



Quebec City, May 22, 2020

BY EMAIL

Jean-Sébastien Lavallée
Chief Executive Officer
Critical Elements Lithium Corporation
1080 Beaver Hall Hill
Suite 2101
Montreal, Quebec H2Z 1S8

SUBJECT: Rose Lithium - Tantalum Mining Project – Second Information Request (Part 2)

Dear Mr. Lavallée:

Following a review of the Environmental Impact Study and additional documents provided by Critical Elements Lithium Corporation, the Joint Assessment Committee established by the Impact Assessment Agency of Canada and the Cree Nation Government (the Committee), in cooperation with the experts of the Federal Environmental Assessment Committee, prepared a second information request with the objective of obtaining the information and clarifications required to continue the analysis of the Environmental Impact Study for the Project.

This second information request consists of two parts. The first part was sent on March 27, 2020. It covered the following topics: scope of project, alternative means of carrying out the project, methodology for assessing effects on the environment, air quality and noise environment, groundwater quality, hydrogeology, hydrology, fish and fish habitat, water quality, soil quality, wetlands and wildlife, health and well-being of Indigenous communities, follow-up and environmental monitoring, and accidents and malfunctions.

The second part is attached. It deals with the subject of Indigenous peoples. The questions stem from concerns raised during the consultations by the Committee and the responses you provided to the first information request. They relate only to issues for which there was insufficient information for the Committee to continue its analysis.

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The information requested is based on the requirements of the Guidelines for the Preparation of an Environmental Impact Statement (December 2012) as well as the Additional Information to the Final Guidelines for the Rose Mine Project (August 2016). It also takes into account the documents that you have provided in relation to the Environmental Impact Study:

- WSP (February 2019). Rose Lithium - Tantalum Mining Project. *Updated Environmental Impact Study*. Report (final version). Volume 1.
- WSP (December 2017). Rose Lithium - Tantalum Mining Project. *Updated Environmental Impact Study*. Volume 2: sector study, and Volume 3: appendixes.
- WSP (February 2019). Rose Lithium - Tantalum Mining Project. *Information requested by the CEEA for concordance with the Environmental Impact Study*, final version.
- WSP (December 2019). Rose Lithium - Tantalum Mining Project. Responses to the MELCC's questions and comments, final version.
- WSP (December 2019) Rose Lithium - Tantalum Mining Project. *Responses to the CEEA's questions and comments*. Report produced for Critical Elements Lithium Corporation. 222 pages + appendixes.
- WSP (February 2020). Rose Lithium - Tantalum Mining Project. Responses to non-concordance in IAAC's first information request. Report produced for Critical Elements Lithium Corporation. 25 pages.

If you need more details regarding this information request, please contact Véronique Lalande by email at veronique.lalande@canada.ca or by phone at 418-455-4116.

Sincerely,

Benôit Dubreuil
Co-Chair, Joint Assessment Committee
Impact Assessment Agency of Canada

John Paul Murdoch
Co-Chair, Joint Assessment Committee
Cree Nation Government

Attachment: Second Information Request (Part 2)

cc. [by email]: Anne Gabor, Critical Elements Lithium Corporation
Jacqueline Leroux, Critical Elements Lithium Corporation
Brian Craik, Cree Nation Government
Véronique Lalande, Impact Assessment Agency of Canada
Isabelle Vézina, Health Canada
Peter Unger, Natural Resources Canada
Joanie Carrier, Fisheries and Oceans Canada
Karine Gauthier, Environment and Climate Change Canada
Catherine Gaudette, Transports Canada

Information Request No. 2 (Part 2)

Environmental Assessment of the Rose Lithium-Tantalum Mining Project

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Important information to consider when responding to the request for information

Justification for missing information

The Proponent must answer all questions so that the Joint Assessment Committee (JAC) can continue its analysis. Referring to sector studies is not a sufficient response. These studies support the impact assessment. The Proponent must clearly indicate how it took these studies into account in its environmental analysis and decisions.

If the Proponent chooses to provide the same answer to more than one question, it must clearly identify which questions the answer applies to.

The Proponent must provide an explanation if no information is given for one or more of the elements requested in this Information Request.

Revision of the Environmental Impact Assessment

For any questions that require a revision of the project's environmental assessment, the Proponent must also update the following:

- Description of potential environmental effects
- Mitigation measures
- Description and assessment of significance of residual environmental effects
- Analysis of cumulative environmental effects
- Monitoring and follow-up program

Mitigation measures

In its answers to the questions in this Information Request, the Proponent must describe the practices, policies and commitments that constitute mitigation measures, i.e., technically and economically feasible measures for the elimination, reduction or control of the project's environmental effects. In its analysis of the significance of the effects, the JAC considers whether the mitigation measures proposed by the Proponent mitigate the anticipated effects on the various valued components of the environment. In the absence of adequate mitigation measure proposals from the Proponent, the JAC may conclude that there are significant adverse environmental effects and present its conclusions in the Environmental Assessment Report submitted to the Minister.

Purpose of the Project

Requests for information from the Proponent

CCE 69 Purpose of the project in the James Bay area and economic context for lithium

References

CEAA (December 2012). *Guidelines for Preparing an Environmental Impact Assessment*. Part II, section 5.5 (Purpose of the project).

CEAA (August 2016). *Supplementary information to the final guidelines for the Rose Mining Project*. Section 9.2 (Potential or established Aboriginal and Treaty rights and related interests).

WSP (February 2019). Rose Lithium-Tantalum Project. *Update of the Environmental Impact Statement*. Report prepared for Critical Elements Lithium Corporation. Section 2.2 (Context and justification of the project), pages 2-2 and 2-3.

Background

In its Environmental Impact Statement (EIS), the Proponent describes the project's purpose in section 2.2, noting the following in particular: [Translation] "First, the growing demand for lithium is being driven particularly by manufacturers of batteries, primarily for the booming hybrid and electric car market, but also for other types of applications, such as the storage of renewable energy. *The electronics market segment experienced significant growth between 2000 and 2010 or even 2015, but now seems to have reached a saturation point. On the other hand, the electric vehicle sector is flourishing; its annual growth rate is about 40% for lithium carbonate equivalent in lithium battery applications [...]. Annual growth in this market segment could even go as high as 45% to 50% by 2020. [...] This market segment is expected to see annual growth of about 25% over the next few years.* In the medium term, the rate will probably be even higher."

During the JAC's consultations, the communities of Eastmain, Waskaganish and Nemaska expressed concern about the proposal for additional lithium mining projects in the James Bay area, since the only other lithium mining project currently under way is experiencing serious economic difficulties, as reported in the media.

The Joint Assessment Committee requests that CEC (the Proponent)

Update the information provided concerning the rationale for another lithium mining project in the region. The Proponent is encouraged to include information regarding the economic context for lithium that explains the project's current economic feasibility in the projected time frames.

Study Area

Requests for information from the Proponent

CCE 70 Human environment study area

References

CEAA (February 2018). *Guidelines for the Preparation of an Environmental Impact Statement*. Part 2, sections 5 (Consultation with Indigenous Nations and Concerns Raised) and 9.1.3 (Human environment – Indigenous peoples).

WSP (December 2019). Rose Lithium-Tantalum Project. *Answers to the Questions and Comments Received from the CEAA*. Report prepared for Critical Elements Lithium Corporation. Answers to Question CEAA-122.

Background

The Cree community of Nemaska expressed concern about the delimitation of the human environment study area in every phase of the environmental assessment.

