



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

January 5, 2023

Sent by email

Chief Murray Ray  
Flying Post First Nation  
33 First Street  
P.O. Box 1027  
Nipigon, ON P0T 2J0  
<email address removed>

Dear Chief Murray Ray:

**Subject: Notification that an Impact Assessment is Required for the  
Crawford Nickel Project and Next Steps**

Thank you for your continued participation in the Planning Phase of the federal impact assessment for the Crawford Nickel Project (the Project) proposed by Canada Nickel Company (the Proponent).

I am writing from the Impact Assessment Agency of Canada (the Agency) to:

- inform you of the Agency's decision that a federal impact assessment is required for the Project;
- provide notice that in February 2023, your community's input will be sought during the comment period on the draft Tailored Impact Statement Guidelines (the Guidelines) and the draft Indigenous Engagement and Partnership Plan for the impact assessment;
- offer grant funding of **\$5,000** to support your community's review of the draft documents;
- invite your community to meet with the Agency prior to and during the upcoming comment period;
- begin to seek your validation of the Agency's preliminary understanding of the potential adverse impacts of the Project on your community's exercise of Aboriginal and/or treaty rights (**Enclosure 1**); and
- begin consultation planning for the federal impact assessment.

**Decision that a Federal Impact Assessment is Required**

The Agency has reviewed the Detailed Project Description submitted by the Proponent on December 12, 2022, which includes a Response to the Summary of Issues provided by the Agency. Based on the Agency's review of the Detailed Project Description and in consideration of comments received to date from Indigenous communities, federal and provincial government experts, and the public, the Agency has decided that a federal impact assessment is required for the Project.

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The Summary of Issues, Detailed Project Description including a Response to the Summary of Issues, and the Agency's notice that an impact assessment is required are available on the Canadian Impact Assessment Registry (the Registry) internet site.<sup>1</sup> The 180-day time limit for the Planning Phase has resumed as of December 12, 2022.

### **Input to the Impact Assessment Planning Documents**

Pursuant to the *Impact Assessment Act*, once a decision is made to require a federal impact assessment, the Agency develops a series of plans to define the scope, content, and conduct of the assessment.

In February 2023, the Agency will hold a **30-day comment period** on the following planning documents:

- draft Tailored Impact Statement Guidelines
- draft Indigenous Engagement and Partnership Plan
- draft Public Participation Plan
- draft Permitting Plan
- draft Cooperation Plan

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.<sup>2</sup>

The Agency will actively engage and consult your community on the draft Guidelines and the draft Indigenous Engagement and Partnership Plan before posting the final documents with the Notice of Commencement for the impact assessment by Day 180 of the Planning Phase.

As part of your input, the Agency welcomes receiving any existing study or plan prepared by your community that is relevant to the region within which the Project is proposed (e.g., a community land-use plan or an existing Traditional Knowledge and Land Use Study). Obtaining this information early in the Planning Phase will help inform the Tailored Impact Statement Guidelines.

Please note, the Minister of Environment and Climate Change Canada has until 45 days after the Notice of Commencement to make a final determination on whether the assessment of the Project should continue to be led by the Agency,

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<sup>1</sup> <https://iaac-aeic.gc.ca/050/evaluations/proj/83857>

<sup>2</sup> <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act.html>

or whether it should be referred to a review panel. If you have views on this aspect, you are welcome to provide them now and during the 30-day comment period that will commence in February.

### **Funding**

To support Flying Post First Nation's review and comment on the draft Guidelines and the draft Indigenous Engagement and Partnership Plan, the Agency is able to offer your community a grant of **\$5,000**. Please respond to [Crawford@iaac-aeic.gc.ca](mailto:Crawford@iaac-aeic.gc.ca) to confirm your interest in this grant funding opportunity, and the Agency's funding program will follow up with you. An overview of eligible activities and expenses is also enclosed (**Enclosure 2**).

