree First Nation’s Traditional Ecological Knowledge (TEK) report.

As this comment is addressed, the Agency expects revisions will be incorporated into the effects assessment, proposed mitigation measures, characterization of residual effects, determination of significance of residual environmental effects, and development of follow-up programs for all valued components.

If no drinking water sources were identified by Indigenous groups in the LSA and PSA, demonstrate how this was confirmed through engagement activities.

Documentation of engagement efforts and responses should be provided separately for each group.

Means to Address Deficiency: Revise Chapter 4, Section 4.6.

ID: TIC-4

Topic: Effects on Indigenous Peoples

Issue: Recreational land use by Indigenous Peoples

Reference to EIS Guidelines: Part 2, Section 6.1.9, Section 6.2.6, Section 6.3, Section 6.4

Reference to EIS: Chapter 3, Section 3.3.4; Chapter 4, Section 4.4.5; Chapter 7, Section 7.7

Context and Rationale: Part 2, Section 6.1.9 of the EIS Guidelines requires a description of, *“with respect to Aboriginal peoples, recreational uses of the project area.”*

Recreational activities are described in Chapters 3 and 4 for local non-Indigenous communities, but there is no description of recreational land use by Indigenous peoples or a rationale provided for excluding this information. Clarify if recreational activities described extend to Indigenous peoples.

If any recreational activities are identified, Part 2, Section 6.2.6 of the EIS Guidelines would further require a description of the *“effect of changes to recreational land use on Aboriginal peoples.”*

Issue or Comment: Describe the recreational activities of Indigenous peoples.

As this comment is addressed, the Agency expects revisions will be incorporated into the effects assessment, proposed mitigation measures, characterization of residual effects, determination of significance of residual environmental effects, and development of follow-up programs for all valued components.

If no recreational activities were identified by an Indigenous group, or if there is uncertainty in their identification, demonstrate how this was confirmed through engagement activities.

Documentation of engagement efforts and responses should be provided separately for each group.

Means to Address Deficiency: Revise Chapters 4 and 7 to include this information.

ID: TIC-5

Topic: Current Use of Lands

Issue: Clarification of baseline information for Indigenous traditional uses

Reference to EIS Guidelines: Part 1, Section 6.1.9

Reference to EIS: Chapter 4, Section 4.6.5, Table 4.3.5-3

Context and Rationale: Part 1, section 6.1.9 of the EIS Guidelines requires *“a description of ... with respect to Aboriginal peoples...plants of importance for traditional use”* and *“places where... plants are harvested.”*

Table 4.3.5-3 (p 4.174) provides a *“List of Medicinal and Cultural Species of Importance for Indigenous Communities”* that is just over one page long. Section 4.6.5 identifies the gathering activities of each specific group, and specifies plant species that are important to some groups (Michipicoten First Nation, Missanabie Cree First Nation, and Metis Nation of Ontario). Some plant species included in Section 4.6.5 were not included in Table 4.3.5-3 (and vice-versa).

For example:

- Some of the species identified in the Michipicoten First Nation Traditional Land Use study, as summarized in Section 4.6.5.1, include sage, tamarack, yarrow, Hemlock and Labrador Tea. These species, among others, were not included in Table 4.3.5-3.

- Species identified in Table 4.3.5-3, including Starflower, Skunk Current, Rose Twisted Stack, Solomon's Seal, are not included in Section 4.6.5, and do not seem to have been identified specifically by any of the Indigenous groups in their traditional knowledge studies.

For the species listed in Table 4.3.5-3, it is not evident which species are important to which group, and where these species are harvested in and around the project area (PSA/LSA/RSA and beyond). Clarification is required, as the contradictory information makes a technical review difficult.

Issue or Comment: Provide clarification on the baseline information for Indigenous traditional and current use of lands and resources.

Add to Table 4.3.5-3, which plant species are important to which Indigenous groups. Clarify in Table 4.3.5-3 or in Section 4.6.5, where the plant species are harvested in and around the project area (PSA/LSA/RSA). Documentation should be provided separately for each group, while respecting the confidentiality of certain information.

Ensure Table 4.3.5-3 matches the Indigenous group information in Section 4.6.5, or provide an explanation for the apparent contradiction that includes the efforts to obtain the information from Indigenous groups.