In the answer to Question CEAA-122, the Proponent states that six camps used by the Cree community of Nemaska (trapline R19) along the Nemiscau-Eastmain-1 road will be included in the human environment study area because of potential effects on current land use for traditional purposes due to increased road traffic. The Proponent does not provide a map of the proposed new human environment study area.

The Joint Assessment Committee requests that CEC (the Proponent)

Provide a map of the new human environment study area that includes the six Nemaska trapline R19 camps along the Nemiscau-Eastmain-1 road, and update the assessment of the project's effects on the valued components of the human environment if required.

Land and Resource Use

Requests for information from the Proponent

CCE 71 Lakes affected by the project and Cree community participation in fishing

References

CEAA (August 2016). *Supplementary information to the final guidelines for the Rose Mining Project*. Section 9.2 (Potential or established Aboriginal and Treaty rights and related interests).

WSP (February 2019). Rose Lithium-Tantalum Project. *Update of the Environmental Impact Statement*. Report prepared for Critical Elements Lithium Corporation. Section 7.2.5.1 (Likely environmental effects), pages 7-43, 7-42 and 8-52 (and map 7-1).

WSP (December 2019). Rose Lithium-Tantalum Project. *Answers to the Questions and Comments Received from the CEAA*. Report prepared for Critical Elements Lithium Corporation. Answer to Question CEAA-4.

Background

During the JAC's consultations, questions about the fish populations in the lakes that will be affected and/or dewatered by the project were asked on a number of occasions. In addition, the tallyman of trapline RE1 indicated that he fishes in Lake 3 and noted that he would stop using the lakes around the mine when the mine is operating, because of concerns about contamination.

Lake 1

On page 7- 43 of the EIS, the Proponent states the following: [Translation] "To reduce fish mortality, fishing operations will be carried out in Lake 1 to catch some of the fish and provide them to the Indigenous communities. *It will not be possible to catch all of the fish, since at some point the probability of capture becomes too low. In addition, gradually lowering the water level to increase the probability of capture creates problems with access to the lake. The fishing operations will run for a maximum of 10 days or less, depending on yield.*" The JAC understands that the Proponent itself intends to undertake these fishing operations in Lake 1, and that there are no plans for Cree users of the land to participate in this process.

Lake 2

Also on page 7-43 of the EIS, the Proponent states that [Translation] "There are no plans to fish Lake 2 because it has very few fish, as demonstrated by the fishing operations conducted in 2011 and 2016." Yet, on page 8-52 of the EIS, the Proponent states that Lake 2 is valued for its fishing: [Translation] "Not much fishing is done in the study area. *On trapline RE1, a few users have indicated that they frequent only one lake, which is about two kilometres west of the camp at km 42 of the Nemiscau-Eastmain-1 road (Lake 2 shown in Figure 7-1).* It is considered, particularly by Elders, a good lake for fishing." The JAC notes that there is a contradiction between these two sections of the EIS.

Lake 3

On page 7-42 of the EIS, the Proponent describes the project's predicted effects on Lake 3: [Translation] "Lake 2 will be pumped into Lake 3, and because of its small volume, the pumping process is not expected to take very long. [...] Depending on nature of the bed of Lake 3, sediment control measures may be required, especially during the dewatering of the bottom of the lake, such as installation of a turbidity curtain or a sediment bag." The Proponent also indicates in its answer to Question CEAA-4 that the water from the nine peripheral pumping wells used to dewater the pit will be discharged into Lakes 3, 4 and 6. Since there may be impacts on Lake 3, and since the users have stated that they would stop using the lakes near the pit, the users may be interested in fishing Lake 3 one last time before construction begins.

On page 8-52 of the EIS, the Proponent indicates that Cree users of the land in the study area only fish in Lakes 2 and 3.

The Joint Assessment Committee requests that CEC (the Proponent)

- A) Specify how it plans to encourage Cree land users to participate in the intensive fishing to be performed before Lake 1 is dewatered, and submit a description of the participation arrangements, if applicable.
- B) Confirm whether Lake 2 is valued by users and whether intensive fishing is also planned before the lake is dewatered.
- C) Assess the possibility of offering the trapline RE1 tallyman the opportunity to fish in Lake 3 before work begins.

CCE 72 Intensive beaver trapping before the project's construction phase

References

CEAA (August 2016). *Supplementary information to the final guidelines for the Rose Mining Project*. Section 9.2 (Potential or established Aboriginal and Treaty rights and related interests).

WSP (February 2019). Rose Lithium-Tantalum Project. *Update of the Environmental Impact Statement*. Report prepared for Critical Elements Lithium Corporation. Section 8.3.6.2 (Mitigation of effects and improvement measures – Description and effects on components affecting Indigenous communities), page 8-61.

Background

On page 8-61 of the EIS, the Proponent suggests the following mitigation measure in the project's construction phase: [Translation] "Award some site preparation contracts to the trapline RE1 tallyman (deforestation, intensive beaver trapping, etc.)."

During the JAC's consultations, the trapline RE1 tallyman expressed concern about this measure and pointed out that intensive beaver trapping has to be done at least two years in advance and not just a few months before construction of the mine.

The Joint Assessment Committee requests that CEC (the Proponent)

Specify and justify the amount of time it will allow the trapline RE1 tallyman for intensive beaver trapping before the construction phase.

CCE 73 Beaver and muskrat surveys

References

CEAA (August 2016). *Supplementary information to the final guidelines for the Rose Mining Project*. Section 9.2 (Potential or established Aboriginal and Treaty rights and related interests).

WSP (February 2019). Rose Lithium-Tantalum Project. *Update of the Environmental Impact Statement*. Report prepared for Critical Elements Lithium Corporation. Section 7.5.4.3 (Fur-bearing animals and small mammals), pages 7-131 and 7-133.

Background

During the JAC's consultations, the Nemaska community expressed concern about the beaver and muskrat surveys conducted by the Proponent as part of the environmental impact assessment. The community said that recent surveys should be carried out before the work begins to ensure the effectiveness of the follow-up for these species in the operation phase.

In Section 7.5.4.3 of the EIS, the Proponent states the following: *[Translation]* "A number of species of fur-bearing animals and small mammals are likely to frequent the natural environment study area, depending on their distribution. During the field work carried out in 2012 and 2016, the presence of six mammal species [...] was confirmed: beaver, red squirrel, river otter, grey wolf, muskrat and red fox." On page 7-133 of the EIS, the Proponent states that surveys confirmed the presence of six mammal species. It is the JAC's understanding that the Proponent observed the presence of beaver and muskrat in these preliminary surveys, but that it did not conduct comprehensive surveys of these species in the study area for its EIS.

The Joint Assessment Committee requests that CEC (the Proponent)

Assess, in conjunction with the tallyman or tallymen affected by the project, the need for a beaver and muskrat survey in the study area before work begins. If there is no need, provide an explanation.

CCE 74 Assessment of the effects of road traffic on current use by the Cree communities

References

CEAA (February 2018). *Guidelines for the Preparation of an Environmental Impact Statement*. Part 2, sections 5 (Consultation with Indigenous Nations and Concerns Raised) and 10.1.3 (Predicted effects on valued components – Indigenous peoples).

WSP (December 2019). Rose Lithium-Tantalum Project. *Answers to the Questions and Comments Received from the CEAA*. Report prepared for Critical Elements Lithium Corporation. Answers to questions CEAA-122 and CEAA-134.

