



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

September 13, 2021

Sent by email

Grand Chief Mandy Gull-Masty
Cree Nation Government
2 Lakeshore Road
Nemaska QC J0Y 3B0
<Email address removed>

Dear Grand Chief Mandy Gull-Masty:

Subject: Request for Comments on the Potential Impact Assessment of the Proposed Upper Beaver Gold Project

On July 20, 2021, the Impact Assessment Agency of Canada (the Agency) sent a letter to the Cree Nation Government, providing early notification about the proposed Upper Beaver Gold Project.

On September 13, 2021, the Agency accepted the Initial Project Description for the Project from Agnico Eagle Mines Limited (the proponent) as meeting the requirements of the *Information and Management of Time Limits Regulations* under the *Impact Assessment Act* (IAA). As of today, the 180-day planning phase of the impact assessment has commenced, thus we are seeking your views on the potential effects of the Project and on your preferences in consultation and engagement approaches.

The Proposed Project

Agnico Eagle Mines Limited is proposing the construction, operation, decommissioning and abandonment of an underground and open pit gold and copper mine located 20 kilometres northeast of Kirkland Lake, in Ontario. As proposed, the project includes an on-site metal mill and structures for diverting water. The maximum ore production capacity of the mine is approximately 15,000 tonnes per day, and the maximum ore input capacity of the processing plant would be approximately 10,000 tonnes per day, with a mine life of approximately 16 years. The Project would require the diversion of over 90 million cubic meters of water per year from Beaverhouse Lake downstream to the Misema River.

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A summary of the Initial Project Description is available on the Canadian Impact Assessment Registry (Registry) at:

<https://iaac-aeic.gc.ca/050/evaluations/document/141179?culture=en-CA>

Participation in the impact assessment planning phase

Pursuant to the IAA, the Agency is initiating consultation activities with Indigenous groups, as well as engaging the public and other participants. A public comment period on the summary of the Initial Project Description is taking place from September 13, 2021, to October 4, 2021.

Request for comments

The Agency is seeking your initial views on the following items:

- Any environmental effects and impacts of the Project that are of concern to your community including any anticipated environmental effects and additional impacts that are not listed in the Initial Project Description.
- How the project and associated environmental effects could result in positive or negative changes to your community's:
 - health conditions (e.g. country foods, drinking water, air quality)
 - socio-economic conditions (e.g. economic development, access to jobs, access to resources);
 - physical and cultural heritage (e.g. ceremonial sites, burial sites, cultural landscapes);
 - current use of lands and resources for traditional purposes (e.g. hunting, fishing, trapping); or,
 - structures, sites or things of historical, archaeological, paleontological or architectural significance (e.g. artifacts, important historical buildings or symbols).
- Any potential impacts of the Project on Cree Nation Government's exercise of Aboriginal and/or treaty rights as protected under section 35 of the *Constitution Act, 1982*, that are not listed in the Initial Project Description
- Preferences and expectations of both Agency consultation activities and proponent engagement activities in relation to the Project.

A comment form (Enclosure 1) is provided as an attachment to this letter to assist you in responding to the items above, or you may reply in a format of your choice.

As noted in our letter of July 20, 2021, the Agency has developed a series of worksheets designed to support a collaborative assessment of the Project's potential impacts on your community's exercise of rights. The second of this series of worksheets is titled "Worksheet #2 – Part 1: Locations of Exercise of Rights" (Worksheet #2 Part 1) and has been attached to this letter (Enclosure 2). This worksheet is intended to support early discussions and to identify whether your Aboriginal and/or treaty rights may be exercised within the project site, near the project site, or relatively far from the project site.

You may choose to use this worksheet to assist you in preparing your comments on the Initial Project Description as it may help you to identify your community's "valued components" (things that are important to your community) that may be positively or negatively affected by the Project. You may choose to provide your comments using the worksheet, or in any other format of your choice.

Comments received by **October 4, 2021**, will inform the development of a Summary of Issues prepared by the Agency, which includes the issues raised by Indigenous groups and other participants. The Agency will provide the Summary of Issues to the proponent and post a copy to the Registry. The proponent will be required to submit a Detailed Project Description to the Agency that outlines how it plans to address the issues raised. The proponent's documents and input from Indigenous groups and other participants will then be considered by the Agency in its decision on whether to require a federal impact assessment for the Project.

