



August 27<sup>th</sup>, 2021

Mike Atkinson  
Regional Director – Atlantic Region  
Impact Assessment Agency of Canada  
200-1801 Hollis Street  
Halifax, N.S., B3J 3N4

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

Mr. Atkinson,

I am writing in response to your letter dated July 29, 2021 with respect to continued consultation under the *Terms of Reference for a Mi'kmaq-Nova Scotia-Canada Consultation Process (ToR)* as ratified on August 31, 2010 on the above noted project.

As requested, please see below answers to the questions raised in your July 29, 2021 letter:

1) (a) Based on the information presented in the report for HRP # A2021NS053 and on a brief review of our internal data sources, Kwilmu'kw Maw-Klusuaqn Negotiation Office's (KMKNO) Archaeological Research Division's (ARD) has not identified any major concerns at this time. We do however, encourage further consultation and engagement with the Mi'kmaq communities to continue to research physical and cultural heritage of the surrounding area.

(b) There may be some effect to the current use of lands and resources for traditional purposes; this is based on the potential changes to groundwater quantity and quality that could affect fish, wildlife, and plants that are traditionally harvested.

Pit dewatering is leading to a lower water table near the mine, and some of the groundwater that would maintain flows in Moose River, Watercourse #4, and Wetland #22 is now being captured or diverted by the open pit. Reduced baseflow may lead to local adverse environmental effects, reducing the health and abundance of resources used for traditional purposes (e.g. hunting, fishing, trapping). Reduced flows are most likely to be an issue when the pit is being dewatered and should abate when the pit can fill.

The proposed physical modifications are within the existing mine lease area and would not change the access/use of the lands from the fish/water perspective. However, the project, has the potential to remove a small amount of instream fish habitat in Moose River and through unforeseen accidents has the potential to result in changes in water quality, which could affect fish in the watercourses/lakes downstream of the project that may be used by the community.

(c) Based on the information presented in the report for HRP # A2021NS053 and on a brief review of our internal data sources, Kwilmu'kw Maw-Klusuaqn Negotiation Office's (KMKNO) Archaeological Research Division's (ARD) has not identified any major concerns at this time.

- 2) The Waste Rock Storage Area and Tailings Management facility are altering water quality. If the quality of water discharging to water bodies declines, the effects on receiving water bodies could lead to reduced health and abundance of resources used for traditional purposes. Poor water quality could be a long-term concern depending on how the Tailings Management Facility and the proposed tailings-filled pit perform (i.e. will they be effective in limiting the dispersal of contaminated groundwater over longer time frames?).

The EARD did not adequately explain the assessment of potential effects to Indigenous Peoples, and did not provide sufficient information to determine whether there are potential effects to the current use of lands and resources for traditional purposes (e.g. hunting, fishing, trapping) and therefore it cannot be adequately determined whether and how the Project may result in changes to the First Nations communities' health, social or economic conditions. Further, the EARD did not include an assessment of the cumulative loss of access to lands for the Mi'kmaq.

Additional time and resources would be required to adequately assess the potential effects of the Touquoy Gold Project Modifications to the First Nation communities and their traditional and treaty rights.

- 3) This project will clearly negatively impact Section 35 Aboriginal rights which are recognized and affirmed in the Constitution Act, 1982. The Mi'kmaw of Nova Scotia have the right to hunt and fish throughout Mi'kma'ki (Unceded land of the Mi'kmaq people). This project continues to impede that ability in the surrounding area (including but not limited to the ability to hunt and fish in the project area). Specifically, American Eel, Atlantic Eel and Brook Trout are all species that are important to the Mi'kmaq and are all found in the project area.

Please also see CBCL's review of Atlantic Gold's environmental assessment attached as part of our comment submission. This review highlights information gaps in Atlantic Gold's supporting documents and stresses the need for further oversight and engagement. We also request to designate the proposed Touquoy Mine Expansion Project for an impact assessment under the Impact Assessment Act (IAA). This will allow for more in depth consultation and further engagement with the Mi'kmaw communities. The engagement on Atlantic Gold's Fifteen Mile Stream has been extremely successful in keeping The Mi'kmaw involved therefore our office recommends a similar level of oversight.

KMKNO does not represent the communities of Millbrook or Sipekne'katik. We do however encourage further consultation with these communities as they may have interest in the proposed project area.

We kindly request that all information and continued correspondence be forwarded to KMKNO to facilitate the flow of the process and communication. Please contact Patrick Butler, Mi'kmaw Energy and Mines Advisor at KMKNO for any further questions.

Yours in Recognition of Mi'kmaw Rights and Title,

<Original signed by>

Twila Gaudet, B.A., LL. B.  
Director of Consultation  
Kwilmu'kw Maw-klusuaqn Negotiation Office

c.c.:

Kathryn MacCarthy, Project Manager, Impact Assessment Agency of Canada.  
Beth Lewis, Consultation Advisor, Office of L'nu Affairs.  
Nicole MacDonald, Project Manager, CBCL.