Background

During the JAC's consultations, the communities of Eastmain, Waskaganish and Nemaska expressed concern about the effects of increased road traffic related to the project.

In its answers to Questions CEAA-122 D and CEAA-134 E, the Proponent describes the effects of increased road traffic on current use by the three Cree communities without assessing its residual effects or their significance. The Proponent indicates what could be affected without providing an assessment of the anticipated impact after mitigation measures are taken into account.

The Joint Assessment Committee requests that CEC (the Proponent)

Complete the assessment of the effects of increased road traffic (all types of road transport associated with the project, including the transport of ore, supplies, waste and workers) on access to the resource and access to the camps based on criteria (such as extent, duration and magnitude), and determine the significance of the residual effects after the implementation of mitigation measures is taken into account.

CCE 75 Road transportation and compliance with speed limits

References

CEAA (February 2018). *Guidelines for the Preparation of an Environmental Impact Statement*. Part 2, section 5 (Consultation with Indigenous Nations and Concerns Raised).

WSP (December 2019). Rose Lithium-Tantalum Project. *Answers to the Questions and Comments Received from the CEAA*. Report prepared for Critical Elements Lithium Corporation. Answers to questions CEAA-122 and CEAA-134.

Background

During the JAC's consultations, the Cree community of Nemaska said that it was concerned about the safety of children and pedestrians along the Nemiscau-Eastmain-1 road and recommended that the Proponent take steps to encourage its truck drivers to obey the speed limits. Apprehensions about the safety of moose and partridge hunters who hunt regularly along the road were expressed. The Cree community of Waskaganish expressed concern about the effects of increased road traffic on the beaver trapping that regularly takes place along the James Bay Highway, not only for traditional purposes but also to prevent flooding on the highway.

In its answer to Question CEAA 122 D, the Proponent indicates that it plans to educate its workers regarding Cree traditional activities on the land, stressing the importance of reducing their speed when they see users. The Proponent does not indicate how frequently it plans to educate its employees. In its answer to Question 134 C, the Proponent does not say whether the vehicles will be equipped with speed governors.

The Joint Assessment Committee requests that CEC (the Proponent)

- A) Specify how it plans to ensure compliance with speed limits off its property. The Proponent must also indicate whether its vehicles will be equipped with speed governors, and if not, why not.
- B) Provide information about the means by which its drivers will be educated on road safety and Cree traditional activities, including how often that education will be delivered. The Proponent must also specify whether that education will include information about the Cree engaging in beaver trapping and opportunistic hunting (moose and partridge, for example) on a regular basis in varying locations along roads.

CCE 76 Road transportation and signage

References

CEAA (February 2018). *Guidelines for the Preparation of an Environmental Impact Statement. Part 2, section 5 (Consultation with Indigenous Nations and Concerns Raised)*.

WSP (December 2019). Rose Lithium-Tantalum Project. *Answers to the Questions and Comments Received from the CEAA*. Report prepared for Critical Elements Lithium Corporation. Answers to Question CEAA-134.

Background

During the JAC's consultations, the Cree community of Nemaska recommended that signs indicating the proximity of hunting camps be installed to encourage drivers to obey the speed limits at those critical locations.

In its answer to Question CEAA-134 C, the Proponent notes that its company vehicles and suppliers' vehicles will be required to obey the speed limit of 70 km/h on the Eastmain-1 road and the Route du Nord between Albel substation and the James Bay Highway or be dismissed from the project. The Proponent also states that road signs will be installed to remind drivers of the speed limit at appropriate intervals.

The Joint Assessment Committee requests that CEC (the Proponent)

Specify whether there are any plans to engage in discussions with the Nemaska tallymen affected by the project's road transportation regarding their interest in having signs indicating the presence of their camps and access roads or in having a reduced-speed zone near the camps on the Route du Nord and the Nemiscau-Eastmain-1 road, or to let them know that that has been done, as applicable.

CCE 77 Traditional activity exclusion zone(s)

References

CEAA (August 2016). *Supplementary information to the final guidelines for the Rose Mining Project*. Section 9.2 (Potential or established Aboriginal and Treaty rights and related interests).

WSP (December 2019). Rose Lithium-Tantalum Project. *Answers to the Questions and Comments Received from the CEAA*. Report prepared for Critical Elements Lithium Corporation. Answers to Question CEAA-125.

WSP (February 2020). Rose Lithium-Tantalum Project. *Answers to the Non-compliance of the First Request of Information from the IAAC*. Report prepared for Critical Elements Lithium Corporation. Answers to Questions CEAA-98, CEAA-120 and CEAA-125.

Background

During the JAC's consultations, the RE1 trapline tallyman said he was worried about the area around the mine that will be inaccessible for beaver trapping. The Cree community of Nemaska expressed concern about the possibility of a zone around the mine in which the use of firearms would be prohibited, and about the size of such a zone.

In the answer to Question CEAA-125, the Proponent stated that there would be controlled entry to the mining site through the access road and that "the industrial zone would be clearly marked." In its answer to Question CEAA-120, the Proponent indicated that the "[m]embers of the Eastmain RE1 family will have the right to trap on the mine site, with the exception of large mammal traps for safety reasons." In its clarification on Question CEAA-120, the Proponent indicated that "there is no traditional food collection on the site," but that the "tallyman of trapline RE1 and family members will continue to be able to trap on the mining site." In its answer to Question CEAA-98, the Proponent proposed the following measure to limit potential contamination of traditional food: "A no-hunting zone on the mining/industrial site, particularly for safety reasons, which also coincides with the greatest risk of contamination of the environment."

The JAC notes that with the current data, it is impossible to provide Cree land users with clear information about the anticipated limitations on their future access to the land around the mine.

The Joint Assessment Committee requests that CEC (the Proponent)

- A) Specify which species it is referring to with the planned exclusion of "large mammal traps" around the mine site.

- B) Specify and justify the safety zone in which the use of firearms will be prohibited and the safety zone for trapping and hunting. The Proponent must indicate how users will be informed of those zones. The various zones (for hunting and trapping or for each species) must be shown on a map displaying the project's future facilities.

CCE 78 Effects of increased road traffic and mining operations during Nemaska's goose and moose hunting season

References

CEAA (August 2016). *Supplementary information to the final guidelines for the Rose Mining Project*. Sections 10.1.3 (Predicted effects on valued components – Indigenous peoples), 9.2 (Potential or established Aboriginal and Treaty rights and related interests) and 12.1.1 (Cumulative environmental effects).

WSP (February 2019). Rose Lithium-Tantalum Project. *Update of the Environmental Impact Statement*. Report prepared for Critical Elements Lithium Corporation. Section 10.7.2.1 (Projects, actions or events – Modification and loss of habitat and disturbance), page 10-30.

WSP (December 2019). Rose Lithium-Tantalum Project. *Answers to the Questions and Comments Received from the CEAA*. Report prepared for Critical Elements Lithium Corporation. Answers to Questions CEAA-120, CEAA-129 and CEAA-134.

WSP (February 2020). Rose Lithium-Tantalum Project. *Answers to the Non-compliance of the First Request of Information from the IAAC*. Report prepared for Critical Elements Lithium Corporation. Answer to Question CEAA-129.

