

Crown Consultation Team Hearing Presentation

IMPACT ASSESSMENT AGENCY OF CANADA & PROVINCE OF ONTARIO

HEARING PRESENTATION APRIL 4, 2022

Overview

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- Indigenous Groups involved in the Environmental Assessment
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- Indigenous groups chapters
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 - Recommendations
- Next Steps

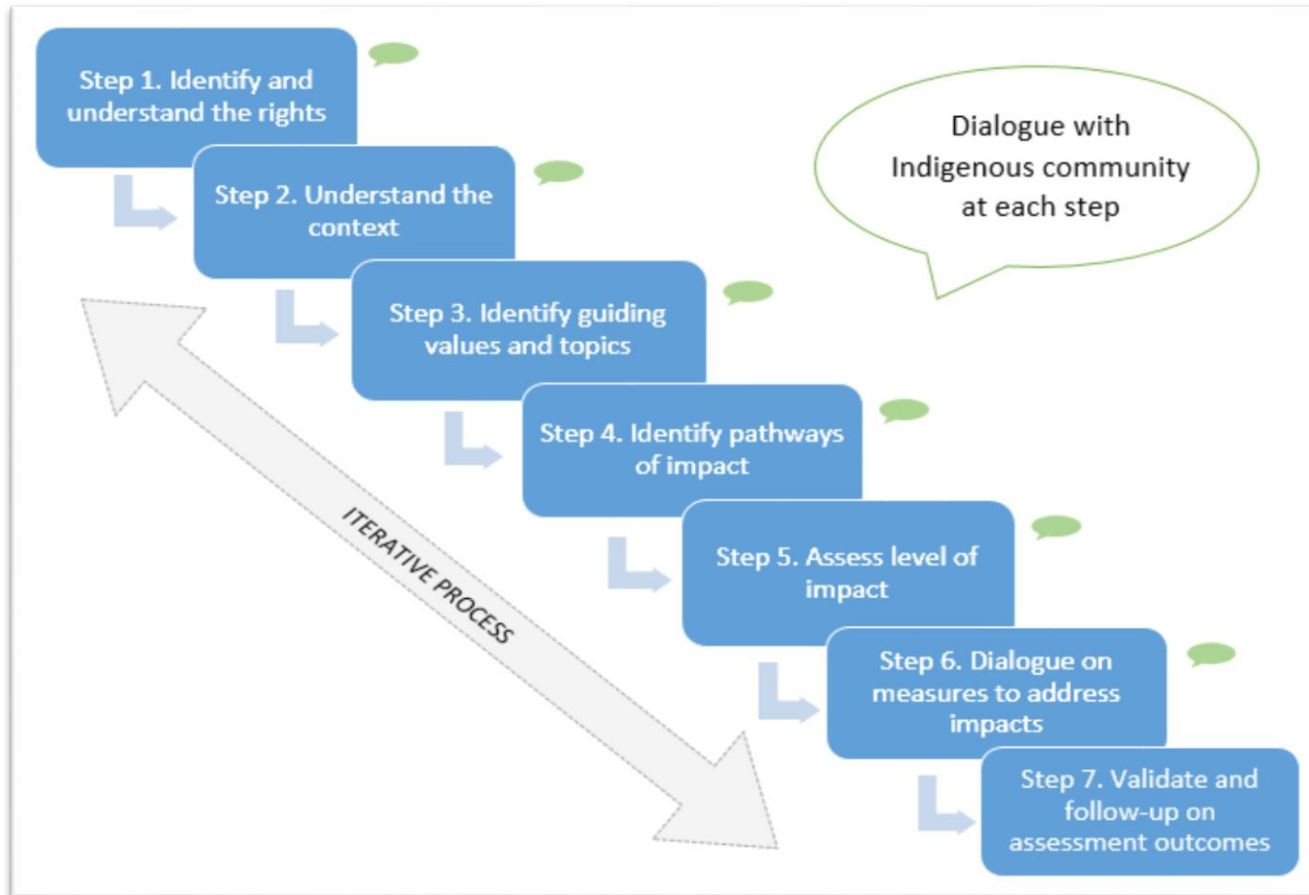
Indigenous Groups Involved in the Environmental Assessment

- Biigtigong Nishnaabeg;
 - Ginoogaming First Nation;
 - Métis Nation of Ontario (Region 2);
 - Michipicoten First Nation;
 - Netmizaaggamig Nishnaabeg;
 - Pays Plat First Nation; and
 - Red Sky Métis Independent Nation.
- The Jackfish Métis Association have also been an active participant

Mandate and Role of the Crown Consultation Team

- The Crown Consultation Team (CCT) represents the Impact Assessment Agency of Canada and the Province of Ontario in the EA process to support integration of consultation activities into the EA process and the Joint Review Panel (the Panel) process.
- The CCT coordinates consultation activities on behalf of the whole-of-government. Both the federal authorities and provincial ministries participating in the EA (government review team) are also subject matter experts during consultations.
- The CCT's written submission includes input received from expert federal departments and provincial ministries such as DFO, ECCC, ESDC, HC, NRCan, ISC, MECP, MHSTCI and NDMNRF.
- The CCT is here to provide information stemming from consultation activities with Indigenous groups related to its preliminary assessment of the potential impacts of the Project on the established or asserted Aboriginal or treaty rights as recognized under section 35 of the Constitution Act, 1982 (s. 35 rights) and related interests of the relevant Indigenous groups.

