



July 22, 2020

Sent by email

Lindsay McLaren Polson
Acting Natural Resources Director
Timiskaming First Nation

<contact information removed>

**Subject: Timiskaming First Nation comments on the Canada-Quebec
Cooperation Agreement for the proposed Gazoduq Project**

Dear Ms. McLaren Polson:

We thank the Timiskaming First Nation for comments provided on June 5, 2020, regarding the Canada-Quebec Cooperation Agreement for the proposed Gazoduq Project. The Agency is carefully reviewing all comments received about the Cooperation Agreement and will determine which documents or products are most likely to reflect the suggested changes. The purpose of this letter is to add context and provide you with an overview of how your comments will be considered.

First, the Cooperation Agreement is intended to include the general public, not solely Indigenous peoples. I apologize for the use of "public" as a general term to describe all participants in the process, and recognize that this may be interpreted as being too limited, but that this is not our intention and the Agency is committed to considering this nuance in future documents.

This Agreement sets out the ways in which the two levels of government will work together while respecting their respective jurisdictions. In our view, most of your comments will be better reflected in the Indigenous Engagement and Partnership Plan (IEPP) and in the Integrated Review Panel Terms of Reference (the Terms of Reference).

We note that certain sections of the Terms of Reference, including 4.7 to 4.12 and 7, are specific examples that address the comments from the Timiskaming First Nation. The IEPP also includes the Agency's overall objectives and obligations and states that the "constitutional duty to consult and, where applicable, accommodate Indigenous peoples is incumbent on the Government of Quebec and the Government of Canada, represented for this purpose by the Ministère de l'Environnement et de la Lutte contre les changements climatiques (MELCC) and the Agency respectively." More specifically, the IEPP also indicates that the Agency is committed to informing the communities of the various activities related to the process, including the decision-making support process and amendments or termination of the Cooperation Agreement.

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With regard to your comment about the directive from the Secrétariat aux affaires autochtones du Québec (SAA), concerning the amounts allocated for consultations, I would refer you directly to the SAA and the MELCC.

You also raise a question about the fact that since decisions will have to be made by both levels of government (federal and provincial), will the project be able to go ahead in the event that one of the two levels is not in favour of it. While Canada believes that federal government has the authority to make a decision regarding the project, the two levels of government have environmental and impact assessment responsibilities, the scope of which are determined by their respective jurisdictions. The Cooperation Agreement reflects the governments' aim to define the terms and conditions for cooperation and coordination of environmental and impact assessment procedures, while ensuring respect for each party's jurisdictions, laws and regulations, environmental protection and public participation. The federal government is committed to consulting with you and making a decision that will take into account the potential impacts of this project on your rights recognized and affirmed by section 35 of the *Constitution Act, 1982*.

This letter will be posted on the Canadian Impact Assessment Registry in the interest of transparency.

Next steps

The Agency appreciates the ongoing dialogue with the Timiskaming First Nation during this social and health crisis, either by telephone, in writing or by videoconference. I hope this letter reconfirms the importance of your participation and will help facilitate discussions for the next steps.

If you have any questions or concerns, please do not hesitate to contact Mélanie Sanschagrín, Consultation Lead, at <contact information removed>

Sincerely,

<Original signed by>

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