Background

During the JAC's consultations, the Cree communities shared their concerns about the project's adverse effects during the annual goose and moose hunt, harvesting activities that are valued in the Cree culture. The Cree communities recommended the suspension of blasting and transportation activities during those annual hunting seasons. The Cree community of Nemaska is particularly apprehensive about the project's proximity to the community (38 km), especially since another mining project is under development near Nemaska along the Route du Nord, 40 km southeast of the Rose mining project.

The Cree knowledge of the users consulted indicates that blasting would affect goose migration routes and keep the geese away from the area. According to the Cree land users, road traffic and the associated nuisances would also make the goose and moose harvest less successful and impede travel in the area and between the Cree communities.

According to Environment and Climate Change Canada (ECCC), bird scaring with a cannon is effective in the short term, and the mine's blasting operations are likely to have an effect similar to that of a propane-powered bird control cannon. After several days, the geese become accustomed to this type of scaring device. ECCC's view is that in general, mitigation measures to eliminate or restrict sources of disturbance during the goose hunting season are worthwhile, including measures to reduce heavy truck traffic. In ECCC's opinion, such measures may have an impact on the success of Indigenous people's goose hunt, especially in the first few days of the hunting season.

The Cree community of Nemaska also recommended that the number of charter flights transporting the Proponent's employees be reduced during the goose and moose hunting seasons to limit the effects on wildlife. On page 10-30 of the EIS, the Proponent states that [Translation] "infrastructure – airports and their runways – may cause disturbance and even mortality among migrating geese." The Proponent told the JAC that, at the moment, the preferred airport for transporting its employees was the Nemiscau airport, which is located near but outside the community of Nemaska.

In its answer to Question CEAA-129 B, the Proponent states that it plans to "[l]imit the amount of blasting" and "[l]imit traffic on the road" as measures to mitigate the project's effects during the two hunting seasons. The JAC notes that the Proponent does not specify the extent to which it will limit its activities, and it is consequently difficult for the JAC to draw any conclusions about the significance of the project's residual effects on the "Land and Resource Use for Traditional Purposes" valued component. In the clarification of its answer to Question CEAA-129, the Proponent indicates that, for economic and logistical reasons, it does not plan to suspend blasting or road transportation during the two hunting seasons.

On the basis of its preliminary analysis, the JAC believes that, even after the implementation of blasting and transportation restrictions proposed by the Proponent to date (about which very few details have been provided so far), the project may have significant residual cumulative effects¹ on current land and resource use for traditional purposes by the Cree community of Nemaska. The project will cause nuisances that, when combined with the nuisances created by another, nearby mining project, may be substantial with respect to access to and experience of the land and its resources during the two valued hunting seasons. Additional measures, or clarifications regarding the measures previously proposed by the Proponent, could help to mitigate the residual effects on this valued component.

The Joint Assessment Committee requests that CEC (the Proponent)

- A) Quantify the blasting and road transportation restrictions it plans to implement during the goose and moose hunting seasons. The Proponent must state in numerical terms how blasting and truck trips (or transportation and supply-related transportation) will differ between the two hunting seasons and periods of regular operations. The Proponent is encouraged to present the information in a comparative table.
- B) Specify how it intends to address the Cree's concern about the potential effects of its charter flights on the volume of moose and geese on the Nemaska community's traplines.

¹ Under subsection 52(1) of CEAA 2012, the Minister of the Environment (the Minister) must decide if, taking into account the implementation of any mitigation measures that the Minister considers appropriate, the project is likely to cause significant adverse environmental effects referred to in section 5. If the Minister decides that the project is likely to cause significant adverse environmental effects, subsection 52(2) requires that the project be referred to the Governor in Council, who will determine whether those effects are justified in the circumstances. The Agency's Operational Policy Statement entitled "Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under CEAA 2012" (available at <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/determining-whether-designated-project-is-likely-cause-significant-adverse-environmental-effects-under-ceaa-2012.html>) provides a framework to help the Proponent and the Agency determine the significance.

CCE 79 Changes in the behaviour of species valued by the Cree

References

CEAA (August 2016). *Supplementary information to the final guidelines for the Rose Mining Project*. Sections 10.1.3 (Predicted effects on valued components – Indigenous peoples) and 9.2 (Potential or established Aboriginal and Treaty rights and related interests).

WSP (December 2019). Rose Lithium-Tantalum Project. *Answers to the Questions and Comments Received from the CEAA*. Report prepared for Critical Elements Lithium Corporation. Answers to Question CEAA-130.

Background

During the JAC's consultations, the Cree communities expressed concern about the effects that the project may have on the behaviour of species valued by the Cree. The Waskaganish and Eastmain communities said they were worried about the effects that increased road traffic would have on the behaviour of the beavers that are often seen along the roads. The Nemaska community indicated that it would like to know what effects increased road traffic would have on the behaviour of caribou, muskrat, hare and partridge, including the potential avoidance response by those species.

In its answer to Question CEAA-130, the Proponent provides information about the behavioural changes observed in a number of mammal species valued by the Cree in connection with other mining projects. The Proponent does not mention the behavioural changes observed in caribou, muskrat, hare and partridge. The table also contains no information about the effects of road traffic on the behaviour of those species.

The Joint Assessment Committee requests that CEC (the Proponent)

Include in the table provided in the answer to Question CEAA-130 the behavioural changes observed in connection with a mining project and the associated increase in road traffic, for woodland and migratory caribou, beaver, muskrat, hare and partridge.

CCE 80 Cumulative effects on the Nemaska community's use of caribou for traditional purposes

References

CEAA (August 2016). *Supplementary information to the final guidelines for the Rose Mining Project*. Sections 10.1.3 (Predicted effects on valued components – Indigenous peoples) and 9.2 (Potential or established Aboriginal and Treaty rights and related interests).

WSP (December 2019). Rose Lithium-Tantalum Project. *Answers to the Questions and Comments Received from the CEAA*. Report prepared for Critical Elements Lithium Corporation. Answers to Question CEAA-132.

WSP (February 2020). Rose Lithium-Tantalum Project. *Answers to the Non-compliance of the First Request of Information from the IAAC*. Report prepared for Critical Elements Lithium Corporation. Answer to Question CEAA-132.

Background

During the JAC's consultations, the Cree community of Waskaganish noted that caribou were very sensitive to changes in the environment, especially noise. The Cree community of Eastmain expressed concern about the caribou and the project's impact on their food. The Cree community of Nemaska said it was worried about the effects that the project could have on caribou and their already reduced use of the study area, about the quality of the remaining habitats, about the effects of blasting, and about the effects of mine transportation activities on this valued species.

In its answer to Question CEAA-132, the Proponent concludes that there is no need to follow up with Cree users on the caribou harvest, since the mitigation measures and "mechanisms put in place in the context of the Impacts and Benefits Agreement" (IBA) will limit the effects on caribou. The Proponent does not explain exactly what it is referring to.

To determine the significance of the project's residual cumulative effects on land and resource use for traditional purposes, the JAC believes that it needs to know about all of the mitigation, compensation and accommodation measures that will be implemented to reduce the cumulative effects on the traditional use of the land, even if those measures or agreements are included in the "Impacts and Benefits Agreement."

In the same answer, the Proponent reiterates its commitment to implement an action plan if a caribou is observed near the mine. The JAC notes that that action plan does not include participation by the Cree tallymen. It is unclear whether the Proponent plans to keep a record of caribou sightings near the mine site and what authorities or persons would be notified, if any.

The JAC notes that no concrete measures have been proposed, at this point in the planning process, to mitigate the effects on the use of this species, which is highly valued by the Cree. No measures concerning monitoring or depredation programs administered by a Cree party have been proposed.

