



Impact Assessment
Agency of Canada

Ontario Region
600-55 York Street
Toronto ON M5J 1R7

Agence d'évaluation
d'impact du Canada

Région de l'Ontario
600-55 rue York
Toronto ON M5J 1R7

August 17, 2022

Sent by email

Chief June Black
Apitipi Anicinapek Nation
310 Penatuche Road, RR #3
Matheson ON P0K 1N0
<email address removed>

Dear Chief June Black:

Subject: Next Steps in the Impact Statement Phase of the Impact Assessment for the Upper Beaver Gold Project

Thank you for your participation in the planning phase of the federal impact assessment for the Upper Beaver Gold Project (the Project), proposed by Agnico Eagle Mines Limited (the Proponent). On April 20, 2022, the Impact Assessment Agency of Canada (the Agency) posted a Notice of Commencement¹ on the Canadian Impact Assessment Registry Internet site (the Registry) and contacted your community by way of email regarding an impact assessment pursuant to the *Impact Assessment Act* (IAA) for the Project. The Project is now in the impact statement phase of the federal impact assessment.

The objectives of this letter are to:

- provide you with updates on the Upper Beaver Gold Project;
- share the Agency's preliminary understanding of the potential adverse impacts of the Project on Apitipi Anicinapek Nation's exercise of rights (Enclosure 1);
- identify the next steps in the impact assessment process and opportunities for Apitipi Anicinapek Nation to meaningfully participate in the impact assessment for the Project (Enclosure 2); and
- demonstrate how comments were incorporated into the final Tailored Impact Statement Guidelines (Guidelines) and Indigenous Engagement and Partnership Plan (IEPP) (Enclosure 3).

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¹ <https://iaac-aeic.gc.ca/050/evaluations/document/143619?culture=en-CA>

Updates on the Upper Beaver Gold Project

The Minister of Environment and Climate Change decided on May 26, 2022, not to refer the Project to a review panel under subsection 36(1) of the IAA. The Agency will therefore continue to conduct an Agency-led impact assessment for the Project.

Based on new information from Indigenous communities, the Agency has updated section 4 of the IEPP, which can be found on the Project's Registry page².

Information Available to the Agency with Respect to the Potential Adverse Impacts of the Upper Beaver Gold Project on Apitipi Anicinapek Nation's Exercise of Rights

The Agency recognizes the Project is located in Apitipi Anicinapek Nation's traditional territory, which may result in impacts to Apitipi Anicinapek Nation's Aboriginal and Treaty rights and interests. The information available to the Agency on the Project's potential to cause adverse impacts on your community's exercise of rights is summarized in Enclosure 1.

In order for the Agency to direct the Proponent to adequately follow-up and characterize potential impacts to your community in the Proponent's Impact Statement, and to support the identification and implementation of measures to help mitigate and accommodate any impacts, please review Enclosure 1 and provide the Agency with any additional information you feel would contribute to the Agency's analysis by **February 1, 2023**. This information would also inform the Agency's consultation efforts and understanding of the potential impacts of the Project on your community's exercise of rights.

Opportunity to meet with the Agency:

The Agency is interested in establishing a dialogue with Apitipi Anicinapek Nation to further discuss your community's vision for working together throughout the impact assessment of the Project, as set out by your community during our meeting on July 20, 2022.

The Agency would be pleased to meet with your community in-person to discuss how we can work together to advance a collaborative relationship throughout the impact assessment. The Agency is also interested in meeting to discuss the information currently available to the Agency regarding the Project's potential impacts on your community's exercise of rights, and to gather additional information to supplement Enclosure 1.

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² <https://iaac-aeic.gc.ca/050/evaluations/document/143584?culture=en-CA>

Grant funding, as noted below, can be used to support your community's participation at this meeting as well as for providing any additional information to supplement Enclosure 1. **The Agency will follow-up with your community to confirm whether you are interested in a meeting and to schedule a date and time.**

In addition, please see the Handout on How to Participate during the Federal Impact Assessment Process (Enclosure 2). This document outlines the information, including Indigenous Knowledge, that you may consider sharing with the Proponent and the Agency to inform the development of the Proponent's Impact Statement. Enclosure 2 also identifies areas of interest where Indigenous Knowledge would be helpful in assessing potential effects of the Project and potential impacts on the exercise of rights of Indigenous Peoples.

