

## **DRAFT AGREEMENT TO CONDUCT A REGIONAL ASSESSMENT IN THE RING OF FIRE AREA**

### **Preamble**

WHEREAS the federal Minister of Environment and Climate Change has statutory responsibilities under the *Impact Assessment Act*.

WHEREAS the federal Minister of Environment and Climate Change may establish a committee to conduct a regional assessment of the effects of existing or future physical activities carried out in a region. Where that region is composed in part of federal lands or is entirely outside federal lands, he or she may enter into an agreement or arrangement with another jurisdiction respecting the joint establishment of a committee to conduct the assessment and the manner in which the assessment is to be conducted.

WHEREAS the Government of Canada is committed, in the course of exercising its powers and performing its duties and functions in relation to impact, regional and strategic assessments under the *Impact Assessment Act*, to ensuring respect for the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the *Constitution Act, 1982*, and to fostering reconciliation with the Indigenous peoples of Canada.

WHEREAS the area known as the Ring of Fire in northern Ontario is inhabited and used by Indigenous peoples within the territory of Treaty #9 who hold and exercise Aboriginal and/or Treaty rights in the area.

WHEREAS the Governments of Canada and Ontario wish to ensure that Indigenous peoples and the public have opportunities to participate meaningfully in the planning and conduct of the Regional Assessment that is the subject of this Agreement.

WHEREAS the area known as the Ring of Fire in northern Ontario is the location of existing and potential mineral exploration and mine development activities.

WHEREAS the Governments of Canada and Ontario acknowledge that sustainable development seeks to attain a balance between economic activity and its benefits, environmental protection, and the health, cultural, social and economic well-being of people and communities.

WHEREAS the Governments of Canada and Ontario acknowledge the importance of sound decision-making to ensure that economically beneficial and environmentally responsible projects move forward in a manner that fosters sustainability.

WHEREAS the Governments of Canada and Ontario wish to support Indigenous peoples in having economic opportunities and access to infrastructure that would benefit their communities, in accordance with their needs and objectives.

WHEREAS the Governments of Canada and Ontario wish to enhance the

effectiveness and efficiency of impact assessments for future mine development and other physical activities in the area centered on the Ring of Fire mineral deposits in northern Ontario.

THEREFORE, the federal Minister of Environment and Climate Change and the provincial Minister of Northern Development, Mines, Natural Resources and Forestry together hereby agree to establish a Committee to conduct a Regional Assessment in the area centered on the Ring of Fire mineral deposits in northern Ontario, in accordance with the provisions of this Agreement and the Terms of Reference attached as Appendix B.

## Definitions

For the purpose of this Agreement:

“**Agency**” means the Impact Assessment Agency of Canada established under the *Impact Assessment Act*.

“**Assessment Area**” means the Assessment Area for the Regional Assessment as described in Section 2.2 and Appendix A of this Agreement.

“**Assessment Priorities**” means the environmental, health, cultural, social and economic components specified in Section 2.3 of this Agreement upon which the Regional Assessment’s analysis of effects and associated recommendations will be focused.

“**Committee**” means the Committee established to conduct the Regional Assessment to which this Agreement pertains.

“**Effects**” means, unless the context requires otherwise, changes to the environment or to health, social or economic conditions and the positive and negative consequences of these changes.

“**IAA**” means the federal *Impact Assessment Act*, S.C. 2019

“**Indigenous Knowledge**” means knowledge held and shared by, and based on the worldview of, Indigenous peoples that is relevant to the Regional Assessment.

“**Indigenous peoples**” has the meaning assigned by the definition “*aboriginal peoples of Canada*” in subsection 35(2) of the *Constitution Act, 1982*.

“**Mine development activities**” means the physical activities associated with the construction, operation, decommissioning, closure and rehabilitation of a mine and the associated facilities that support it, are specific to that mine, and are proposed as part of that mine for the purposes of its development.

“**Ministers**” means, collectively, the federal Minister of Environment and Climate Change and the provincial Minister of Northern Development, Mines, Natural

Resources and Forestry for Ontario.

**“Mitigation measures”** means measures to eliminate, reduce, control or offset the adverse effects of a project or designated project, and includes restitution for any damage caused by those effects through replacement, restoration, compensation or any other means.

**“Regional Assessment”** means the Regional Assessment that is conducted under this Agreement, pursuant to Sections 93 to 103 of the IAA.