The JAC is of the opinion that, even after additional mitigation measures are implemented, the project may have residual cumulative effects on the current use of caribou for traditional purposes that will be felt more intensely by the Cree community of Nemaska.

The Joint Assessment Committee requests that CEC (the Proponent)

- A) Describe the measures and mechanisms, including those specified in the Impacts and Benefits Agreement, that relate to mitigation of the project's effects on woodland and migratory caribou.
- B) Specify whether there are plans to keep a record of caribou sightings made by workers and land users near the mine site and the roads used, and if applicable, describe how it would work. If there are no plans to do so, provide an explanation for that decision.

CCE 81 Use of the land by non-Indigenous people, and pressure on wildlife resources

References

CEAA (August 2016). *Supplementary information to the final guidelines for the Rose Mining Project*. Sections 10.1.3 (Predicted effects on valued components – Indigenous peoples) and 9.2 (Potential or established Aboriginal and Treaty rights and related interests).

WSP (February 2019). Rose Lithium-Tantalum Project. *Update of the Environmental Impact Statement*. Report prepared for Critical Elements Lithium Corporation. Sections 3.5.9 (Guardhouse and administrative buildings) and 8.3.5 (Likely environmental effects), pages 3-27 and 8-57.

WSP (December 2019). Rose Lithium-Tantalum Project. *Answers to the Questions and Comments Received from the CEAA*. Report prepared for Critical Elements Lithium Corporation. Answer to Question CEAA-133.

Background

The JAC held consultations on the EIS with the Cree communities of Waskaganish, Eastmain and Nemaska in October and December 2019 and January 2020. During the JAC's consultations, the Cree communities stated a variety of concerns about the influx of non-Indigenous workers and asked what concrete measures would be taken to restrict, control or inform the use of wildlife and fish resources by employees.

In its answer to Question CEAA-133, the Proponent states the following: "Employees will be required to sign an agreement on these [hunting and fishing] prohibitions as a clause in their contract. When this directive is not followed, the employee may be subject to disciplinary action." The Proponent also points out the following: "Hunting and trapping are prohibited for employees, this will be ensured by the prohibition of [...] firearms and other weapons [IBA, section 5.4.6]. [...] Similarly, other fishing and hunting equipment will be prohibited at the mine site and the worker camp." The Proponent does not specify whether it will check for firearms being transported on its charter flights. In section 3.5.9 of the EIS, the Proponent states that there will be a guard post on the mine's access road to control entry to the site. The Proponent provides no information about how it plans to prevent employees travelling to the mine site by road from bringing firearms with them.

On page 8-57 of the EIS, the Proponent states that non-Indigenous workers will be educated on the traditional activities of Cree users of the land and on the role of the tallymen as managers of the land and resources. The JAC notes that the Proponent does not appear to include the possibility of informing its employees about the various permits required if they want to hunt or fish on Category III land during their two weeks off, during annual vacation, or when they are no longer employed by the Proponent, for example. This might provide them with information on what constitutes poaching in this area.

The Joint Assessment Committee requests that CEC (the Proponent)

- A) Indicate how it plans to check for firearms and trapping and fishing equipment aboard its chartered aircraft, at the guard post at the entrance to the mine site, and at the workers' camp during the construction and operation phases.

- B) Indicate whether there are plans to inform its employees about the permits required to hunt or fish on Category III land, the Category III land regulations (such as the Cree's exclusive rights to certain species) and existing hunting and fishing outfitters in the James Bay area when they no longer have an employment relationship with the Proponent, for example during break periods.

Comments and advice for the Proponent

Comment 1 Educating employees on the Cree way of using the land

References

CEAA (August 2016). *Supplementary information to the final guidelines for the Rose Mining Project*. Section 9.2 (Potential or established Aboriginal and Treaty rights and related interests).

WSP (February 2019). Rose Lithium-Tantalum Project. *Update of the Environmental Impact Statement*. Report prepared for Critical Elements Lithium Corporation. Section 4.2.6 (Concerns and expectations of Indigenous communities), page 4-12.

Comments and advice

On page 4-12 of its EIS, the Proponent states that measures will be taken to educate the mine's non-Cree workers on Cree culture and the land users' practices with a view to helping the two cultural realities coexist more harmoniously.

During the JAC's consultations, the communities consulted proposed a number of activities or measures that could be implemented to promote better relations between the mine workers and the Cree communities. The JAC would like to emphasize the importance of implementing an education program designed by Cree leaders. The members of the neighbouring communities are in the best position to develop a holistic program to help workers understand the Cree culture.

Comment 2 Waste management and capture of bears to minimize the risk of caribou predation

References

WSP (February 2019). Rose Lithium-Tantalum Project. *Update of the Environmental Impact Statement*. Report prepared for Critical Elements Lithium Corporation. Section 3.8.1 (Domestic solid waste).

WSP (December 2019). Rose Lithium-Tantalum Project. *Answers to the Questions and Comments Received from the CEAA*. Report prepared for Critical Elements Lithium Corporation. Answers to Question CEAA-130.

Comments and advice

In section 3.8.1 (Domestic solid waste) of the EIS, the Proponent indicates that domestic solid waste will be sorted at the source to separate recyclable materials from compostable materials. Non-recyclable domestic waste will be stored in animal-proof containers and will be transported to Chibougamau's landfill for disposal.

In its answer to Question 130 A of Information Request No. 1, the Proponent indicates that it plans to install a safety fence and bear-proof containers. In its answer to Question 130 B, the Proponent states that cages will be put in place to capture and relocate bears and wolves that approach the site.

The JAC would like to point out that this type of wildlife capture and relocation operation must comply with existing regulations and that all necessary permits must be obtained before such operations are carried out.

Natural and Cultural Heritage

Requests for information from the Proponent

CCE 82 Natural and cultural heritage and Cree culture

References

CEAA (August 2016). *Supplementary information to the final guidelines for the Rose Mining Project*. Section 9.2 (Potential or established Aboriginal and Treaty rights and related interests).

Background

During the JAC's consultations, representatives of the Eastmain Band Council recommended that the Proponent organize, in conjunction with the Cree community of Eastmain, a ceremony on the future mine site, attended by community members, to honour and recognize Mother Nature and its components that will be adversely affected by the project. The community stressed that this event should be held before construction begins.

The Joint Assessment Committee requests that CEC (the Proponent)

Indicate whether any actions are planned to organize a ceremony recognizing Mother Nature in conjunction with the Eastmain community. If not, explain.

Cumulative Effects

Requests for information from the Proponent

CCE 83 Cumulative effects on the Nemaska community's well-being – Utilization of Nemaska's health care services

References

CEAA (August 2016). *Supplementary information to the final guidelines for the Rose Mining Project*. Section 9.2 (Potential or established Aboriginal and Treaty rights and related interests).

WSP (February 2019). Rose Lithium-Tantalum Project. *Update of the Environmental Impact Statement*. Report prepared for Critical Elements Lithium Corporation. Sections 3 (Project Description), 4.2.3 (Meetings with socio-economic stakeholders), 10.5 (Spatial and temporal boundaries) and 11.2.5.1 (Open pit), pages 3-2, 4-3, 4-4, and 11-18.

WSP (December 2019). Rose Lithium-Tantalum Project. *Answers to the Questions and Comments Received from the CEAA*. Report prepared for Critical Elements Lithium Corporation. Answers to Question CEAA-139.

