



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

December 21, 2021

**Sent by email**

Councillor Justin Roy  
Kebaowek First Nation  
P.O. Box 756  
Temsicaming QC J0Z 3R0  
<Email address removed>

Dear Councillor Justin Roy:

**Subject: Notification that an Impact Assessment is required for the Upper Beaver Gold Project and Next Steps**

Thank you for your continued participation in the Planning Phase of the federal impact assessment for the proposed Upper Beaver Gold Project (the Project).

The objective of this letter is to:

- inform you of the impact assessment decision for the Project;
- provide notice of an upcoming comment period during which your community will be invited to provide input on the:
  - draft Tailored Impact Statement Guidelines (Guidelines) for the federal impact assessment including the identification of any existing regional studies or plans that could inform the assessment of the Project;
  - draft Indigenous Engagement and Partnership Plan for the Project that summarizes how engagement and consultation would be undertaken during future steps of the Project;
- seek your input on a worksheet (Enclosure 1) and seek your views on a collaborative assessment of the potential impacts to your community's exercise of Aboriginal and/or treaty rights due to the Project;
- begin consultation planning in respect of the Agency-led federal impact assessment;
- inform you that you should contact the Agency to receive grant funding that is available for the upcoming second comment period during the Planning Phase; and,
- provide information on the Agency's recommendation on the type of assessment to undertake for the Project.

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### **Impact Assessment Decision**

The Impact Assessment Agency of Canada (the Agency) has reviewed the Detailed Project Description and Response to the Summary of Issues for the Upper Beaver Gold Project (the Project) submitted by Agnico Eagle Mines Limited (the Proponent) on December 6, 2021. On December 16, 2021, the Agency determined that the submission conforms to the requirements of the *Information and Management of Time Limits Regulations* and posted the documents to the Canadian Impact Assessment Registry (the Registry) at the following internet address: <https://iaac-aeic.gc.ca/050/evaluations/proj/82960>.

Later on December 16, 2021, the Agency decided that a federal impact assessment of the Project under the *Impact Assessment Act* (IAA) is required. On December 20, 2021, the Agency posted a Notice of Impact Assessment Decision with Reasons to the Registry Page for the Project.

### **Development of Impact Assessment Planning Documents**

The draft Tailored Impact Statement Guidelines and drafts of the Permitting Plan, Cooperation Plan, Indigenous Engagement and Partnership Plan, and Public Participation Plan (the Plans) will be made available on the Project's Registry Internet site for a **40-day public comment period, anticipated to be held between January 24, 2022 and March 5, 2022**. The Agency will actively engage and consult on the draft guidelines and Plans before posting the final documents with the Notice of Commencement for the impact assessment by Day 180 of the Planning Phase.

For a description of each of these required Planning Phase documents, please see the Agency's Practitioner's Guide to Federal Impact Assessments under the Impact Assessment Act:

<https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act.html>

For your information, please note that the draft Tailored Impact Statement Guidelines issued for your comment will be developed based on this template: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/tailored-impact-statement-guidelines-projects-impact-assessment-act.html>

For your information, please note that the draft Indigenous Engagement and Partnership Plan will be developed based on this template:

<https://www.canada.ca/content/dam/iaac-acei/documents/policy-guidance/practitioners-guide/indigenous-engagement-partnership-plan-external-template-en.pdf>

### **Integration of Crown Consultation into the Impact Assessment Process**

To support an appropriately scaled, resourced and flexible Crown consultation process, the Agency, on behalf of the Government of Canada, will form a Crown Consultation Team involving all relevant federal authorities who may have expertise to provide to inform the federal impact assessment.

In my role coordinating the Government of Canada's consultation process and leading the Crown Consultation Team, I will:

- serve as point of contact within the Government of Canada for Indigenous Nations who are participating in the federal impact assessment process;
- ensure project-related comments and concerns from Indigenous Nations, federal authorities and the public are shared with the proponent as appropriate; and
- maintain an ongoing two-way dialogue and collaborative working relationship with Kebaowek First Nation focused on finding solutions to issues of concern.

### **Invitation to participate in a Meeting and future Collaborative Assessment with the Agency**

**Request 1:** During the comment period, the Agency invites your community to share your views regarding collaborating with the Agency on the assessment of impacts on the exercise of rights due to the Project.

- Throughout the impact assessment process, the Agency requests that your community continues to participate with the proponent by providing Indigenous knowledge and information to support the development of the proponent's Impact Statement.
- In addition, by working with the Agency on a collaborative assessment of the potential impacts to your community's exercise of Aboriginal and/or treaty rights due to the Project, your community will be able to clearly inform the Minister of your views on the Project.
- If you express an interest in taking a collaborative approach, after the Planning Phase has concluded, the Agency will work with you to discuss the approach to undertake the collaborative assessment of impacts on the exercise of rights due to the Project, including timelines, next steps, format, and participant funding.