**“Report”** means the Regional Assessment Report produced by the Committee pursuant to Subsection 102 (1) of the IAA.

**“Study Area”** means one or more Study Areas for the Regional Assessment defined by the Committee, as described in Section 2.5 and Appendix A of this Agreement.

**“Sustainability”** means the ability to protect the environment, contribute to the social and economic well-being of the people of Canada and preserve their health in a manner that benefits present and future generations.

## 1.0 Regional Assessment Goal and Objectives

1.1 The goal of the Regional Assessment that is the subject of this Agreement is:

*To provide information, knowledge and analysis regarding mine development activities and other existing and future physical activities in the Ring of Fire and their potential effects, in order to enhance the effectiveness and efficiency of future impact assessments for these activities in a way that helps protect the environment and health, cultural, social and economic conditions while also creating opportunities for sustainable economic development.*

1.2 The objectives of the Regional Assessment are to facilitate the above goal by:

- a) Providing information, knowledge and analysis related to key, regional-scale environmental, health, cultural, social and economic conditions, values, and issues, with consideration and integration of both Indigenous knowledge and scientific information.
- b) Identifying and recommending mitigation measures and other potential and innovative approaches for addressing potential positive and adverse effects (both project-specific and cumulative, including potential impacts on Indigenous peoples) as part of future decision-making for mine development activities, in a manner that fosters sustainability;
- c) Providing an understanding of the regional context that can be used in considering and evaluating the effects of future mine development activities,– to inform future impact assessments and the planning and management of cumulative effects; and

- d) Describing how the findings or recommendations of the Regional Assessment could be used to enhance the effectiveness and efficiency of, future impact assessments, as well as other initiatives as applicable.

## **2.0 Scope of the Regional Assessment**

2.1 Given the known mineral resources and mining potential of the Assessment Area, the Regional Assessment will focus on future mine development activities and their potential effects, as these types of activities are considered the most likely future physical activities to be proposed and carried out in this region in the foreseeable future. Although it is not possible to predict with any certainty the specific nature, location or timing of such mineral development activities, the regional assessment will consider the types of future mining activities that are most likely to occur, based on the mineral deposits that are known to be present and the manner in which they could be developed. In doing so, the Regional Assessment will also consider the relationship of, and potential interactions between, the potential effects of future mine development activities with those of other existing and future activities, including the potential for resulting cumulative effects (see Appendix B, Section 2.2, Item h).

2.2 The geographic boundary of the Assessment Area for Regional Assessment will be as follows:

An area centered on the Ring of Fire mineral deposits in northern Ontario, which reflects the specific underlying geological formations that represent the Ring of Fire mineral deposits as set out in Appendix A. This area encompasses the future mine development activities upon which the Regional Assessment's analysis of effects and associated recommendations will focus (see Section 2.3 and Appendix B Section 2.2 Items e) to j)).

2.3 In identifying and considering potential positive and adverse effects, the Regional Assessment will focus on the following Assessment Priorities. These represent key environmental, social, cultural and economic components which may be affected by future mine development activities in the Assessment Area, but which are often challenging to address solely through individual project-level assessments and decisions, making a regional-scale approach to effects assessment and management appropriate and beneficial. This focus is intended to enable improved efficiency and effectiveness of future project impact assessments:

- a) Surface and ground water (quality and quantity), including wetlands (peatlands)
- b) Woodland caribou
- c) Physical and cultural heritage
- d) Current use of lands and resources for traditional purposes by Indigenous peoples
- e) Economy, employment and business
- f) Community health and well-being

2.4 In conducting the Regional Assessment, the Committee will also define one or more Study Areas for the purposes of the description and analysis of the current environmental,

health, cultural, social and economic conditions, and for the identification and consideration of potential positive and adverse effects (including cumulative effects) on the Assessment Priorities.

2.5 It is acknowledged that there are on-going impact and environmental assessments for proposed road developments in Northern Ontario that are not linked to specific mine development activities, which will continue according to their separate legislated processes and timelines. Therefore, the scope, conduct and outcomes of the regional assessment will not duplicate those of these on-going assessments, including their project-specific assessments of effects, analyses of the purpose of and need for these projects, or other factors and components.

### **3.0 Establishment, Purpose and Composition of the Committee**

3.1 A Committee will be established pursuant to subsection 93(1) of the IAA. The Committee will conduct the Regional Assessment in accordance with the IAA, this Agreement, and its Terms of Reference outlined in Appendix B of this Agreement.