### **Invitation to Meet with the Agency**

If you are interested, the Agency wishes to schedule two meetings with your community:

- A virtual meeting in January 2023, in advance of the upcoming comment period, to introduce the concepts and purposes of the draft Guidelines and draft Indigenous Engagement and Partnership Plan, and to answer any questions you may have to prepare for the upcoming comment period. The Agency looks forward to confirming a virtual meeting with your community in January 2023.
- A virtual or in-person meeting during the comment period which will begin in February 2023, for a deeper discussion about the draft Guidelines and draft Indigenous Engagement and Partnership Plan once they have been circulated, in relation to potential impacts on your community. The Agency encourages you to begin considering your community's availability and will contact you in February to schedule this meeting.

### **The Agency's Preliminary Understanding of the Potential Impacts of the Project on Flying Post First Nation**

The information received by the Agency thus far in the Planning Phase on the Project's potential to impact Flying Post First Nation is summarized in **Enclosure 1**. The information contained in Enclosure 1 will help to inform the Agency's consultation efforts and understanding of the potential impacts of the Project on your community, including the impacts on your community's exercise of rights. During the next phase of the impact assessment process, the Impact Statement Phase, the information will also assist the Agency in directing the Proponent to adequately follow-up and characterise potential impacts to your community in the Proponent's Impact Statement.

The Agency invites your community to review and validate the information contained in Enclosure 1, and to share further information regarding any potential impacts of the Project to your community with the Agency during the upcoming comment period. Enclosure 1 is intended to be used to track information and comments pertaining to potential impacts, including impacts on the exercise of your community's rights, and will continue to be updated throughout the impact assessment process of the Project.

### **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 lead Crown consultations and form a federal review 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, I will:

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

**IMPORTANT NOTE:** Information submitted to the Agency to inform this project assessment may be posted online to the Canadian Impact Assessment Registry (Reference #83857) subject to certain exceptions related to privacy, security or confidentiality. The Agency's Submission Policy<sup>3</sup> describes what submitted information can be shared publicly, and what should remain private. For more information on how we protect your privacy, please refer to the Privacy Notice<sup>4</sup>.

Indigenous Knowledge shared in confidence is protected from disclosure under section 119 of the *Impact Assessment Act*, except if written consent is provided, or if the information is publicly available. In addition, Indigenous Knowledge shared in confidence could be shared with certain parties if disclosure is necessary for procedural fairness and natural justice or for use in legal proceedings.

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<sup>3</sup> <https://iaac-aeic.gc.ca/050/evaluations/participation/conditions>

<sup>4</sup> <https://www.iaac-aeic.gc.ca/050/evaluations/protection?culture=en-CA>

This ensures that interested persons have a fair opportunity to participate in processes that would likely affect their interests, and that they have access to all necessary information and evidence relied on by the decision-maker.

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, the Agency will consult with you prior to disclosing Indigenous Knowledge shared in confidence under an exception.

If you have any questions or concerns, please do not hesitate to contact me at 902-388-8838 or [Crawford@iaac-aeic.gc.ca](mailto:Crawford@iaac-aeic.gc.ca). If there are specific times in January that your community will be available for a meeting, please inform me at your earliest convenience.

Sincerely,

**Norton**, Digitally signed  
by Norton, Erin  
**Erin** Date: 2023.01.05  
16:16:39 -04'00'

Erin Norton  
Crown Consultation Coordinator  
Impact Assessment Agency of Canada

Enclosures:

- #1 – Summary of information available to the Impact Assessment Agency of Canada with respect to the potential adverse impacts of the Crawford Nickel Project on Flying Post First Nation
- #2 – Overview of Eligible Expenses and Activities

c.c.: Jeff Berube, Flying Post First Nation  
Cathy Ray, Flying Post First Nation  
Nicole Charbonneau, Wabun Tribal Council  
Jason Batise, Wabun Tribal Council