Methodology for Assessing Impacts on Established or Asserted s. 35 Rights of Indigenous Groups



1. Methodology is a collaborative and iterative process.
2. CCT submission includes information from Steps 1 through 4.
3. The CCTs preliminary Assessment on Impacts to Rights and Interests, including the identification of key values to assess the seriousness of potential Project related impacts, is based on the Crown's understanding as developed through consultation to date.

Assessing Pathways of Impact

Resources

- Ability to use and rely on resources, including means, diversity, quantity, quality and availability of resources and habitat in culturally important areas

Access

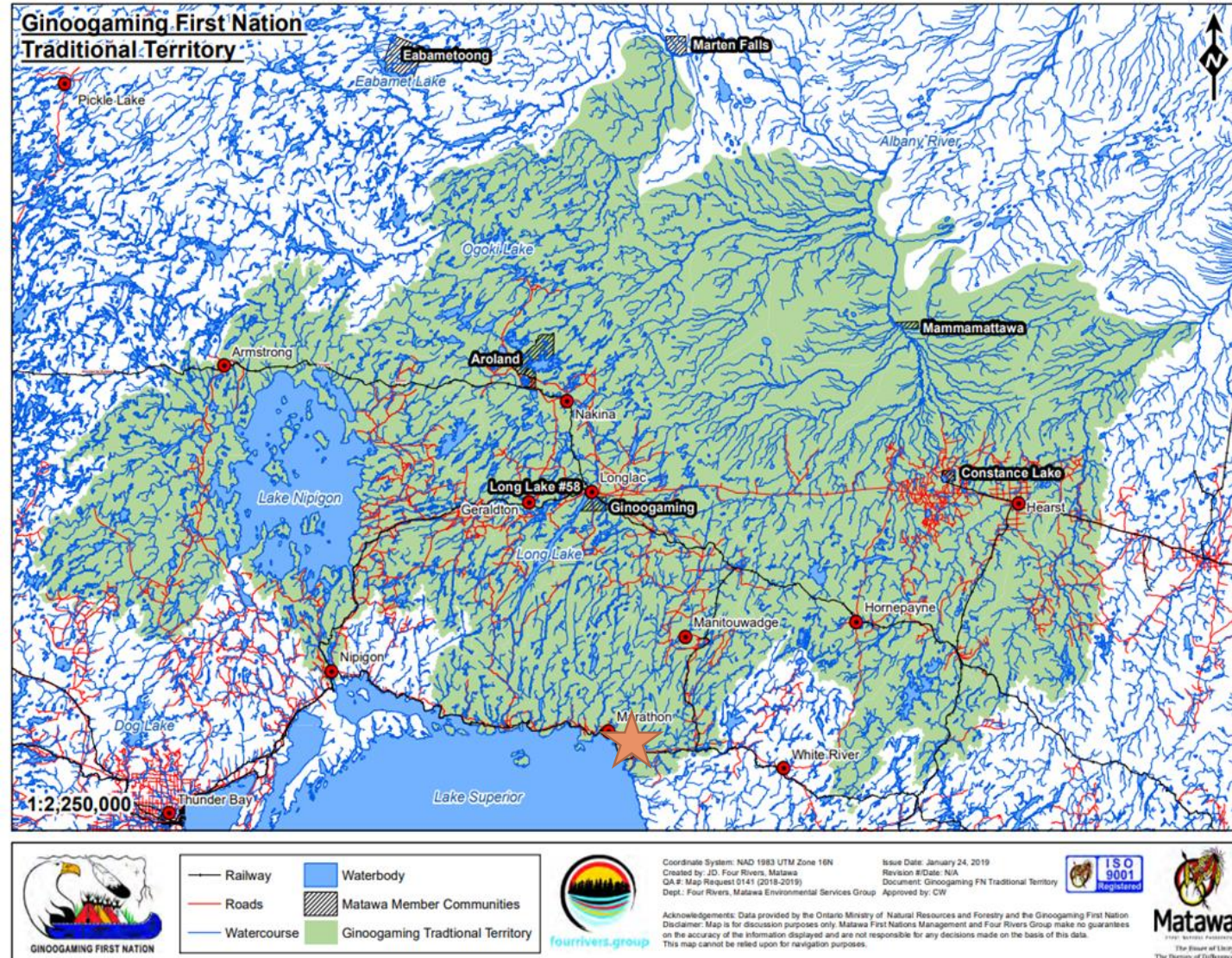
- Ability to access culturally important places/resources without additional difficulty or cost, without posing health or safety risks

Experience

- Connection and transmission of Indigenous culture, language, laws, customs and knowledge

Ginoogaming First Nation

- Ginnogaming First Nation (GFN), formerly known as Long Lake Reserve #77, is located 120 km from the proposed Project, and 40 km east of Geraldton, ON.
- GFN indicated that many families identify an ancestral connection to migration routes both northward (to Hudson Bay coast) and southward (to Pic River and Lake Superior) and have utilized waterways for thousands of years as transportation networks just as highways are used today.
- Based on consultation activities, GFN primary concerns associated with the Project include **water** and **harvesting**.