As this comment is addressed, the Agency expects revisions will be incorporated into the effects assessment, proposed mitigation measures, characterization of residual effects, determination of significance of residual environmental effects, and development of follow-up programs for all valued components.

Means to Address Deficiency: Provide a revised Table 4.3.5-3 so that it matches information from Indigenous Traditional Knowledge Study/Traditional Land Use Study summaries (Chapter 4, Section 4.6.5). This should be incorporated into a revised Chapter 4, but could be addressed through the provision of supplementary information in the form of an addendum to Chapter 4.

ID: TIC-6

Topic: Current Use of Lands

Issue: Incomplete effects assessment for Indigenous traditional uses

Reference to EIS Guidelines: Part 1, Section 2.4; Part 2, Sections 6.2.6, 6.3, 6.4

Reference to EIS: Chapter 4, Section 4.6; Chapter 7, Sections 7.7.2.5.1.3, 7.7.2.5, 7.7.2.6, 7.7.2.7, Table 7.4.6-8

Context and Rationale: Part 2, Section 6.2.6 of the EIS Guidelines require a description, with respect to Indigenous peoples, of how *"changes to the environment caused by the project will affect hunting, fishing, trapping, cultural and other traditional uses of the land (e.g. collection of medicinal plants, use of sacred sites), as well as related effects on lifestyle, culture and quality of life of Aboriginal groups."*

There appear to be a number of areas in the EIS where the assessment of effects to Indigenous land use is incomplete.

For example:

- Chapter 4, Section 4.6 and Chapter 7, Section 7.7.2.5.1.3 of the EIS indicate that several Indigenous groups “reported that the PSA and LSA are used/were likely used currently or historically for trapping activities.” The loss of these potential trapping areas in the PSA/LSA is not carried forward to an effects assessment in Chapter 7, Section 7.7.2. The proponent does note that the trapline area WA046, which overlaps the RSA and is operated by a Michipicoten First Nations Elder, will not be impacted by project activity (page 7.408).
- Furbearers have been identified by Indigenous groups (Metis Nation of Ontario, Missanabie Cree First Nation) as important trapping and hunting species (Chapter 4, Section 4.6.5). The removal of beaver lodges and furbearer habitat, and the increase in mammal-vehicular collisions, as identified in Chapter 7, Table 7.4.6-8, may have an effect on Indigenous trapping activities in and around the RSA. However, the analysis of effects to Indigenous trapping activities does not include the loss of these trapping resources.
- Chapter 4, Section 4.6.5 indicates that Indigenous groups currently and/or historically conduct harvesting activities in the proposed project area (Metis Nation of Ontario, Missanabie Cree First Nation, p. 4.349 and 4.350). However the loss of these potential harvesting sites in the project area was not carried forward to an effects assessment in Chapter 7, Section 7.7.2.
- Chapter 4, Section 4.6.6.1.3 and Chapter 7, Section 7.7.3.5.2.1 mention that “there is... a general reference that the Magino mine area is a “portage area” which may indicate that MFN members crossed back over the height of the land regularly, rather than reference to a specific route.” Portions of this area are indicated to be possibly lost as a result of project development, however, the loss of this area is not carried forward to an effects assessment in Chapter 7, Sections 7.7.2 or 7.7.3.

While there may not be clarity as to whether or not the Indigenous land use activities are occurring currently, the Agency’s *Technical Guidance for assessing the Current Use of Lands and Resources for Traditional Purposes under the Canadian Environmental Assessment Act, 2012*, states that current use “includes ... uses that are likely to occur in a reasonably foreseeable future,” and that “uses that may have ceased due to external factors should also be considered if they can reasonably be expected to resume once conditions change.” Furthermore, in keeping with the application of the precautionary approach, as required in Part 1, Section 2.4 of the EIS Guidelines, the proponent should assume that the loss of potential land use areas may still affect Indigenous groups. This effect should be carried through to the identification of mitigation measures, residual effects and significance.

Issue or Comment: Provide a complete assessment of the effects to Indigenous traditional activities using the information obtained through consultation (i.e. Traditional Knowledge/Traditional Land Use studies and reports).

As this comment is addressed, the Agency expects revisions will be incorporated into the effects assessment, proposed mitigation measures, characterization of residual effects, determination of significance of residual environmental effects, and development of follow-up programs for all valued components.