3.2 The Committee will be a joint committee between the federal Minister of Environment and Climate Change and the provincial Minister of Northern Development, Mines, Natural Resources and Forestry for Ontario.

3.3 The Committee will consist of five members approved by the Ministers.

3.4 Should one or more Committee members be unable to complete the Regional Assessment, the Ministers will decide whether to replace the Committee member(s) or to have the Committee proceed to complete the Regional Assessment with the remaining members.

3.5 The Committee will have all the powers and obligations set out under Sections 97 to 102 of the IAA.

3.6 The Committee's mandate and responsibilities, outlined in its Terms of Reference (Appendix B), are established by the Minister of Environment and Climate Change in accordance with Sections 93 and 96 of the IAA.

3.7 The Committee members will have knowledge or experience relevant to the Regional Assessment, including with respect to the types of mine development activities that may occur in the Assessment Area, the potential positive and adverse effects that are associated with these, and/or of the interests and concerns of Indigenous peoples that are relevant to the Regional Assessment.

3.8 The Committee members will also have knowledge or experience related to one or more of the following: impact and/or environmental assessment; regional assessment; environmental, health, cultural, social or economic effects (positive and adverse) and their management; sustainability; Indigenous and public participation; Indigenous peoples and their communities, activities, interests, perspectives and knowledge; mine development activities; economic development and infrastructure in northern regions.

3.9 The Committee members will be unbiased and free from real or perceived conflict of interest with respect to the Regional Assessment.

#### **4.0 Committee Secretariat**

4.1 A Secretariat will be established to provide administrative and technical support to, and at the direction of, the Committee during the conduct of the Regional Assessment.

4.2 The Secretariat will be co-managed by, and comprised of staff assigned from, the Agency and the Government of Ontario.

4.3 The activities and responsibilities of the Secretariat will include: work planning and scheduling, communications, administration and record keeping, compiling and providing information and knowledge (both Indigenous and scientific) that is relevant to the Regional Assessment; support for public and Indigenous participation activities, and the drafting of documents and other materials at the direction of the Committee.

4.4 The Secretariat will identify, compile and provide to the Committee existing and available information that is relevant to the Regional Assessment including information related to: environmental, health, cultural, social and economic conditions; mine development activities and their potential effects; mitigation measures; monitoring and follow-up measures; and other information as applicable subject to any limits on the use of such information or the need to update or otherwise verify the information.

4.5 Existing information includes but is not limited to that contained in any past or ongoing impact or environmental assessments conducted under federal or provincial legislation, and information provided by government, industry, academia, Indigenous peoples or the public.

#### **5.0 Advisory Supports to the Committee**

5.1 The Committee will establish, and seek information and advice from, a number of advisory supports during the conduct of the Regional Assessment, as outlined in the sections that follow and in Appendix C of this Agreement.

##### *General Role and Function of the Advisory Supports*

5.2 The role of these advisory supports will include assisting the Committee in identifying, accessing, analyzing and using information and knowledge that is relevant to the Regional Assessment, as well as in identifying and evaluating information and knowledge gaps and recommending approaches to address these.

5.3 These advisory supports will be comprised of individuals or organizations from within or outside of government, including Indigenous peoples, who have knowledge or experience deemed relevant to the Regional Assessment by the Committee. They will be identified by the Committee, including by way of a public call for interest through which interested persons will provide information on their relevant interests, qualifications and affiliations to the Committee.

5.4 These advisory supports will identify, provide and support the use and integration of Indigenous knowledge and scientific, technical and socio-economic information in the conduct of the Regional Assessment.

5.5 The composition and activities of these advisory supports may vary from time to time in relation to the needs, work or expertise required and requested by the Committee during the course of the Regional Assessment.

5.6 Involvement in, and the provision of information and input through, one or more of these advisory supports will not restrict any individual's or organization's participation in the public and Indigenous participation activities undertaken by the Committee, nor the ability to make separate submissions to the Committee during the Regional Assessment process.

*Advisory Support: Indigenous Knowledge and Perspectives*

5.7 The Committee will seek knowledge and perspectives from Indigenous peoples on matters relevant to the conduct of the Regional Assessment.

5.8 This will include sharing Indigenous knowledge and perspectives on some or all of the topics listed in Appendix C Section C1.1, in accordance with the principles and requirements set out in Appendix B and in keeping with established Indigenous protocols and procedures as applicable.