Should the Agency determine that a federal impact assessment is required, the Agency will be leading consultation efforts on behalf of the Government of Canada, to ensure a meaningful and responsive two way dialogue takes place with the Cree Nation Government in respect of the Project and any potential impacts it may have on the exercise of Aboriginal and/or treaty rights.

How to provide your comments

Comments on the Project can be provided to the Agency contact provided below, or submitted via the *Submit a Comment* feature available on the Project's Registry page (Reference #82960 at <http://iaac-aeic.gc.ca/050/evaluations/proj/82960?culture=en-CA>). Letters and forms can also be uploaded using this feature. If you have any questions or difficulties submitting this way, please contact the Agency using the contact provided below for assistance.

IMPORTANT NOTE: Please note that any information submitted to the Agency to inform this project assessment will be made publicly available as part of the project file and on the Registry. However, there are certain exceptions related to privacy, security or confidentiality. The Agency's Submission Policy¹ determines which 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 Notice.²

Funding Program Grants

As indicated in the Agency's early notification letter of July 20, 2021, the Agency is able to offer grant funding to support Cree Nation Government's participation during the planning phase of the federal impact assessment process.

An overview of eligible expenses is enclosed (Enclosure 3). If the Cree Nation Government would like to use this funding please contact *FP-PAF @canada.ca*. Upon confirmation of your community's interest, funding will be distributed at two points during the planning phase of the impact assessment process:

- An initial grant of **\$5,000.00** is being offered now to support your community's review of the proponent's Initial Project Description, as the Agency has accepted an Initial Project Description from the proponent; and,
- A second grant of **\$5,000.00** would be offered to support your community's involvement in the development of the Agency's Tailored Impact Statement Guidelines and the Indigenous Engagement and Partnership Plan, if a federal impact assessment is required.

If a federal impact assessment is required, the Agency will offer additional funding to support the continued participation of the Cree Nation Government throughout subsequent phases of the process. More information on the Agency's funding programs and the federal impact assessment process can be found on the Agency's website.³

Contacting the Agency

Spencer Roth will be coordinating Crown consultation for the Project on behalf of the Agency. Spencer will be in touch with you to confirm your receipt of this letter,

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¹ <https://iaac-aeic.gc.ca/050/evaluations/participation/conditions>

² <https://iaac-aeic.gc.ca/050/evaluations/protection>

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

and arrange a meeting to discuss the impact assessment process and the Project. Alternatively, you may contact Spencer at 647-355-7318 or by email at *UpperBeaver@iaac-aeic.gc.ca*.

COVID-19 Pandemic

The Agency recognizes that it is challenging to undertake meaningful public engagement and Indigenous consultation in light of the COVID-19 pandemic. To ensure the continuity of its operations during the COVID-19 pandemic, the Agency put in place virtual and online mechanisms that have enabled staff to work closely with Indigenous groups and communities, the public, proponents and stakeholders, ensuring that their engagement needs were met as best as possible during this time. The Agency is continuing to provide virtual options to manage training needs and current public engagement and consultations. Adjustments to assessment timeframes are also being considered on a case-by-case basis and in accordance with the authorities under the IAA. Given the public health advice of federal and provincial authorities, the Agency is still temporarily suspending face-to-face meetings with proponents, stakeholders and community members. The Agency continues to provide flexibility around its engagement, consultation and training activities, and will reassess in-person meetings once it is safe to do so. Any updates or consultation plans will continue to be posted on the Agency's website and on the Registry (Enclosure 4).

Sincerely,

<Original signed by>

Sean Carriere
A/Director, Ontario Region

- Enclosures: 1) Comment Form: Information to Inform the Summary of Issues
2) Worksheet #2 – Part 1 – Locations of Exercise of Rights
3) Overview of Eligible Expenses and Activities
4) Agency's commitments regarding consultation during COVID-19 pandemic

c.c.: Annik Birnie, Impact Assessment Agency of Canada
Bill Namagoose, Cree Nation Government
Isaac Voyageur, Cree Nation Government
Kelly LeBlanc, Cree Nation Government