Means to Address Deficiency: The assessment of effects to Indigenous trapping should be included in a revision of Chapter 7. However, this could be addressed through the provision of supplementary information in the form of an addendum to Chapter 7.

ID: TIC-7

Topic: General

Issue: Spatial boundaries – contradictory information

Reference to EIS Guidelines: Part 1, Section 3.3.2

Reference to EIS: TSDs 9, 11, 12, 13 and 14, Section 1.5 of each TSD

Context and Rationale: Part 1, Section 3.3.2 of the EIS Guidelines states that *“the EIS will clearly indicate the spatial boundaries to be used in assessing the potential adverse environmental effects of the project...”*

The Agency notes that there are two sets of study areas identified in a number of TSDs. For instance, it is confusing to have generic study areas described in Section 1.5 of TSD 9 (Meteorology and air quality), TSD 11 (Noise), TSD 12 (Vibration), TSD 13 (Light), and TSD 14 (Human Health Risk Assessment), followed by Valued Component-specific study areas in subsequent sections of those TSDs. The reader wonders which study areas were used to complete the effects analysis and conclusions.

Issue or Comment: Eliminate superfluous study areas and/ or ensure that the regional, local and project study areas for each Valued Component are clearly described in TSDs. Confirm that the effects analysis and conclusions for each Valued Component was completed using the Valued Component-specific study areas.

Means to Address Deficiency: This clarification can be provided as supplementary information such as an addendum to each TSD.

ID: TIC-8

Topic: Navigation

Issue: Insufficient details on recreational uses of waterways and waterbodies

Reference to EIS Guidelines: Part 2, Sections 6.1.8, 6.1.9, 6.2.5 and 6.2.6

Reference to EIS: TSD 7, Fig 6-2; Chapter 4, Sections 4.6.6.1.3 and 4.6.6.3.3; Chapter 7, Section 7.5.2.5.1

Context and Rationale: The EIS Guidelines Part 2, Section 6.1.8 states that *“the EIS will include a description of: ... current use of all waterways and water bodies that will be directly affected by the project, including recreational uses, where available.”*

The EIS Guidelines Part 2, Section 6.2.5 states that *“the assessment will include a consideration of the potential project effects on ... local socio-economics issues, including potential effects on: the use of navigable waters”* and in Section 6.2.6 *“with respect to Aboriginal peoples, a description of how changes to the environment caused by the project will affect: the use of navigable waters.”*

Specific navigation information for the waterbodies that will be affected in the PSA (as per Figure 6-2 in TSD 7) is lacking. Specific navigation information on the waterways impacted is required in order for assess effects on navigation.

Chapter 4, Section 4.6.6.1.3 shows that there may be some navigation information in traditional land use studies as there are references that question navigability of headwaters and identify the Magino mine area as a “portage area.” Further, Chapter 4, Section 4.6.6.3.3 makes reference to a map that shows water routes from Mountain to Otto Lakes and from Dreany to Mud Lakes. This map is not

included in the EIS. More complete information in the EIS pertaining to these sections would be helpful to make possible an assessment of effects to navigation.

In Chapter 7, Section 7.5.2.5.1, it is stated: *“No effects on navigation of lakes and streams are anticipated, as no barriers to boating are being created.”* Without supporting information on navigable waters, the Agency is unable to verify effects and conclusions in the EIS.

Issue or Comment: Provide more detail about the current use, both Indigenous and non-Indigenous, of all waterways and waterbodies that will be affected by the Project, including recreational uses.

To assist in making determinations regarding navigability, the proponent can use these four guiding questions to determine if a waterway is navigable:

1. Do the physical characteristics of the waterway support carrying (floating and traversing) a vessel of any size (e.g., canoe/kayak) from one point to another?
2. Is there information of current use by the public of the waterway as an aqueous route for navigation purposes either as a self-contained route or as part of a navigation network extending beyond the boundaries of the specific waterway?
3. Is there information (i.e., evidence) of historical or past use by the public of the waterway as an aqueous route for navigation purposes either as a self-contained route or as part of a navigation network extending beyond the boundaries of the specific waterway?
4. Is there a reasonable likelihood of use by the public as an aqueous highway?

Means to Address Deficiency: This information can be provided as an addendum to Chapter 4.