



February 15, 2023

<Addressee>

Thank you for your participation at the meeting in Thunder Bay on January 20, 2023, and for sharing your perspectives on the Regional Assessment in the Ring of Fire Area (the regional assessment) and other issues of concern to you and your community. I appreciate that you took the time to meet with me and I am encouraged by your support for a focused regional assessment undertaken in partnership under a Terms of Reference that is co-developed. I am providing the information, below, as a first step in fulfilling the commitments that I made to you and the other Matawa and Mushkegowuk leaders at the meeting.

I want to reiterate my openness to pursuing a Relationship Agreement with you and the other interested leaders to confirm how the Indigenous communities and organizations, the Impact Assessment Agency of Canada (the Agency), and potentially the province of Ontario (Ontario), can work together on the regional assessment in a cooperative, respectful, and effective manner. I will instruct the Agency to work together with the assigned delegates to produce a draft Relationship Agreement for the consideration of Chiefs and Ministers.

The Agency is in the process of establishing funds to facilitate your partnership in the regional assessment. This will include a grant component to allow a Relationship Agreement to be established quickly at the outset, and for the work necessary to develop the draft Terms of Reference to commence as soon as possible. The Agency will contact your representative regarding funding in February.

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In reference to the seven regional assessment requirements document that was provided to me by Chief Atlookan (enclosed) and that we discussed and generally agreed with at our meeting, I offer the following information and thoughts and note that the specific details of the goal, objectives, factors to be considered and other aspects of the regional assessment, will be topics addressed in future discussions.

1. GEOGRAPHIC SCOPE OF RA TO BE THE LOWLANDS AND ENVIRONS
("REGION")

Response: Study areas should be large enough to encompass the potential geographic extent of key environmental, health, social, and economic effects of future mine development in the Ring of Fire area and to allow for the consideration of effects in a regional context.

2. ACTIVITY SCOPE OF RA TO BE ALL INDUSTRIAL AND COMMERCIAL
DEVELOPMENT WITH MATERIAL EFFECT ("DEVELOPMENT")

Response: The regional assessment should focus on future development activities that may occur in the Ring of Fire area, in order to help inform and improve future impact assessments and associated decision-making for such developments. This is most likely to comprise future mining development activities. As part of the upcoming discussions and the co-development of the Terms of Reference, likely and reasonably foreseeable designated projects in the region can be identified, and whether and how these might be considered in the regional assessment can be determined. The regional assessment can certainly consider past, proposed, or reasonably foreseeable physical works, including proposed roads and their potential effects, as part of an overall regional context and associated cumulative effects analysis. It will not, however, duplicate the impact assessments for the proposed road projects, including their project-specific assessments of effects, analyses of the purpose of and need for these projects, or other factors and components. For clarity, the impact assessments of the proposed road projects, and those of other future projects, will proceed in accordance with their legislative time limits, and separately from the regional assessment timeline.

3. PURPOSE OF RA IS TO GET FULL INFORMATION ABOUT POTENTIAL
CUMULATIVE EFFECTS FROM DEVELOPMENT IN THE REGION SO AS TO
ENABLE FULLY INFORMED DECISIONS AS TO WHAT DEVELOPMENT MAY
OCCUR UNDER WHAT CONDITIONS

Response: The key objective of a regional assessment is to inform and improve the effectiveness and efficiency of future impact assessments. As such, I propose an information and engagement focused regional assessment that would provide a strong basis for the consideration of development and contribute to informed decisions regarding future impact assessments.

4. RA TO BE CO-LED BY AFFECTED FIRST NATIONS (those with traditional territory in Region)

Response: I am seeking your involvement to co-develop and co-lead a focused regional assessment under a Terms of Reference that is prepared in partnership to reflect the priorities of Indigenous communities and the federal and provincial governments. This process will accommodate separate or collective contributions from Indigenous communities, organizations or coalitions as they determine is appropriate to meet the Terms of Reference. The reports and findings produced for the regional assessment will be compiled into the Regional Assessment Report and will be considered in future impact assessments and decisions on designation requests under the *Impact Assessment Act*.

5. THE RA MUST BE CONDUCTED PROMPTLY AND BE PURSUED AS A TOP PRIORITY

Response: The aim for co-development of the draft Terms of Reference is six months. The Terms of Reference will outline the key aspects of the initiative, including meaningful and achievable objectives, approaches, and outcomes. The time limit for the conduct of the regional assessment will be agreed to, and reflected in, the Terms of Reference.

6. RA MUST NOT BE USED TO REPLACE OR FORECLOSE INDIVIDUAL MINE IAS, AND FIRST NATIONS EXPECT THAT THE MINISTER WILL DESIGNATE ALL MINES IN THE REGION FOR INDIVIDUAL IAS

Response: The purpose of a regional assessment is to inform and improve future impact assessments, not replace them. Under the *Impact Assessment Act*, I have the discretionary authority to designate projects that are not already designated by the *Physical Activities Regulations*, under exceptional circumstances¹. Each designation request must be assessed on its own merit, and my authority to designate can only be applied to a specific, proposed physical activity. However, this regional assessment will not be used as a vehicle to exempt future mining projects from impact assessment, and will not result in a regulation that excludes designated projects.

7. RA TO BE FULLY AND ADEQUATELY FUNDED BY CANADA

Response: As mentioned above, the Agency will provide funding to facilitate partnership in the regional assessment. In addition, funding through the Agency's Indigenous Capacity Funding Program will be offered to Indigenous groups to help enhance meaningful engagement and leadership of Indigenous peoples outside of the context of specific assessments. Further work will be conducted by the Agency to determine the amount of capacity funding that could be provided, as well as the timing of this funding.

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¹ Designating a Project under the Impact Assessment Act - Canada.ca

In order to be in a position to co-develop draft Terms of Reference for the regional assessment within six months, we should establish the Working Group as soon as possible. If you agree, please have your assigned delegate contact the Agency to share their thoughts on how the Working Group can begin this important initiative. I acknowledge that the substantive tasks of the Working Group cannot begin until funding is in place. The Agency will follow up directly to establish the necessary funding arrangements.

Please note that this correspondence is copied to the Honourable George Pirie, Ontario Minister of Mines, and that I will continue to seek the full participation and co-leadership of Ontario in the regional assessment.

I look forward to our continued collaboration to establish a Relationship Agreement and Terms of Reference and to conduct this regional assessment. If you have any questions or additional input to provide at this time, please contact Rachelle Lalonde at rachelle.lalonde@iaac-aeic.gc.ca or (343) 553-8769.

Sincerely,

<original signed by>

The Honourable Steven Guilbeault, P.C., M.P. (he/him, il)

<First Nation Advisor>
c.c.:

The Honourable George Pirie, M.P.P.,
Minister of Mines, Government of Ontario