



July 29, 2021

ELECTRONIC MAIL

Chief Carol Dee Potter
Bear River First Nation
PO BOX 210
BEAR RIVER, NS, B0S1B0
kaitbrfn@eastlink.ca

Dear Chief Potter and Council:

**Subject: Designation Request for the Proposed Touquoy Gold Mine
Expansion Project under the *Impact Assessment Act***

On July 23, 2021, the Minister of Environment and Climate Change (the Minister) received a request to designate the proposed Touquoy Gold Mine Expansion Project (the Project) under subsection 9(1) of the *Impact Assessment Act* (IAA). The requestor cited concerns that the Project has the potential to cause adverse effects in areas of federal jurisdiction, including fish and fish habitat, species at risk, migratory birds, and Mi'kmaq of Nova Scotia.

The Proposed Project

The Project would be located in Moose River, Nova Scotia, 63 km Northeast of Halifax and 19 km southeast of Middle Musquodoboit. The Impact Assessment Agency of Canada (the Agency) recognizes the Project is located in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq people. The Project involves modifying the Touquoy Gold Mine site to support its ongoing operations of the existing Touquoy Gold Mine. The Project proposes the use of the exhausted open pit for tailings deposition, the expansion of the waste rock storage area and clay borrow area and the realignment of the plant access road used to access the mill facility and administrative buildings. The Project is currently undergoing a Class I provincial environmental assessment. The provincial registration document submitted to the province on July 16, 2021 by Atlantic Mining Nova Scotia Inc. can be accessed here: <https://novascotia.ca/nse/ea/Touquoy-Gold-Project-Site-Modifications/>

The Project as proposed is not a designated project as described in the *Physical Activities Regulations* (commonly known as the Project List). The impact assessment process under IAA only applies to designated projects.

Under subsection 9(1) of IAA, the Minister may, by order, designate a physical activity that is not prescribed in the *Physical Activities Regulations*. The Minister may do this, if, in his opinion, the physical activity may cause adverse effects within federal jurisdiction or adverse direct or incidental effects (resulting from federal decisions), or public concerns related to those effects warrant the designation. In accordance with subsection 9(4) of IAA, it is expected that the Minister will respond, with reasons, to the request by October 21, 2021.

The Agency will review information about the Project; any concerns expressed by your community, other indigenous groups, from the public; and expert advice from federal authorities and input from provincial ministries in order to inform the Minister on whether the Project should be designated. If designated, to proceed with the Project Atlantic Mining Nova Scotia Inc. would be required to submit an Initial Project Description, thereby commencing the planning phase of IAA. In that case, the planning phase would include the Agency determining whether a federal impact assessment is required.

Additional information regarding the process for designation requests can be found at the following link: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/designating-project-impact-assessment-act.html>.

Seeking your views

The Agency is requesting that you respond to the following:

1. Please describe whether and how the potential adverse effects of the Project could result in changes to your community's:
 - (a) physical and cultural heritage (e.g. ceremonial sites, burial sites, cultural landscapes)
 - (b) current use of lands and resources for traditional purposes (e.g. hunting, fishing, trapping)
 - (c) structures, sites or things of historical, archaeological, paleontological or architectural significance (e.g. artifacts, important historic buildings or symbols)
2. Please describe whether and how the Project may result in changes to your community's health, social or economic conditions (e.g. employment opportunities, access to goods and services, economic development, access to health-care services).
3. Please describe whether and how the Project may impact your community's rights as protected under section 35 of the *Constitution Act, 1982*.

Given the 90-day legislated timeline, your response is requested by **August 18, 2021**.

Next Steps

The Minister's determination on whether the Project is to be designated, with reasons, will be posted to the Canadian Impact Assessment Registry Internet site. Should the Project be designated, the Agency will contact you to discuss further steps under IAA.

Provincial review

The Project is currently undergoing a provincial environmental assessment. Please contact Bridget Tutty at the Nova Scotia Department of Environment and Climate Change for information about the provincial assessment. Bridget may be reached at 902-452-7891 or bridget.tutty@novascotia.ca.

In the coming days, a Registry page for the Project (Reference 82837) will be available on the Canadian Impact Assessment Registry Internet site. To correspond with the Agency about the Project and provide information on this file, please use the following email address touquoymine-minetouquoy@iaac-aeic.gc.

Important Note: All records produced, collected or received in relation to the designation request process – unless prohibited under the *Access to Information Act* or *Privacy Act* – will be considered public and may be released. Should you wish to provide any comments or documents that contain confidential or sensitive information that you believe should be protected from release to the public, please contact the Agency before submitting the information. Information marked as confidential will not be accepted without prior contact made with the Agency.

Further questions regarding this request can be directed to Kathryn MacCarthy at 902-399-8834 or touquoymine-minetouquoy@iaac-aeic.gc.

Sincerely,

<Original signed by>

Mike Atkinson
Regional Director, Atlantic Region