Preliminary Assessment of Potential Impacts on GFN's Established or Asserted Rights Associated with Water Quality

Based on the information provided and concerns raised by GFN related to the pathways of impact, the Proponent's analysis, as well as input from the GRT, the CCT found that the Project may have NEGLIGIBLE to LOW negative impacts on GFN's established or asserted s. 35 rights or interests associated with water.

Key Considerations:

- Considerable information provided by GFN regarding potential Project impacts on what is understood to be GFN's top priority, water.
- Minimal information provided by GFN to date regarding:
 - project impacts on preferred sites used for fishing and recreation or reduced access to specific waterways resulting from the Project.
 - how the Project may impact cultural practices or important sites associated with fishing and water quality.

Preliminary Assessment of Potential Impacts on GFN's Established or Asserted Rights Associated with Harvesting

Based on the information provided and concerns raised by GFN related to the pathways of impact, the Proponent's analysis, as well as input from the GRT, the CCT found that the Project may have NEGLIGIBLE to LOW negative impacts on GFN's established or asserted s. 35 rights or interests associated with water.

Key Considerations:

- GFN expressed general concerns regarding the Project's impacts on harvesting activities related to established or asserted rights.
- Minimal information provided by GFN regarding specific uses of the area to exercise harvesting rights and preferred harvesting locations.

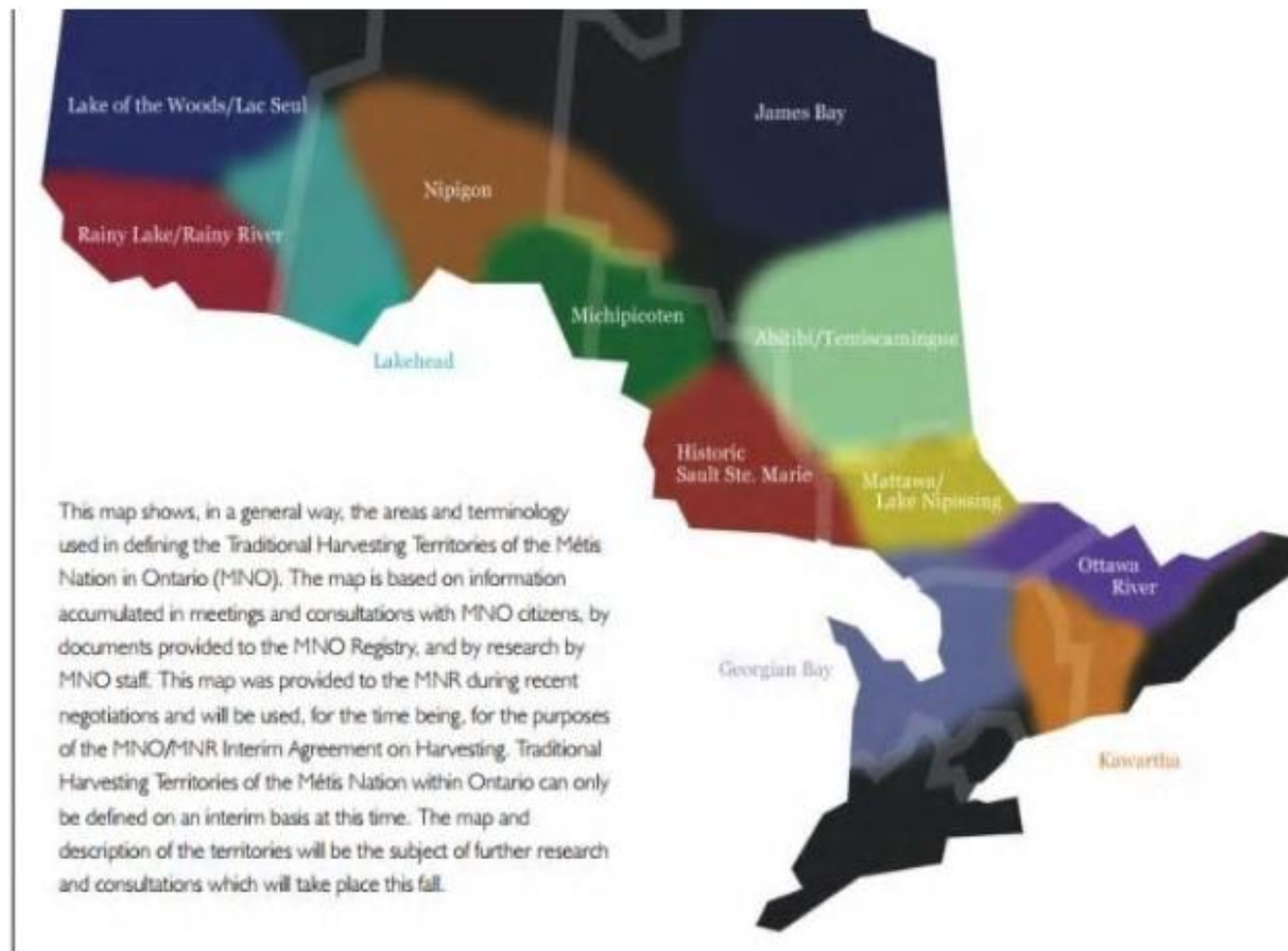
Recommendations Related to Water and Harvesting Concerns Raised by GFN

The Proponent establish a communication and engagement plan with GFN throughout the Project's lifecycle to communicate results of monitoring and follow-up program.