Background

During the JAC's consultations, the Cree community of Nemaska stated a concern about the pressure that another camp of 400 workers might exert on the community's health system, as Nemaska is the closest community to the proposed mine site and already provides services to other mining companies and Hydro-Québec. Some of the people consulted who work in the community's health and social services area decried the fact that there had been no recent meetings between the Proponent and the Nemaska community's health authorities to assess the project's potential effects on current service delivery in the community or prepare a work plan. The community indicated that it had no idea of the Proponent's future needs, whereas other proponents were working actively with the community to set up their own health care units.

The community also pointed out that its medical and nursing staff had no information about the role they might have to play in the event of a major accident or disaster on the mine site. The community indicated that it was expecting the Proponent to provide information about its medical needs in the event of a major accident and that emergency preparedness exercises would have to be held with the community before the project begins.

The community also mentioned that the physical examinations required by mining proponents for prospective employees were often an employment barrier because most Cree communities do not have a permanent physician and already have long waiting lists of priority cases.

On page 4-4 of the EIS, the Proponent indicated that it had met with representatives of the Nemaska Wellness Centre and the Cree Board of Health and Social Services of James Bay (CBHSSJB) in April 2012 and with representatives of the Community Miyupimaatsiun Centre in December 2018 to discuss the project. On page 3-2 of the EIS, the Proponent states that the mine's facilities include an infirmary. On page 11-18 of the EIS, the Proponent states that there will be a nurse in the infirmary at all times.

In section 10.5 of the EIS, the Proponent concludes that the Rose Mining Project may generate an additional workload, mainly in the community of Nemaska, but the resulting adverse effects are not expected to have a significant impact on the “Community Well-being and Human Health” VC compared with all of the actions on that VC.

The JAC notes that the Nemaska community’s health services feel that, from the beginning of the project’s planning phase, they have not been kept properly informed of future needs and the type of cooperation that might be developed with the Proponent in order to limit the project’s cumulative effects on the well-being of the Nemaska community, which has already been approached by other proponents and has limited resources in a remote area.

The Joint Assessment Committee requests that CEC (the Proponent)

- A) Specify what steps it plans to take with representatives of the Nemaska community’s health and social services area to address their concerns and inform them of its medical needs in the project’s planning phase. The Proponent is encouraged to hold discussions to clarify its medical needs and agree on future cooperation arrangements to reduce the project’s effects on health care delivery in the Cree community of Nemaska.
- B) Explain how it intends to minimize the project’s effects on health care delivery in the Cree community of Nemaska.
- C) Indicate how it intends to ensure that the backlog in medical tests does not prevent Cree applicants from getting jobs at the mine.
- D) Specify whether there are plans to involve Nemaska’s health services in its major accident or disaster emergency response plan, and indicate whether emergency preparedness exercises will be held to ensure that the community’s health services are properly prepared.

CCE 84 Land and resource use – Cumulative effects on current land and resource use for traditional purposes by the Cree community of Nemaska

References

- CEAA (August 2016). *Supplementary information to the final guidelines for the Rose Mining Project*. Sections 9.2 (Potential or established Aboriginal and Treaty rights and related interests) and 12.1.1 (Cumulative environmental effects).
- WSP (December 2019). Rose Lithium-Tantalum Project. *Answers to the Questions and Comments Received from the CEAA*. Report prepared for Critical Elements Lithium Corporation. Answers to Questions CEAA-98 and CEAA-124.

Background

During the JAC’s consultations, the RE1 trapline tallyman pointed out that the project would have a further impact on the land beyond the impacts caused by hydroelectric development in the area.

The Cree community of Nemaska also expressed concern about the cumulative effects that the project might have on land and resource use for traditional purposes because of the recent development of the Nemaska area and the project's location in relation that of the Whabouchi mine. The community noted that recent projects have limited the number of hunting grounds currently available to young hunters. They were adjusting to the situation by hunting mostly along roads and under hydroelectric transmission lines with hunting corridors.

In its answer to Question CEAA-98, the Proponent describes the Cree communities' views: "In fact, the communities consulted do not see this as a constraint to the exercise of their cultural or traditional activities. *The arrival of the project is not incompatible with current or future use in planning and land use. Although the territory was modified with the creation of Hydro-Québec's Eastmain 1 reservoir, the Rose project is not perceived by the Cree as a cumulative impact.*" The JAC notes that these views are different from the ones expressed by the various groups it consulted.

In its answer to Question CEAA-124, the Proponent maintains that the project will alter but not compromise use of the land. It supports this conclusion with the following statement: "[C]onsidering the mitigation measures, and offset projects and agreements with the Crees, the intensity of the effects on current use of lands and resources is considered moderate [...]. The impacts and benefits agreement, signed in July 2019, included mitigation measures and programs that have been negotiated by the Eastmain community and the Cree Nation Government to ensure that these measures address the concerns."

To determine the significance of the project's residual cumulative effects on land and resource use for traditional purposes, the JAC believes that it needs to know about all of the mitigation, compensation and accommodation measures that will be implemented to reduce the cumulative effects on the traditional use of the land, even if those measures or agreements are included in the Impacts and Benefits Agreement.

The Joint Assessment Committee requests that CEC (the Proponent)

- A) Describe all mitigation, environmental monitoring, compensation and accommodation measures included in the Impacts and Benefits Agreement or any other relevant agreements that concern mitigation of the project's cumulative effects on land and resource use for traditional purposes by the Cree communities consulted.
- B) Assess any other mitigation or accommodation measures that could be taken to ensure that the cumulative effects on land and resource use for traditional purposes by the Nemaska community's land users are not significant within the meaning of CEAA 2012.

CCE 85 Worker housing – Cumulative effects on current land and resource use for traditional purposes by the Cree community of Nemaska

References

CEAA (August 2016). *Supplementary information to the final guidelines for the Rose Mining Project*. Sections 9.2 (Potential or established Aboriginal and Treaty rights and related interests) and 12.1.1 (Cumulative environmental effects).

WSP (December 2019). Rose Lithium-Tantalum Project. *Answers to the Questions and Comments Received from the CEAA*. Report prepared for Critical Elements Lithium Corporation. Answers to Question CEAA-3.

WSP (February 2020). Rose Lithium-Tantalum Project. *Answers to the Non-compliance of the First Request of Information from the IAAC*. Report prepared for Critical Elements Lithium Corporation. Answer to Question CEAA-1.

Background

During the JAC's consultations, the Cree community of Nemaska recommended that an existing camp be used in order to limit the project's footprint on the land. The community expressed concern about the proximity of the project, which is 38 km away, especially since the Whabouchi mining project is 40 km southeast of the proposed project. The community noted that recent development projects have limited the number of hunting grounds available to young hunters. The community also indicated that if all of the mining projects currently proposed went ahead, they could bring a large number of non-Indigenous people into the area, which would also contribute to the cumulative effects on land use and the well-being of Nemaska.

In the JAC's opinion, housing the workers in the existing camp 25 km away would have lower potential for cumulative effects on current land and resource use for traditional purposes and would put greater physical distance between the camp for the Proponent's workers and the community of Nemaska, which is feeling the effects of another, nearby worker camp. In its answer to Question CEAA-3, the Proponent does not appear to completely rule out the option of the worker camp 4 km from the mine site.

