



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 Henry Rodgers
Long Point First Nation
P.O. Box 1
112 Kakinwawigak Mikana
Winneway River, QC J0Z 2J0
<email address removed>

Dear Chief Henry Rodgers:

**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; 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.¹ 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.²

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

² <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 Long Point 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 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 1**).

Invitation to Meet with the Agency

If you are interested, the Agency is available to schedule:

- A virtual meeting in January 2023, in advance of the upcoming comment period, to discuss the Project, and to learn how your community may potentially be impacted by the Project. This will help the Agency with planning. As indicated in the Agency's letter to Long Point First Nation dated August 8, 2022, the Agency is able to offer grant funding of \$5,000 to support your participation in planning discussions at this time. The Agency will follow up with your community immediately regarding your interest in scheduling the meeting.
- A virtual meeting during the comment period which will begin in February 2023, to discuss the draft Guidelines and draft Indigenous Engagement and Partnership Plan once they have been circulated. The Agency encourages you to begin considering your community's availability, and will contact you in February to schedule this meeting.

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 Long Point 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 Policy³ 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 Notice⁴.

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. 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.

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

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

If you have any questions or concerns, please do not hesitate to contact me at 902-388-8838 or 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,
Erin

Digitally signed
by Norton, Erin
Date: 2023.01.05
16:37:27 -04'00'

Erin Norton
Crown Consultation Coordinator
Impact Assessment Agency of Canada

Enclosures:

#1 – Overview of Eligible Expenses and Activities

c.c.: Steve Mathias, Long Point First Nation
Nelson King, Long Point First Nation
Betsy Pien, Long Point First Nation
Cassandra Pichette, Long Point First Nation
Sharon Hunter, Long Point First Nation

Enclosure 1: Overview of Eligible Expenses and Activities

Impact Assessment Agency of Canada participant funding is intended to assist Indigenous groups with eligible costs associated with preparing for and participating in the planning phase of a potential impact assessment for the Crawford Nickel Project (the Project).

This funding can be used for the following **eligible activities**:

- Provide preliminary information about your community's interest in the Project and potential impacts on your community's exercise of Aboriginal and/or treaty rights, prior to the planning phase;
- Hold internal community meetings and prepare to provide information to the Agency or to prepare for comment periods held by the Agency;
- Participate in meetings with the Agency prior to and during the planning phase;
- Review documents from the Agency and produce documents for the Agency;
- Provide preliminary recommendations about preferences and expectations of both Agency consultation activities and proponent engagement activities in relation to the Project;
- Provide comments on the Initial Project Description, including preliminary views on whether any valued components or issues related to those valued components⁵, are missing from the proponent's overview of potential effects⁶ or potential impacts on the exercise of rights⁷.
- If an impact assessment is required, provide comments on the draft Tailored Impact Statement Guidelines and the draft Indigenous Engagement and Partnership Plan, including:
 - recommendations on valued components or issues related to those valued components or potential impacts on the exercise of rights that should be studied by the proponent during the federal impact assessment;
 - requests, if interested, to collaborate with the proponent on any of these studies by providing information on the specific valued components and the role you see for your community;
 - preferences and expectations of both Agency consultation and proponent engagement activities during the federal assessment of the Project; and
 - requests, if interested, for a collaborative approach to an assessment of any impacts on the exercise of rights due to the Project.

⁵ In this context, valued components are the aspects of the environmental, health, social, and economic conditions that may be important to you or your community.

⁶ Effects in the *Impact Assessment Act* means, unless the context requires otherwise, changes to the environment or to health, social or economic conditions and the positive and negative consequences of these changes.

⁷ References to rights refer to Aboriginal or treaty rights as described in Section 35 of the *Constitution Act, 1982* which states: (1) The existing aboriginal or treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed. (2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis people of Canada. (3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claim agreements or may be so acquired. (4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

Eligible expenses for the above activities are professional services; reporting costs (i.e. staff salaries and administrative fees); translation services; travel expenses (including travel kilometres/flights, meals, incidentals and accommodation); and honoraria and ceremonial costs (including costs associated with providing Indigenous knowledge relevant to the engagement activity).

Please contact Crawford@jaac-aeic.gc.ca for any questions and to confirm your interest in this grant funding opportunity. The Agency's Funding Program will follow-up with you.