- This communication and engagement plan would also facilitate an opportunity to discuss potential mitigation measures that may be required to address unforeseen effects on water quality and quantity and fish and fish habitat.
- This communication and engagement plan would also facilitate an opportunity to discuss potential mitigation measures that may be required to address unforeseen effects on trapping and land use.

Métis Nation of Ontario

- The proposed Project falls within the Métis Nation of Ontario (MNO) Region 2 asserted harvesting territory area.
- The MNO-MNRF Framework Agreement on Métis Harvesting (2018) defines credibly asserted Métis Harvesting Rights as involving “hunting, trapping, fishing and gathering of natural resources for food, social or ceremonial purposes”.
- Based on consultation activities, MNO’s primary concerns associated with the Project are **fishing/water quality, harvesting and interests in training employment opportunities.**



Métis Nation of Ontario asserted harvesting territories (source: MNO). This map does not necessarily reflect the views of the Crown

Preliminary Assessment of Potential Impacts on MNO's Asserted Rights Associated With Harvesting

Based on the information provided and concerns raised by MNO related to the pathways of impact, the Proponent's analysis, as well as input from the GRT, the CCT found that the Project may have LOW to MODERATE negative impacts on MNO's asserted s. 35 rights associated with harvesting.

Key Considerations:

- A top priority for MNO is understood to be harvesting.
- MNO expressed considerable concern regarding the Project's impact on Métis harvesters' ability to harvest resources, including perception-based effects and enjoyment for present and future use.
- Limited information provided by MNO regarding specific uses of the area to exercise harvesting rights and preferred harvesting locations.

Preliminary Assessment of Potential Impacts on MNO's Asserted Rights Associated With Fishing

Based on the information provided and concerns raised by MNO related to the pathways of impact, the Proponent's analysis, as well as input from the GRT, the CCT found that the Project may have NEGLIGIBLE to LOW negative impacts on the MNO's asserted s. 35 rights associated with fishing.

Key Considerations:

- MNO shared considerable technical information regarding Project impacts on water quality and quantity.
- Minimal information provided by MNO to date regarding:
 - fish species currently harvested and the practice of fishing rights
 - how the Project components or activities would limit access to specific sites or areas used for fishing

Recommendations Related to Harvesting and Fishing Concerns Raised By MNO

Harvesting:

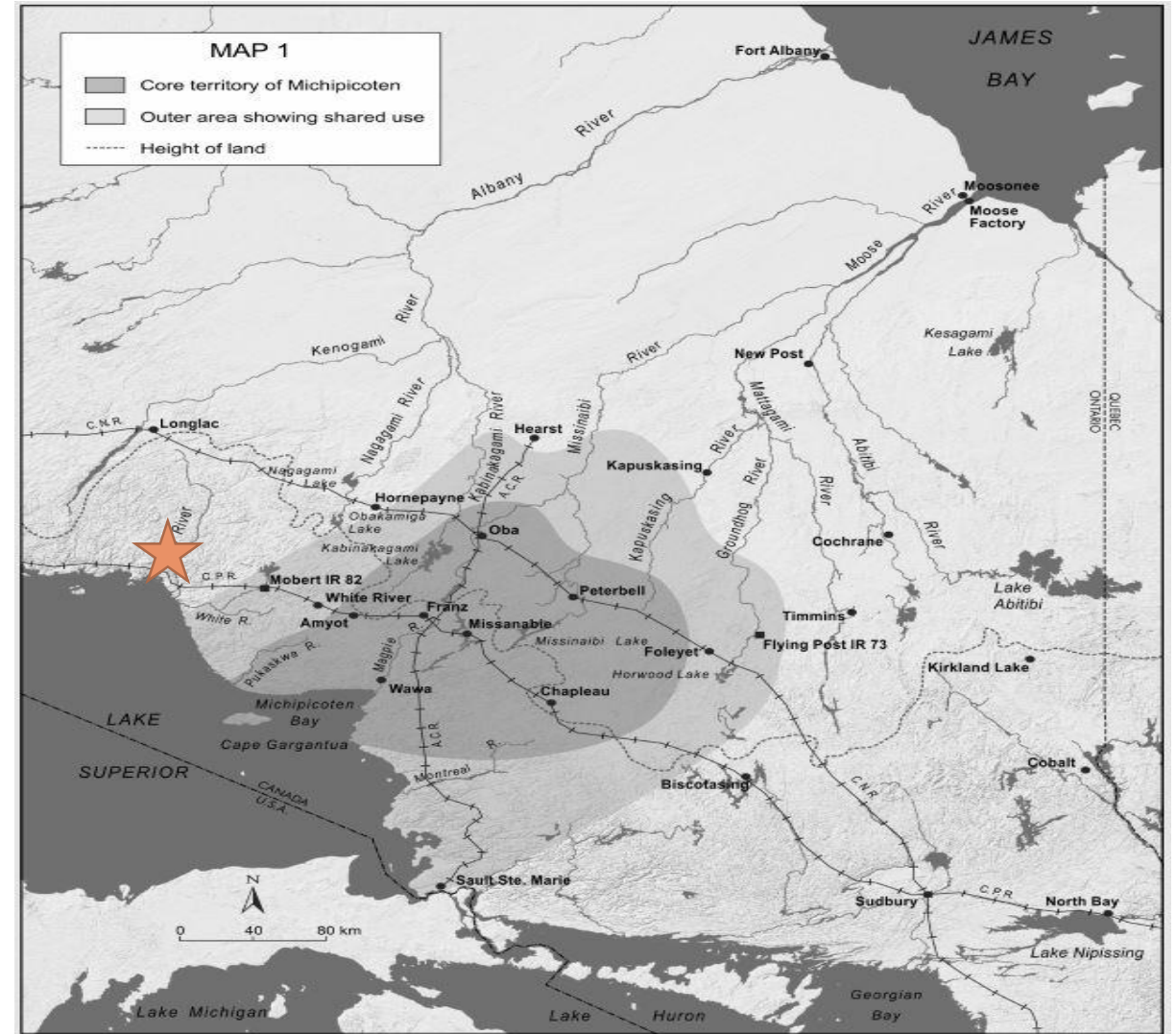
- The Proponent involve the MNO in the development of mitigation measures, environmental management, and monitoring and follow-up programs related to areas of their interest. Involvement in the form of an Environmental Committee has commenced and further development of on-the-land Métis environmental monitors is recommended.
- The Proponent consult the MNO in the development of a detailed monitoring plan related to Project impacts on vegetation, which would incorporate appropriate air quality standards and accurately reflect the diet of local Indigenous groups.
- The Proponent consult the MNO in the development of a Harvester Training Fund Initiative to mitigate potential impacts.

Water:

- The Proponent involve the MNO in the development and implementation environmental monitoring programs and follow-up programs related to water, sediment, and soil quality in the Project area, specifically the discharge location, Hare Lake.

Michipicoten First Nation

- Michipicoten First nation (MFN) is located approx. 180 km from the proposed Project.
- Michipicoten described its traditional territory as extending from the Pukaskwa River and the mouth of the White River in the west to Kabinakagami, Missinaibi, and Kapuskasing Rivers in the north, beyond the Groundhog River in the East, toward the St. Mary's River in the south.
- Based on consultation activities, MFN's primary concerns associated with the Project include **Water** and **Caribou**.



Map showing approximate boundaries of Michipicoten First Nation asserted traditional territory (source: MFN). This map does not necessarily reflect the views of the Crown.

Preliminary Assessment of Potential Impacts on MFN's Established or Asserted Rights Associated with Water Quality

Based on the information provided and concerns raised by MFN related to the pathways of impact, the Proponent's analysis, as well as input from the GRT, the CCT found that the Project may have NEGLIGIBLE to LOW negative impacts on MFN's established or asserted s. 35 rights associated with water quality, such as fishing.

Key Considerations:

- A top priority for MFN is understood to be water quality.
- MFN shared considerable technical concerns regarding Project impacts on water quality and how cumulative effects (mercury and phosphorus loading) can affect resources such as fish and country foods.
- Minimal information provided by MFN regarding the practice of rights associated with water near the Project area, including any Project components or activities compromising access to specific sites or areas used for fishing.

Preliminary Assessment of Potential Impacts to MFN's Established or Asserted Rights Associated with Caribou

Based on the information provided and concerns raised by MFN related to the pathways of impact, the Proponent's analysis, as well as input from the GRT, the CCT found that the Project may have NEGLIGIBLE to LOW negative impacts on MFN's established or asserted s. 35 rights associated with caribou.

Key Considerations:

- MFN shared considerable concern in regards to Project and cumulative impacts to dwindling Caribou population and impacts to established or asserted rights.
- Minimal information provided by MFN on the practice of rights or access associated with Caribou.

Recommendations Related to Water Quality and Caribou Concerns Raised By MFN

Water:

- The Proponent continue to include MFN in Environmental Committee meetings throughout the Project's lifecycle and engage with MFN to ensure concerns associated with mercury and phosphorous are appropriately addressed.
- The Proponent establish a communication and engagement plan with MFN throughout the Project's lifecycle to communicate results of monitoring and follow-up program. This communication and engagement plan would also facilitate an opportunity to discuss potential mitigation measures that may be required to address unforeseen effects on water quality and quantity and fish and fish habitat.
- The Proponent consult MFN in the development of the mine closure plan.