The Joint Assessment Committee requests that CEC (the Proponent)

For each of the two options for the location of the worker camp – the existing camp 25 km from the mine site, and the proposed camp 4 km away – assess the residual effects and the residual cumulative effects based on criteria (e.g., intensity and extent) and the likelihood that they will have significant adverse effects on current land and resource use for traditional purposes. The Proponent is encouraged to focus on the effects on the community of Nemaska.

CCE 86 Land and resource use – Cumulative effects on current land and resource use for traditional purposes on Nemaska trapline R16

References

CEAA (August 2016). *Supplementary information to the final guidelines for the Rose Mining Project*. Sections 9.2 (Potential or established Aboriginal and Treaty rights and related interests) and 12.1.1 (Cumulative environmental effects).

WSP (February 2019). Rose Lithium-Tantalum Project. *Update of the Environmental Impact Statement*. Report prepared for Critical Elements Lithium Corporation. Section 10.8 (Conclusion of the cumulative effects assessment), page 10-55.

WSP (February 2020). Rose Lithium-Tantalum Project. *Answers to the Non-compliance of the First Request of Information from the IAAC*. Report prepared for Critical Elements Lithium Corporation. Answer to Question CEAA-122.

Background

During the JAC's consultations, the tallyman of trapline R16 (Nemaska) indicated that his family was already feeling the effects of multiple sources of disturbance interfering with his traditional activities. He pointed out that the village of the community of Nemaska is on this trapline, as are Hydro-Québec's Nemiscau airport and two Hydro-Québec electrical substations, in addition to some traditional activity exclusion zones. He also noted that the Route du Nord and the Nemiscau-Eastmain-1 road go through the southern part of the trapline.

In section 10.8 of the EIS, the Proponent concludes that its analysis does not indicate the need for additional mitigation measures to limit the effects on current use, since [Translation] "the project will have only non-significant cumulative effects on the Cree communities of Eastmain and Nemaska." On page 10-55 of the EIS, the Proponent states that, for now, the cumulative effect on land and resource use is limited to the families that use traplines RE1 and R19 and have various camps along the Nemiscau-Eastmain road.

The map of trapline R16, which the Proponent provided to the JAC in confidence in the clarification of its response to Question CEAA-122, shows the baseline conditions for practising traditional activities. The JAC notes that the tallyman of trapline R16 may feel some residual cumulative effects of the project on his current land and resource use for traditional purposes, and that there are no plans for him to participate in the follow-up program on traditional use of the land.

The Joint Assessment Committee requests that CEC (the Proponent)

Assess the possibility of inviting the R16 trapline tallyman to participate in the follow-up program on traditional land use.

Accidents and Malfunctions

Requests for information from the Proponent

CCE 87 Nemaska's first responders and accident and malfunction response time in the James Bay area

References

CEAA (December 2012). *Guidelines for Preparing an Environmental Impact Assessment*. Part II, section 7.1.2 (Effects of possible accidents or malfunctions).

CEAA (August 2016). *Supplementary information to the final guidelines for the Rose Mining Project*. Section 9.2 (Potential or established Aboriginal and Treaty rights and related interests).

WSP (February 2019). Rose Lithium-Tantalum Project. *Update of the Environmental Impact Statement*. Report prepared for Critical Elements Lithium Corporation. Section 4.2.3 (Meetings with socio-economic stakeholders), page 4-4.

WSP (December 2019). Rose Lithium-Tantalum Project. *Answers to the Questions and Comments Received from the CEAA*. Report prepared for Critical Elements Lithium Corporation. Answer to Question CEAA-148.

Background

During the JAC's consultations in the Cree community of Nemaska, the community recommended that the Proponent keep Nemaska's first responders properly informed and hold fire simulation exercises with the responders before the project begins, to reassure the community. In its answer to Question CEAA-148, the Proponent indicates that Nemaska's police and fire services may be asked to play a role in a number of accidents or emergency situations, but that "it is too early in the process and an agreement is not yet reached with these two organizations." On page 4-4 of the EIS, the Proponent states that it met with the Nemaska Police Service once in June 2012. It appears that the Proponent did not meet with or provide information to any representatives of the Fire Service.

In its answer to Question CEAA-148, the Proponent states that it is committed to presenting the emergency plan to community band councils. The JAC notes, however, that Nemaska's first responders do not appear to have been informed of the details of their involvement in the mine's emergency plan.

The Joint Assessment Committee requests that CEC (the Proponent)

- A) Describe the steps that it plans to take to inform the Nemaska community's first responders (Police Service and Fire Service) of their possible involvement in the emergency plan.
- B) Assess the possibility of holding emergency simulation exercises with Nemaska's first responders to reassure the residents.

CCE 88 Major accident and malfunction response time in the James Bay area

References

CEAA (August 2016). *Supplementary information to the final guidelines for the Rose Mining Project*. Section 9.2 (Potential or established Aboriginal and Treaty rights and related interests).

WSP (December 2019). Rose Lithium-Tantalum Project. *Answers to the Questions and Comments Received from the CEAA*. Report prepared for Critical Elements Lithium Corporation. Answers to Question CEAA-148.

Background

In the winter of 2019, the Cree community of Waskaganish expressed its doubts and concerns regarding the Proponent's technical capability to contain a major accident or malfunction at the water treatment plant

and in its effluent in Stream A within 12 hours, in view of the distances and the resources available in the James Bay area.

In its answer to Question CEAA-148, the Proponent estimated that it would take one to two hours to contain an accident or malfunction. The Proponent does not specify what type of accident or malfunction or how serious an accident or malfunction it is referring to. The Proponent does not explain how it would be able to respond in less than two hours in the James Bay area.

The Joint Assessment Committee requests that CEC (the Proponent)

Explain the factors (e.g., the procedure(s)) that support a response time of no more than two hours in the event of a major accident or malfunction in the James Bay area to address the Cree communities' concerns. The Proponent is encouraged to provide examples or references from other proponents active in the same region, if applicable.

CCE 69 Compensation in the event of accidental spills

References

CEAA (August 2016). *Supplementary information to the final guidelines for the Rose Mining Project*. Section 9.2 (Potential or established Aboriginal and Treaty rights and related interests).

Background

During the JAC's consultations, some members of the Cree community of Waskaganish raised an issue with respect to compensation in the event of a spill. The mine's main environmental effect for this community would be on the watercourses and bodies of water on the traplines connected to the mining site. Accidental contamination of or a spill into one of those watercourses or bodies of water could have a significant effect on their ecosystems. There is no indication in the EIS whether there are plans for compensation in the event of a spill or contamination of the water on the Waskaganish community's traplines.

The Joint Assessment Committee requests that CEC (the Proponent)

Specify whether there are plans for compensation in the event of a spill or accidental contamination of the watercourses or bodies of water.

Inequity of Impacts

Requests for information from the Proponent

CCE 70 Socio-economic effects on the Cree

References

CEAA (August 2016). *Supplementary information to the final guidelines for the Rose Mining Project*. Section 9.2 (Potential or established Aboriginal and Treaty rights and related interests).

WSP (February 2020). Rose Lithium-Tantalum Project. *Answers to the Non-compliance of the First Request of Information from the IAAC*. Report prepared for Critical Elements Lithium Corporation. Answers to Question CEAA-140.

Background

During the JAC's consultation with the representative of the women of the Cree community of Eastmain, the latter recommended the establishment of informal support groups to break the isolation and promote retention of Cree employees (sewing, traditional cooking, etc.).