*Advisory Support: Scientific, Technical and Socio-Economic Information and Analysis*

5.9 The Committee will seek scientific, technical and socio-economic information and advice from representatives of federal and provincial government, departments, agencies and ministries, industry and non-governmental organizations and individuals (both Indigenous and non-Indigenous) on matters relevant to the conduct of the Regional Assessment.

5.10 This advisory support will assist the Committee in gathering and analyzing relevant data and information and in conducting scientific, technical and socio-economic analysis, and will provide expertise in relation to the Regional Assessment. This will include sharing information and expertise on some or all of the topics listed in Appendix C Section C1.2.

*Participation of Government Departments and Agencies*

5.11 In addition to participation through the above described advisory supports, federal authorities and provincial authorities having specialist or expert information or knowledge with respect to the Regional Assessment may be required to make that information or knowledge available to the Committee in an acceptable manner and within a specified period.

5.12 This may include providing information, knowledge or advice to the Committee related to the topics listed in Appendix C, or any other matter relevant to the Regional Assessment as requested by the Committee.

## **6.0 Indigenous Talking / Sharing Circle**

6.1 Recognizing and acknowledging the Indigenous ties to and use of lands and waters to conduct traditional and cultural activities that may be affected by future mine development activities in the Assessment Area, an Indigenous Talking / Sharing Circle may be established.

6.2 The Circle would allow participants, respecting and valuing their relationship to the land and creation, to bring forward and share traditional knowledge, information and perspectives in a collaborative manner for consideration by the Committee in its conduct of the Regional Assessment.

6.3 Further details on the Circle are provided in Appendix D of this Agreement.

## **7.0 Report and Records**

7.1 The Committee will submit regular status updates to the Ministers during the conduct of the Regional Assessment.

7.2 The Committee will describe the conduct, and document the results, of the Regional Assessment in its Report.

7.3 The Report will contain information as outlined in the Committee's Terms of Reference (Appendix B).

7.4 The Report will take into account and reflect the views of all Committee members. Any areas of non-consensus and associated dissenting viewpoints will be reflected in the Report.

7.5 The Committee will make its draft Report available for an Indigenous and public review and comment period, including review by Indigenous peoples, and will advise the public that the draft Report is available on the Canadian Impact Assessment Registry Internet site.

7.6 The Committee will submit its final Report to the Ministers within 18 months of the public announcement of the appointment of its members by the federal Minister of Environment and Climate Change.

7.7 Upon receiving the Committee's Report, the federal Minister of Environment and Climate Change will make the final Report available to the public and will advise the public that the final Report is available on the Canadian Impact Assessment Registry Internet site.

7.8 The Committee will ensure that the information that it uses when conducting the Regional Assessment is made available to the public through the Canadian Impact Assessment Registry or by other means.

7.9 The Canadian Impact Assessment Registry, which is comprised of project files and



an Internet site, will be maintained by the Secretariat on behalf of the Committee during the conduct of the Regional Assessment in a manner that provides for convenient public access.

## **8.0 Interjurisdictional Cooperation**

8.1 The parties to this Agreement will work cooperatively, in accordance with this agreement, in the conduct of the Regional Assessment, including in considering and responding to:

- a) Any public submissions, including questions or comments, that may be received by the federal Minister of Environment and Climate Change or provincial Minister of Northern Development, Mines, Natural Resources and Forestry during and regarding the conduct of the Regional Assessment; and
- b) Any request from the Committee for clarification or amendments to its terms of reference (Appendix B) or other related matters, including the regular status updates provided by the Committee.

8.2 Once the Committee's final Report has been submitted, the parties to this Agreement will continue to work together to consider and determine whether and how to respond to and implement the findings and recommendations resulting from the Regional Assessment.

## **9.0 Costs**

9.1 Funding will be made available by the Agency to facilitate the involvement of Indigenous peoples, including Indigenous communities and Indigenous organizations, non-government organizations and individuals in the Regional Assessment through the Agency's Participant Funding Program.

## **10.0 Amending the Agreement**

10.1 The terms and provisions of the Agreement may be amended by written memorandum executed by the Ministers.

10.2 The Agreement may be terminated by either party at any time by written notice signed by either one of the Ministers with 30 days notice of termination.