Caribou:

- The Proponent consult MFN in the development of on-site and off-site restoration and monitoring activities related to caribou.
- The Proponent consult MFN in the development of monitoring and follow-programs related to Project effects on caribou.

Pays Plat First Nation

- PPFN is located approximately 90 km west of the proposed Project.
- PPFN's asserted traditional territory overlaps with the proposed Project and includes the coastline of Lake Superior up to and including the Town of Marathon.
- Although historically associated with the Robinson-Superior Treaty (1850), PPFN asserts that they did not adhere to the Treaty.
- Based on consultation activities, PPFN's primary concerns associated with the Project include **Water and Fishing, Culture** and **Harvesting**.

Preliminary Assessment of Potential Impacts on PPFN's Established or Asserted Rights Associated With Water and Fishing

Based on the information provided and concerns raised by PPFN related to the pathways of impact, the Proponent's analysis, as well as input from the GRT, the CCT found that the Project may have LOW to MODERATE negative impacts on PPFN's established or asserted s.35 rights associated with water and fishing.

Key Considerations:

- PPFN's updated Traditional Knowledge was not provided in time to be included in the Proponent's assessment.
- PPFN shared considerable technical information regarding both the Proponent's analysis on Project effects on fish and fish habitat and potential cumulative impacts on fish and fish habitat from a history of previous development in PPFN's asserted traditional territory.
- Limited information provided by PPFN regarding Project components or activities compromising access to specific sites or areas used for fishing and the experience for cultural practices or transmission of knowledge associated with fishing.

Preliminary Assessment of Potential Impacts to PPFN's Established or Asserted Rights Associated With Culture

Based on the information provided and concerns raised by PPFN related to the pathways of impact, the Proponent's analysis, as well as input from the GRT, the CCT found that the Project may have LOW to MODERATE negative impacts on PPFN's established or asserted s.35 rights associated with culture.

Key Considerations:

- PPFN shared significant information regarding the importance of Angler Creek which is located approx. 2km downstream from the source of the effluent from the Project.
- Considerable information provided by PPFN regarding how the Project will impact areas, namely the site of a previous semi-permanent community settlement, identified as having high cultural value.
- PPFN expressed that the use and cultural connections to area could be compromised due to the perception that the site as “spoiled” from the Project.

Preliminary Assessment of Potential Impacts to PPFN's Established or Asserted Rights Associated With Harvesting

Based on the information provided and concerns raised by PPFN related to the pathways of impact, the Proponent's analysis, as well as input from the GRT, the CCT found that the Project may have LOW to MODERATE negative impacts on PPFN's established or asserted s.35 rights associated with harvesting.

Key Considerations:

- Limited information provided by PPFN that clearly connects Project impacts on resources, practices or culturally important areas associated with harvesting in the vicinity of the Project.
- Limited information regarding Project components or activities that would compromise access to key areas used for trapping, hunting or harvesting activities.

Recommendations Related to Water and Fishing, Culture and Harvesting Concerns Raised By PPFN

Water

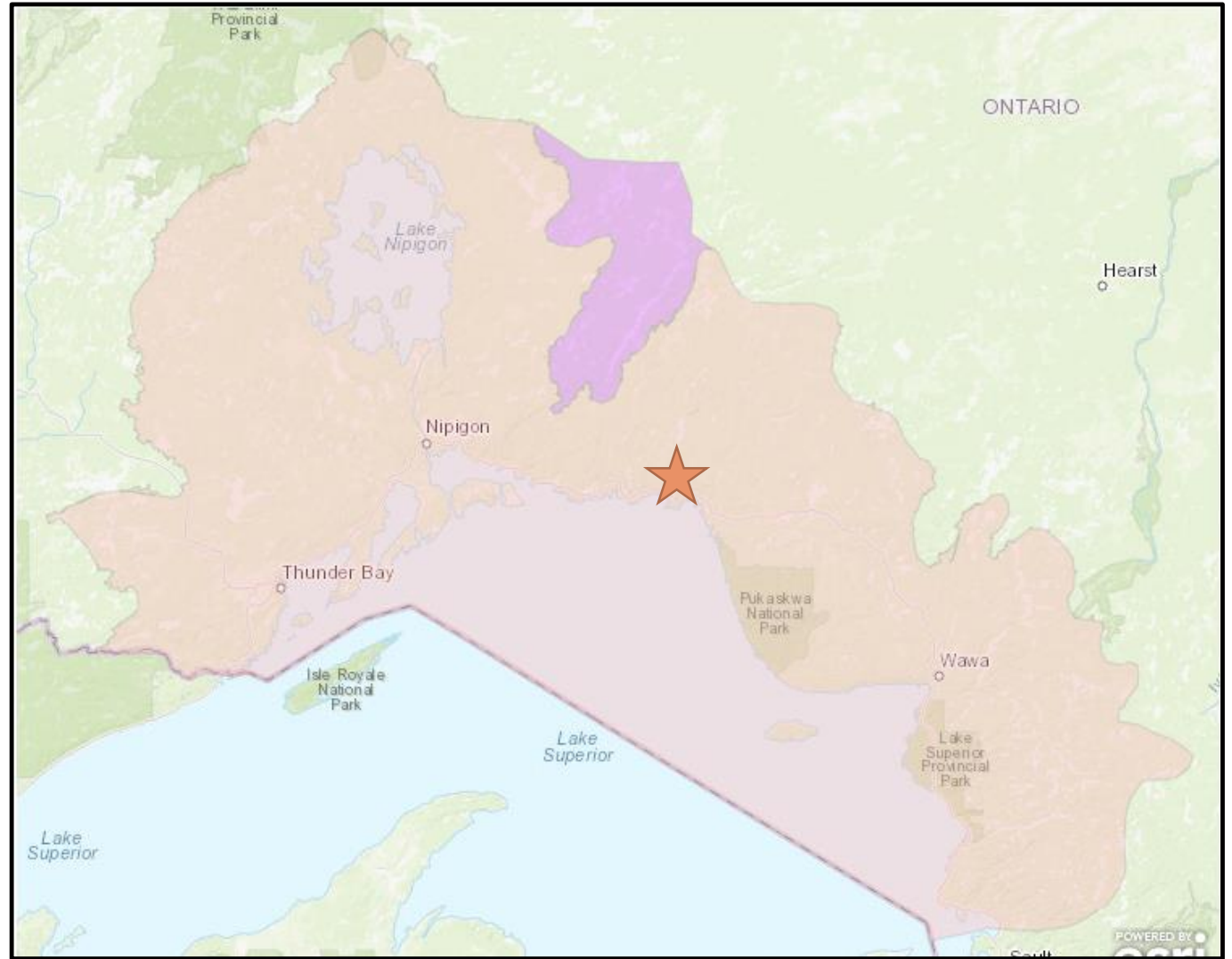
- Should opportunities exist, PPFN should continue monitoring the Lake Superior bays and estuaries in collaboration with ECDC and other potential partners under programs tied to Great Lakes management.