In the clarification of its response to Question CEAA-140, the Proponent states that it will support "the efforts of the Eastmain community to put in place support programs for women." There is no indication of what support program(s) the Proponent is referring to for mitigating the project's potential effects on women.

The Joint Assessment Committee requests that CEC (the Proponent)

Specify what support programs for women it is referring to in its mitigation measures to minimize the project's effects on women, and what types of support are planned, and indicate whether those programs are for Cree women who would be employed by the company and/or women from the community in general.

CCE 71 Training of Cree workers

References

CEAA (August 2016). *Supplementary information to the final guidelines for the Rose Mining Project*. Section 9.2 (Potential or established Aboriginal and Treaty rights and related interests).

WSP (December 2019). Rose Lithium-Tantalum Project. *Answers to the Questions and Comments Received from the CEAA*. Report prepared for Critical Elements Lithium Corporation. Answers to Questions CEAA-140 and CEAA-146.

Background

During the JAC's consultations, the issue of training to facilitate Cree access to employment was raised multiple times. The communities said that they did not know what types of training are required and expressed concern that the training would not be available in time for Cree workers to take advantage of the jobs created by the project and that the training would not be accessible in the communities that may feel the project's effects.

In its answer to Question CEAA-146, the Proponent indicates that it is in communication with Apatisiwin Skills Development (ASD) (formerly Cree Human Resource Development) and the James Bay training centres to ensure that the necessary training will be available. There is no indication of what steps are being taken for which types of training, or when and where the training will be available to address the Cree communities' concerns.

In its answer to Question CEAA-140, the Proponent makes the following commitment to minimize the project's effects on Cree women: "CEC is committed to implement support programs in communities that could contribute to the work-family balance, such as training programs for social workers and childcare workers." In its answer to Question CEAA-146, the Proponent states the following: "To ensure that communities have the necessary resources, training programs, such as social workers and childcare services, will be offered in communities. This will make available new jobs in communities."

The Joint Assessment Committee requests that CEC (the Proponent)

- A) Specify what training was discussed in the talks with the James Bay training centres. The Proponent is encouraged to state when the arrangements for training will be completed and where the training is expected to be delivered, as applicable.
- B) Provide clarification on the proposed measure for mitigating the project's effects on women through training in social work and childcare services, indicating in particular whether those jobs will be at the mine and/or in the Eastmain community. The Proponent must indicate whether the creation of a childcare service is planned as part of the project.

CCE 72 Dissemination and accessibility of environmental follow-up reports to the non-Indigenous public

References

CEAA (December 2012). *Guidelines for Preparing an Environmental Impact Assessment*. Part II, section 16 (Follow-up Program and Environmental Management Plan).

WSP (December 2019). Rose Lithium-Tantalum Project. *Answers to the Questions and Comments Received from the CEAA*. Report prepared for Critical Elements Lithium Corporation. Answers to Question CEAA-147.

Background

In its answer to Question CEAA 147 B, the Proponent does not specify whether it plans to post environmental follow-up reports on its website so that they will be available to the non-Indigenous public in every phase of the project. The JAC notes that this would address a concern raised by the non-Indigenous public.

The Joint Assessment Committee requests that CEC (the Proponent)

Indicate how it intends to make its environmental follow-up reports available to the non-Indigenous public, assessing in particular the possibility of posting all environmental follow-up reports on the company's website.

CCE 73 Translation into Cree

References

CEAA (August 2016). *Supplementary information to the final guidelines for the Rose Mining Project*. Section 9.2 (Potential or established Aboriginal and Treaty rights and related interests).

WSP (December 2019). Rose Lithium-Tantalum Project. *Answers to the Questions and Comments Received from the CEAA*. Report prepared for Critical Elements Lithium Corporation. Answers to Questions CEAA-130 and CEAA-146.

Background

During the JAC's consultations in the Cree communities of Waskaganish and Nemaska, the issue of the importance of having a summary of the predicted environmental impacts in each phase of the project and the Proponent's promotional materials translated into Cree was raised.

In its answer to Question CEAA-146, the Proponent states that it is committed to translating a promotional video and a presentation on the project into Cree so that they can be posted on the Cree Nation's Facebook page.

The Joint Assessment Committee requests that CEC (the Proponent)

Indicate what documents it plans to translate into Cree in the future, and specify whether it plans to provide a summary of the project's environmental effects in Cree. The Proponent is encouraged to translate the final table of observed effects on the behaviour of species valued by the Cree, as requested in Question CEAA-79.

CCE 74 Control of marijuana use on the mine site

References

CEAA (August 2016). *Supplementary information to the final guidelines for the Rose Mining Project*. Section 9.2 (Potential or established Aboriginal and Treaty rights and related interests).

WSP (December 2019). Rose Lithium-Tantalum Project. *Answers to the Questions and Comments Received from the CEAA*. Report prepared for Critical Elements Lithium Corporation. Answers to Question CEAA-146.

Background

During the JAC's consultations in the Cree community of Eastmain, a concern was expressed about what the Proponent would do to control workers' use of marijuana. During the public information session, the Proponent indicated that an answer might be provided later to address the Cree's concern.

In its answer to Question CEAA-146, the Proponent indicates that drinking alcohol will be prohibited at the mining camp. The Proponent does not specify whether the use of marijuana will be permitted on the mine site. Under the federal *Cannabis Act*, an employer may, by managerial right, restrict the use of cannabis or even prohibit it entirely.

The Joint Assessment Committee requests that CEC (the Proponent)

Specify how it plans to control marijuana use by employees on the mine site and at the worker camp.

CCE 75 Sexual harassment

References

CEAA (August 2016). *Supplementary information to the final guidelines for the Rose Mining Project*. Section 9.2 (Potential or established Aboriginal and Treaty rights and related interests).

WSP (February 2020). Rose Lithium-Tantalum Project. *Answers to the Non-compliance of the First Request of Information from the IAAC*. Report prepared for Critical Elements Lithium Corporation. Answer to Question CEAA-140.

Background

During the JAC's consultation with the representative of the women of the Eastmain community, the latter expressed concern regarding the presence of a large group of males in a remote area and the potential effects on sexual harassment that women frequenting the area might experience. The representative also indicated that women from the community could assist in developing and delivering sexual harassment workshops for mine employees if that option is accepted by the Proponent.

In the clarification of its response to Question CEAA-140, the Proponent states the following: “On the negative side, the project will cause a larger male population to be in proximity of the communities and one of the main preoccupations discussed during consultations, is the risk that this could pose for women in the communities. *Likewise, preoccupations concerning increased use of alcohol and drugs exacerbate the situation.* In order to address these preoccupations, CEC will [create] a safe environment for women employees whereby sexual harassment is not tolerated.” The Proponent does not explain what measures will be taken to achieve that goal.

The Joint Assessment Committee requests that CEC (the Proponent)

- A) Specify whether the work contracts of the Proponent’s employees and contractors/subcontractors will contain provisions regarding zero tolerance for any form of harassment, especially of women. If there are no plans for such provisions, provide an explanation for that decision.
- B) Indicate whether any other measures will be implemented to educate workers with regard to sexual harassment and whether that education will be mandatory.
- C) Indicate whether there will be any follow-up if sexual harassment occurs, and specify whether any of the project’s follow-up programs will address the issue.

Comments and advice

The JAC encourages the Proponent to hold discussions with women from the Eastmain community and with the Cree Women of Eeyou Istchee Association to find out if they are interested in participating in the Proponent’s initiatives to minimize the project’s potential effects on women.