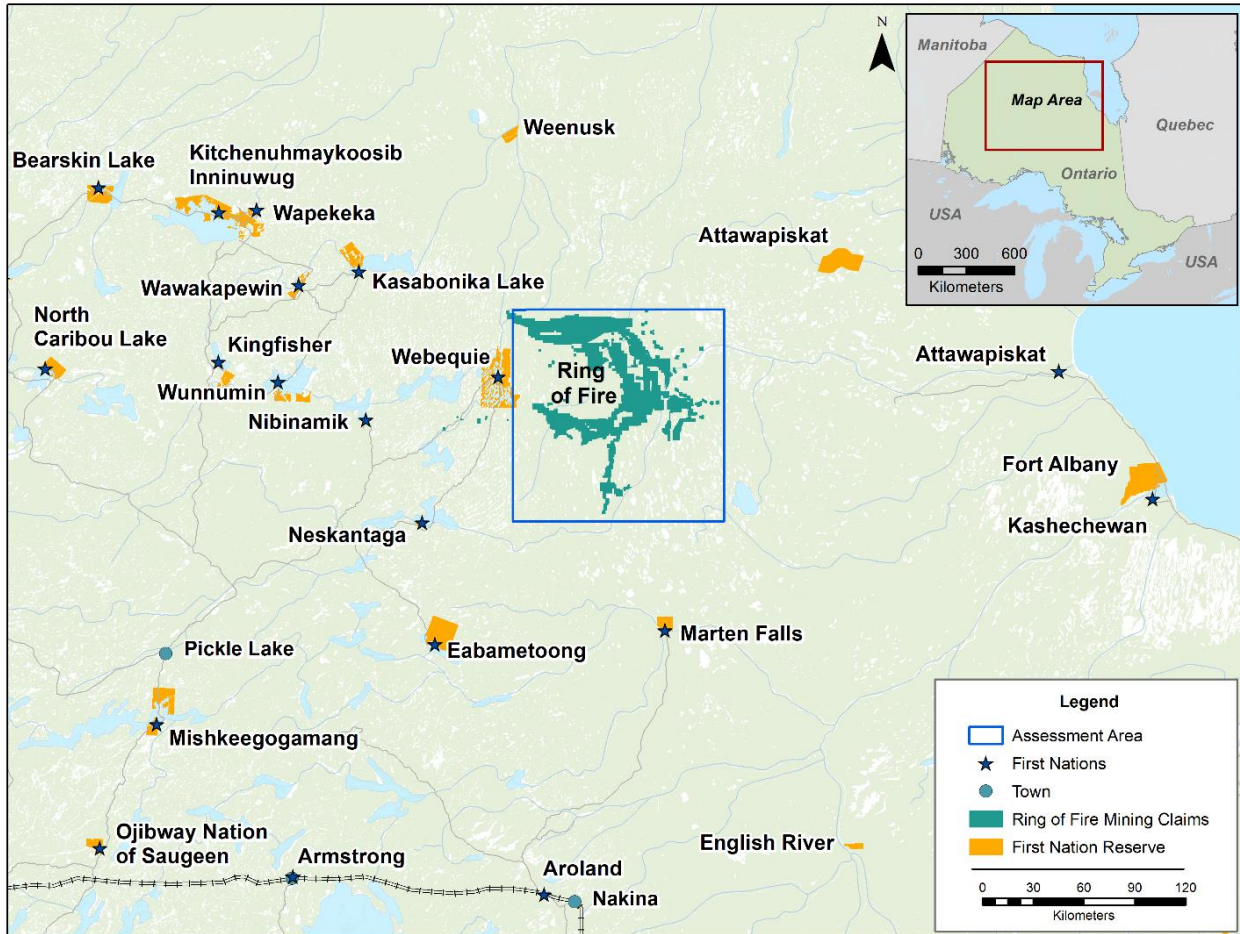
## **11.0 Signatures**

11.1 This Agreement may be signed by the parties in counterpart.

**[SIGNATURE BLOCKS AND DATES]**

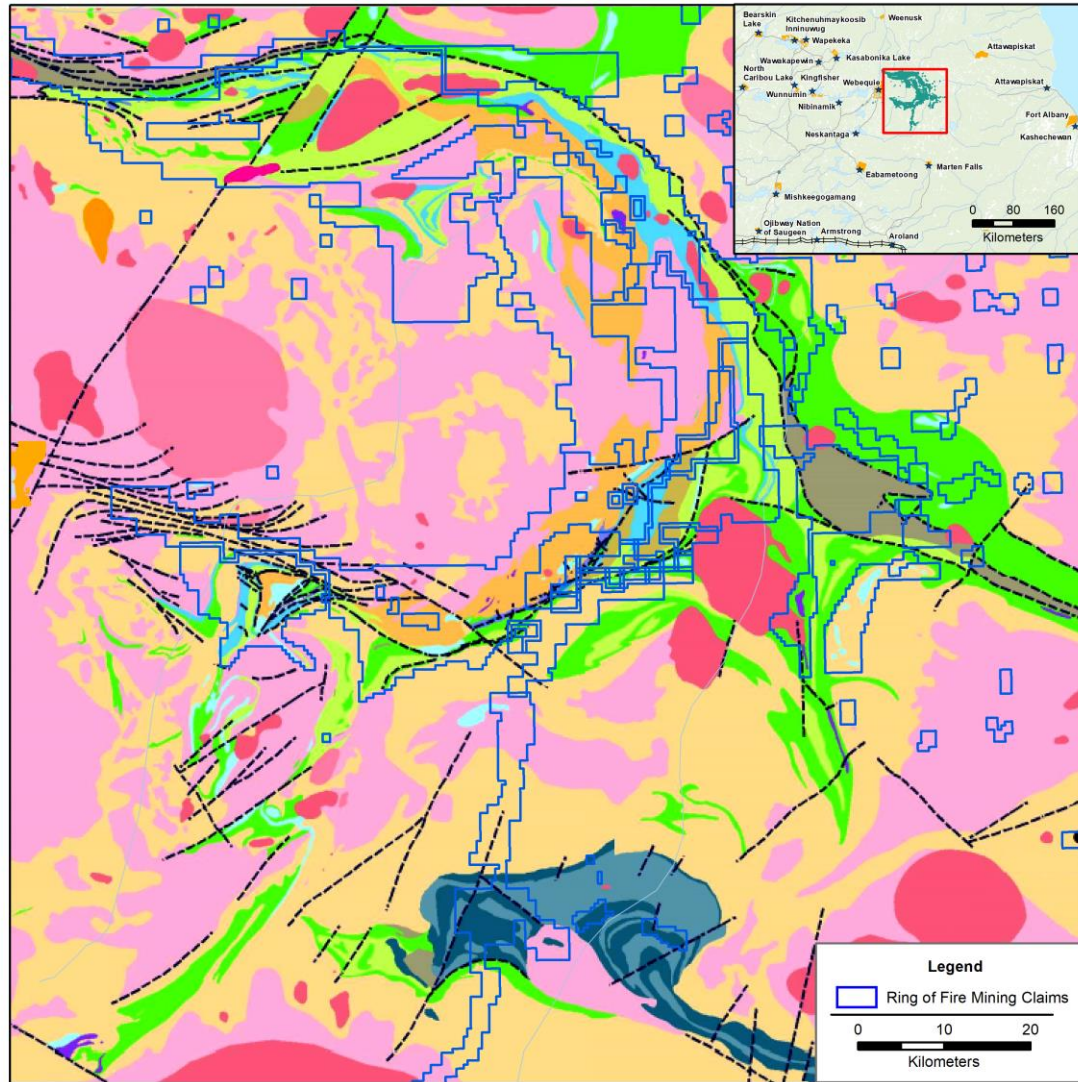
## APPENDIX A Regional Assessment Geographic Boundaries

A1.1 The maps below illustrate the “Assessment Area” for the Regional Assessment, which is an area centered on the Ring of Fire mineral deposits in northern Ontario and which reflects the specific underlying geological formations that represent the Ring of Fire mineral deposits. This area encompasses the future mine development activities upon which the Regional Assessment’s analysis of effects and associated recommendations will focus (See Agreement Section 2.3 and Appendix B Section 2.2 Items e) to h)).



**Figure 1 Regional View**

*Note:* The “Assessment Area” polygon shown above is the area defined as the “Ring of Fire” region by the Ontario Geological Survey (OGS), and the Geological Survey of Canada (GSC) for bedrock geological mapping (OGS P.Map 3804 / GSC OF 8200, OGS P.Map 3805 / GSC OF 8201 and OGS P.Map 3806 / GSC OF 8202). Mining claims data are current as of October 2020.