Culture

- A Stage 1-2 archaeological assessment (AA) and a Stage 1-partial Stage 2 AA were undertaken in 2008 and 2009, respectively.
- The Proponent commit to a further Stage 2 Archaeological Assessment with engagement with PPFN, and the development of the protocol to respond to “chance finds” with Indigenous field monitors to be present.
- The Proponent, in consultation with PPFN, develop an awareness training program about the procedures related to the discovery and protection of archaeological resources.

Red Sky Métis Independent Nation

- The Red Sky Métis Independent nation (RSMIN) is located in Thunder Bay, ON approximately 294km west to the proposed development location.
- The Project area falls within the RSMIN asserted traditional territory shown on map, which is largely within the Robinson-Superior treaty of 1850.
- Based on consultation activities, RSMIN's primary concerns associated with the Project include **economic opportunities, local plant life, water and fish.**



Map depicting Jackfish Métis Association's description of their homeland (source: JMA). This map does not necessarily reflect the views of the Crown.

Preliminary Assessment of Potential Impacts on Socio-economic Conditions of RSMIN

Based on the information provided and concerns raised by RSMIN, the Proponent's analysis, as well as input from the GRT, the CCT found that the Project may have a POSITIVE impact to RSMIN's interests with respect to socio-economic conditions.

Key Considerations:

- Proponent will continue to work on an Agreement with the RSMIN. The Proponent also identified further discussions needed in these planning stages, namely regarding targeted skill sets, training methods and training programs.
- Project may help with RSMIN's member retention in the region, joint ventures, training for youth and filling any gaps in the skills needed for the workforce.
- The Proponent has importantly identified vulnerable and diverse sub-groups within Indigenous communities who are most likely to experience disproportionate effects of the Project with respect to socio-economic environment, including members of low-income households, women, and youth.

Preliminary Assessment of Potential Impacts on RSMIN's Asserted Rights Associated With Water and Fishing

Based on the information provided and concerns raised by RSMIN related to the pathways of impact, the Proponent's analysis, as well as input from the GRT, the CCT found that the Project may have LOW negative impacts on RSMIN's asserted s. 35 rights associated with water and fishing.

Key Considerations:

- RSMIN expressed considerable concerns regarding Project impacts to water quality and rights associated with fishing, namely in Bamooos Lake.
- Minimal information provided by RSMIN to date regarding:
 - how Project components or activities would limit access to specific sites
 - how the Project components or activities would affect areas used for fishing and culturally important areas or practices

Preliminary Assessment of Potential Impacts on RSMIN's Asserted Rights and Interests Associated With Local Plant Life

Based on the information provided and concerns raised by RSMIN related to the pathways of impact, the Proponent's analysis, as well as input from the GRT, the CCT found that the Project may have LOW negative impacts on RSMIN's asserted rights and interests related to plant harvesting from the Project.