For further information on how the Agency considered your comments during the planning phase and incorporated them into the Guidelines and IEPP, please see Enclosure 3, Summary Table of Comments.

Funding Program Grants

The Agency notes that Apitipi Anicinapek Nation has received grant funding under the Agency's Participant Funding Program to support Apitipi Anicinapek Nation's participation in the impact assessment process for the Project, as we transition from the planning phase to the impact statement phase.

Eligible expenses for these grants include:

- providing additional information to supplement information available to the Agency in Enclosure 1;
- meeting with the Agency to provide additional information, and discuss and develop a potential IEPP annex; and,
- establishing a common understanding of next steps for collaboratively assessing impacts on the exercise of rights.

The Agency will offer additional funding during the impact statement phase to support the continued participation of Apitipi Anicinapek Nation. Further information on participant funding during the impact assessment process can be found on the Agency's website³. If you have any additional questions or concerns, please contact Marjolaine Maisonneuve, Funding Officer, at 613-295-5365 or *Marjolaine.Maisonneuve@iaac-aeic.gc.ca*.

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³ <https://www.canada.ca/en/impact-assessment-agency/services/public-participation/funding-programs/participant-funding-program.html>

IMPORTANT NOTE: Any information submitted to the Agency to inform this project assessment will be made publicly available as part of the project file, and may be posted online via the Canadian Impact Assessment Registry (Reference #82960) subject to certain exceptions related to privacy, security or confidentiality. The Agency's Submission Policy⁴ describes what submitted information can be shared publicly, and what should remain private. For further information on how we protect your privacy, please refer to the Privacy Notice⁵.

Indigenous Knowledge shared in confidence is protected from disclosure under section 119 of the *Impact Assessment Act* (IAA), except if written consent is provided, or if the information is publicly available. In addition, Indigenous Knowledge shared in confidence could be shared with certain parties if disclosure is necessary for procedural fairness and natural justice or for use in legal proceedings. This ensures that interested persons have a fair opportunity to participate in decision-making processes that may affect their interests, and that they have access to all necessary information and evidence relied on by the decision-maker.

Should you wish to provide any comments or documents that contain confidential or sensitive information that should be protected from release to the public, please contact Spencer Roth at upperbeaver@iaac-aeic.gc.ca or at 647-355-7318 **before** submitting the information. This will ensure that your submission is handled appropriately. Note, that the Agency will consult with you prior to disclosing Indigenous Knowledge shared in confidence under an exception.

Commitment to Meaningful Engagement and Consultation

The Agency is committed to undertaking meaningful public engagement and Indigenous consultation. Our current practices, in light of the COVID-19 pandemic, are summarized in Enclosure 4.

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⁴ <https://iaac-aeic.gc.ca/050/evaluations/participation/conditions>

⁵ <https://www.iaac-aeic.gc.ca/050/evaluations/protection?culture=en-CA>

Please feel free to contact me at upperbeaver@iaac-aeic.gc.ca or by phone at 647-355-7318 if you have any questions. I welcome the opportunity to work collaboratively with your community.

Sincerely,

<original signed by>

Spencer Roth
Project Analyst

Enclosures:

1. Summary of information available to the Crown with respect to the potential adverse impacts of the Upper Beaver Gold Project on Apitipi Anicinapek Nation's Exercise of Rights
2. Guide on How to Participate During the Federal Impact Assessment Process
3. Summary Table of Comments
4. Agency's commitments regarding consultation during COVID-19 pandemic

c.c.: Mike Guillemette, Apitipi Anicinapek Nation
Lance Black, Apitipi Anicinapek Nation
Sharon Plourde, Apitipi Anicinapek Nation
Maurice Kistabish, Apitipi Anicinapek Nation
Chris Sackaney, Apitipi Anicinapek Nation
Terry Honsberger, NorthWinds Environmental Services
Kate Kempton, Olthuis Kleer Townshend
Sarah Morin, Agnico Eagle Mines Limited