- |   |  |   |  |   |   |   |  |   |  |
|---|--|---|--|---|---|---|--|---|--|
| ---   | Paleozoic edge                                     | — | Faults   | —   | Mafic dike  | — | Trace of fold axes                                   |   |  |
| <b>Neoarchean to Mesoarchean Felsic to Intermediate Intrusive Rocks</b> |  |   |  | <b>Neoarchean Mafic to Ultramafic Intrusive Rocks</b>     |   |   |  | <b>Unsubdivided Mafic and Ultramafic Intrusive Rocks, Neoarchean or Mesoarchean</b> |  |
| <b>Posttectonic or Late Tectonic Suites</b>                             |  |   |  | <b>Ring of Fire Intrusive Suite (ca. 2736 to 2733 Ma)</b> |   |   |  | <b>Mesoarchean and Neoarchean Metasedimentary and Metavolcanic Rocks</b>            |  |
| ■   | Two mica granite suite (MU 19)                     | ■ | Oxide-rich mafic intrusive rocks (MU 11)                               | ■   | Ekwan River Subsuite  | ■ | Mafic intrusive rocks (MU 7)                         | ■   | Ultramafic intrusive rocks (MU 6)                |
| ■   | Syenite suite (MU 18)                              | ■ | Koper Lake Subsuite  | ■   | Oxide-poor mafic intrusive rocks (MU 10)                          | ■ | Ultramafic intrusive rocks (MU 9)                    | ■   | Chemical metasedimentary rocks (MU 5)            |
| ■   | Weakly foliated granodiorite to granite (MU 17)    | ■ | Ultramafic intrusive rocks (MU 9) (Chromite and Ni-Cu-PGE mineralized) | ■   | Alkali feldspar megacrystic granodiorite to granite suite (MU 16) | ■ | Chromite-rich zones (MU 9) (not shown at this scale) | ■   | Iron formation (MU 5)                            |
| ■   | Syntectonic and, or, and/or Synvolcanic Suites     | ■ | Mesoarchean Highbank-Fishtrap Intrusive Complex (ca. 2809 Ma)          | ■   | Hornblende-magnetite tonalite-granodiorite-diorite suite (MU 15)  | ■ | Mafic intrusive rocks - high mag (MU 8)              | ■   | Clastic metasedimentary rocks (MU 4)             |
| ■   | Synvolcanic tonalite to granodiorite suite (MU 14) | ■ | Mafic intrusive rocks - low mag (MU 8)                                 | ■   | Foliated tonalite to granodiorite suite (ca. 2773 Ma) (MU 13)     | ■ |  | ■   | graphitic mudstone (MU 4)                        |
| ■   | Foliated tonalite to granodiorite suite (MU 12)    |   |  | ■   |   | ■ |  | ■   | Felsic to intermediate metavolcanic rocks (MU 3) |
|   |  |   |  |   |   | ■ |  | ■   | Mafic to intermediate metavolcanic rocks (MU 2)  |
|   |  |   |  |   |   | ■ |  | ■   | Ultramafic metavolcanic rocks (MU 1)             |

**Figure 2 Assessment Area Geological Features and Description**  
Mining claims data are current as of October 2020.

A1.2 In conducting the Regional Assessment, the Committee will also define one or more Study Areas for the purposes of the description and analysis of the current environmental, health, cultural, social and economic conditions, and for the identification and consideration of potential positive and adverse effects (including cumulative effects) on the Assessment Priorities.

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## **APPENDIX B**

### **Terms of Reference – Committee**

The Committee's Terms of Reference, established under Subsection 96(1) of the *IAA*, are as follows:

#### **B1: Mandate and Activities of the Committee**

B1.1 The Committee will conduct a Regional Assessment in accordance with Sections 92-94 and 96-103 of the *IAA*, this Agreement and its Terms of Reference (this Appendix).

##### ***Indigenous Knowledge and Aboriginal and Treaty Rights***

B1.2 The Committee is mandated to receive information from Indigenous peoples on the nature and scope of any Aboriginal or Treaty rights protected by Section 35 of the Constitution Act, 1982 in the Assessment Area and Study Area(s), as well as information on potential adverse impacts that future mine development activities in the Assessment Area may (individually or cumulatively) have on these rights. Information provided to the Committee as part of this process may also inform Crown efforts to develop and implement meaningful consultation processes with Indigenous peoples in future project-specific impact assessments and other regulatory decision-making processes.

B1.3 The Committee is not mandated or empowered by this Agreement to make any determination as to the existence or validity of Aboriginal or Treaty rights, the probability of adverse impacts upon any such rights, or whether any duty to consult has arisen and been discharged in any particular context.

B1.4 In conducting its work, the Committee will recognize that Indigenous Knowledge is an important component of understanding potential effects (both positive and adverse), and that regional assessments can provide a means of integrating scientific information and Indigenous Knowledge for use in future impact assessments.