Key Considerations:

- RSMIN expressed considerable concerns regarding Project impacts on the quality of plants of interest, to asserted harvesting rights and risks associated with consuming these plants.
- Minimal information provided by RSMIN to date regarding:
 - how Project components or activities would limit access to specific sites
 - how the Project components or activities would affect areas used for plant harvesting and culturally important areas or practices associated with plant harvesting activities

Recommendations Related to Local Plant Life Concerns Raised By RSMIN

The CCT recommends that:

- The Proponent consult the RSMIN in the development of a detailed monitoring plan related to Project impacts on vegetation, which would incorporate appropriate air quality standards and accurately reflect the diet of local Indigenous groups. This could reduce the impacts to asserted rights from any real and perceived contamination of plants.
- The Proponent establish a communication and engagement plan with RSMIN throughout the Project's lifecycle to communicate results of monitoring and follow-up program.
- The Proponent consult the RSMIN in the selection of plant species for the re-vegetation activities.
- The Proponent consult the RSMIN in monitoring of country foods as part of the mitigation and enhancement measures.

Jackfish Métis Association

- The Jackfish Métis Association (JMA) is located in Schreiber (Terrace Bay), Ontario, approximately 87 km west from the Projects' location. There are three family traplines in close proximity to the Project
- JMA is a member of the Ontario Coalition of Indigenous Peoples (OCIP). The OCIP is an advocacy organization in Ontario that represents the interests of off-reserve Aboriginal peoples (Métis, Status, non-Status and Inuit) living in urban, rural and remote areas throughout the province. It is an incorporated, not-for-profit, and membership-based coalition of Ontario Aboriginal peoples.
- Based on consultation activities, JMA's primary concerns associated with the Project include **economic opportunities, fishing** and **trapping interests**.

Preliminary Assessment of Potential Impacts to JMA's Socio-economic Interests

Based on the information provided and concerns raised by JMA, the Proponent's analysis, as well as input from the GRT, the CCT found that the Project may have a POSITIVE impact on the socio-economic interests of the JMA.

Key Considerations:

- Considerable information shared by the JMA on the positive impact of the Project to retain youth in the area and create various job opportunities.
- Positive relationship and agreement with GenPGM.

The CCT recommends that:

- The Proponent commit to continue to assessing and reporting on the potential residual socio-economic effects of the Project throughout the Project's lifecycle and post-closure phases.
- The Proponent provide information regarding its policies or measures to facilitate opportunities available to local Indigenous owned businesses.

Preliminary Assessment of Potential Impacts on JMA's Interests Associated With Fishing

Based on the information provided and concerns raised by JMA, the Proponent's analysis, as well as input from the GRT, the CCT found that the Project may have LOW to MODERATE negative impacts on fishing interests of the JMA.

Key Considerations:

- JMA shared considerable concerns in regards to Project impacts on water quality, fish and fish habitat, including Hare Lake and Bamoos Lake which were noted as important fish harvesting areas.
- Limited information provided by JMA regarding Project components or activities compromising access, including loss of access to Camp 19 to Bamoos Lake and additional time required to access existing trail from Hare Lake.

Preliminary Assessment on Potential Impacts to JMA's Interests Associated With Trapping

Based on the information provided and concerns raised by JMA, the Proponent's analysis, as well as input from the GRT, the CCT found that the Project may have NEGLIGIBLE to LOW negative impacts on trapping interests of the JMA.

Key Considerations:

- Minimal information provided by JMA to date regarding:
 - how Project components or activities would impact on resources of concern or practices in the vicinity of the Project
 - how the Project components or activities would affect access to trapping and the distance of the Project from traplines of interest

Recommendations Related to JMA's Concerns Associated With Fishing and Trapping

The Proponent establish a communication and engagement plan with the JMA throughout the Project's lifecycle to communicate results of monitoring and follow-up program.

- This communication and engagement plan would also facilitate an opportunity to discuss potential mitigation and adaptive measures that may be required to address unforeseen effects to water quality and quantity and fish and fish habitat that hold cultural and spiritual significance.
- This communication and engagement plan would also facilitate an opportunity to discuss potential mitigation and adaptive measures that may be required to address unforeseen effects on trapping and land use.

Recommendations Pertaining to Indigenous Groups

The **Appendix** of the CCT's written submission includes a list of all recommendations pertaining to all Indigenous groups consulted.

- The list includes both:
 - A series of “standard” topic-based recommendations that would apply to several Indigenous groups, and;
 - Recommendations unique to certain Indigenous groups. A number of these have been highlighted in slides pertaining to each Indigenous group.

Next Steps

- The final assessment of the severity of potential impacts on rights from the Project will be informed by the information shared during the hearings, by the findings in the Panel's Report and through continued consultation activities with Indigenous groups up to the time of the respective EA Decisions.
- Following the submission of the Panel's report, the CCT will consult with Indigenous peoples on the conclusions and recommendations of the Panel, in order to help inform the Crown Consultation and Accommodation Report (CCAR).
- The CCT notes that the need for appropriate accommodation measures will be documented in the CCAR which will be informed by the Panel's recommendations in its report.
- The CCT will continue to work with Indigenous groups to establish clear criteria for assessing the level of impacts, to carry out two-way dialogue on measures to address impacts, and to continue validating the assessment based on new information to further support the assessment of impacts on rights (Steps 5-7 of the Methodology for Assessing Impacts on Established or Asserted s. 35 Rights of Indigenous Groups).