However, during the upcoming comment period, to inform the Tailored Impact Statement Guidelines that the Agency will be issuing to the proponent on what should be studied during the impact assessment process, the Agency invites your community to review and update the table in the worksheet (**Enclosure 1**).

The worksheet is intended to be used to track information and comments pertaining to potential impacts on the exercise of your community's rights and will continue to be updated throughout the impact assessment process of the Project.

**Request 2:** The Agency wishes to schedule a meeting with your community early in 2022 to answer any questions you may have about the above-noted impact assessment documents and to discuss consultation planning specific to Kebaowek First Nation. In January 2022, the Agency will contact you to schedule the meeting.

During the meeting, the Agency wishes to:

- Discuss the various participation and consultation opportunities available throughout the impact assessment as summarized here:  
<https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/impact-assessment-process-overview.html>
- Discuss any questions you may have regarding the draft Tailored Impact Statement Guidelines, the draft Indigenous Engagement and Partnership Plan or any of the other above referenced documents.
- Discuss the worksheet provided to support your understanding of the potential impacts of the Project on your community's exercise of rights (Enclosure 1).

### **Funding**

Kebaowek First Nation is now eligible to receive a grant of \$5,000.00 to support your continued participation in the Planning Phase.

Following the Planning Phase, the Agency will offer additional funding through a contribution agreement, to support the participation of Kebaowek First Nation throughout the subsequent phases of the federal impact assessment process.

**Request 3:** To inform the Tailored Impact Statement Guidelines, during the comment period, the Agency welcomes receiving information on any existing study or plan prepared by a jurisdiction or an Indigenous governing body that is relevant to the region within which the Project is proposed.

### **Agency-led Impact Assessment**

The Agency is of the view that the Project would not warrant a referral to a review panel, as set out in subsection 36(2) of the IAA in consideration of the following factors: the extent of adverse effects within federal jurisdiction or the direct or incidental effects from the Project; public concerns related to those effects; opportunities for cooperation with another jurisdiction, and any adverse impact on

Aboriginal or treaty rights of Indigenous peoples as recognized and affirmed by section 35 of the *Constitution Act, 1982*. The Minister of Environment and Climate Change Canada has until 45 days after the Notice of Commencement to make a final determination on whether to refer the impact assessment to a review panel.

**IMPORTANT NOTE:** Any information submitted to the Agency to inform this project assessment will be made publicly available as part of the project file, and may be posted online via the Registry (Reference #82960), subject to certain exceptions related to privacy, security or confidentiality. The Agency's Submission Policy (<https://iaac-aeic.gc.ca/050/evaluations/participation/conditions>) describes what 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 (<https://www.iaac-aeic.gc.ca/050/evaluations/protection?culture=en-CA>).

Indigenous Knowledge shared in confidence is protected from disclosure under section 119 of the *Impact Assessment Act* (IAA), except if written consent is provided. Also, the Indigenous knowledge shared in confidence could be shared with certain parties if the information is publically available, or if disclosure is necessary for procedural fairness and natural justice. Should you wish to provide any comments or documents that contain confidential or sensitive information that should be protected from release to the public, please contact the Agency at the details provided below **before** submitting the information. This will ensure that your submission is handled appropriately. Note, that the Agency will consult with you prior to disclosing Indigenous knowledge shared in confidence under an exception.

As per Kebaowek First Nation's October 4, 2021 comments (<https://registrydocumentsprd.blob.core.windows.net/commentsblob/project-82960/comment-55918/KEBAOWEK%20FIRST%20NATION%20COMMENTS%20ON%20THE%20UPPER%20BEAVER%20GOLD%20PROJECT%20PRELIMINARY%20PROJECT%20DESCRIPTION.pdf>) on the Initial Project Description, the Agency understands that Kebaowek First Nation requested a meeting to discuss the necessity of a regional assessment. The Agency will also be in contact with you in early January to schedule a separate meeting on this topic.

If there are specific times in January and February that Kebaowek First Nation will be available for separate meetings related to Request 2 noted above and to discuss regional assessments under the IAA, please inform me at your earliest convenience. If you have any questions or concerns, please do not hesitate to contact me at 647-355-7318 or [upperbeaver@iaac-aeic.gc.ca](mailto:upperbeaver@iaac-aeic.gc.ca).

Sincerely,

<Original signed by>

Spencer Roth  
Project Analyst

Enclosures:

#1 – Collaborative Assessment on the exercise of Aboriginal and/or treaty rights - Worksheet 2

c.c.: Chief Lance Haymond, Kebaowek First Nation  
Karen Young, Kebaowek First Nation  
Rosanne Van Schie