B1.5 Any Indigenous Knowledge that is provided to the Minister, the Agency, or the Committee in confidence is considered confidential and will not knowingly be, or be permitted to be, disclosed without written consent in accordance with Section 119 of the *IAA*.

##### ***Committee Activities and Requirements***

B1.6 In conducting the Regional Assessment, the Committee will:

###### ***Public and Indigenous Participation***

- a) Ensure that the public is provided with an opportunity to participate meaningfully in the Regional Assessment.
- b) Engage with Indigenous peoples and governmental and non-governmental organizations, the mining industry, and individuals that have information,

knowledge or interests relevant to the Regional Assessment. This will include members of the public, industry associations and companies, environmental and community organizations and any other person or group with information and interests related to the Regional Assessment and who wishes to participate in it.

The Committee will develop and implement Participation Plans, including an Indigenous Participation Plan, with advice from the advisory supports referred to in Section 5.0 of the Agreement, if these advisory supports are in place at that time. The Committee will collaborate with Indigenous peoples on the development and implementation of the Indigenous Participation Plan. Once completed these Participation Plans will be posted to the Registry and updated regularly by the Committee, with advice from the advisory supports, to ensure that participants are aware of planned participation approaches and upcoming activities.

#### *Description of Existing Conditions*

- c) Identify, compile, review and present information on existing environmental, health, cultural, social and economic conditions within the Study Area(s) referenced in Appendix A. As noted in Section 5.5 of the Agreement, this will include information contained in any past or ongoing impact or environmental assessments conducted under federal or provincial legislation, and information provided by government, industry, academia, Indigenous peoples or the public.

#### *Identification of Information and Knowledge Gaps*

- d) Identify and evaluate information and knowledge gaps, with a focus on the Assessment Priorities, and on any associated gaps with relevance to, and implications for, impact assessments for future mine development activities in the Assessment Area.
- e) Make recommendations to address such information and knowledge gaps as appropriate.

#### *Analysis of Effects, Mitigation and Follow-up*

- f) Identify and consider the potential positive and adverse effects of future mine development activities in the Assessment Area on the Assessment Priorities identified in Section 2.3 of the Agreement.

This will include consideration of: potential malfunctions or accidents; any cumulative effects that may result from the effects of mine development activities in the Assessment Area in combination with other physical activities that have been or will be carried out; and the result of any interaction between the effects referenced above.

- g) Identify and consider the effects, both positive and adverse, that mine

development activities in the Assessment Area may have on any Indigenous peoples, and any impact that they may have on the rights of the Indigenous peoples recognized and affirmed by section 35 of the Constitution Act, 1982.

- h) Identify and consider technically and economically feasible mitigation measures and other approaches for eliminating, reducing, controlling or offsetting potential adverse effects and creating and maximizing potential positive effects resulting from mine development activities in the Assessment Area on the Assessment Priorities specified in Section 2.3 of the Agreement.

#### *Other Considerations and Requirements*

- i) Identify and consider the extent to which mine development activities in the Assessment Area and their potential effects, would: a) contribute to sustainability; and b) hinder or contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change, and make recommendations on the manner in which future impact assessments should consider and address these factors.
- j) Consider the intersection of sex and gender with other identity factors and make recommendations on the manner in which future impact assessments should consider and address these factors.
- k) Take into account any scientific information, Indigenous knowledge — including the knowledge of Indigenous women — and community knowledge provided with respect to the Regional Assessment.
- l) Ensure that the information that it uses in conducting the Regional Assessment is accessible to the public. If the Committee receives information that it has agreed to keep confidential, the Committee shall keep that information confidential unless required to disclose the information by law.
- m) Describe how the findings or recommendations of the Regional Assessment could be used to inform future impact assessments for proposed mine development activities in the Assessment Area as well as other initiatives as applicable.

#### *Administration, Review and Reporting*

- n) Submit regular status reports to the Ministers.
- o) Provide a public review and comment period on a draft Report prior to the submission of the final Report to the Ministers.
- p) If requested, provide copies of the draft Report in paper or electronic formats to participating communities, organizations and industry in addition to posting the draft Report on the Canadian Impact Assessment Registry Internet site. In addition, the Committee will include a summary of its Report translated into

Ojibway, Oji-Cree and Cree.

- q) Finalize and submit the final Report to the Ministers.

## **B2: Committee Report**

B2.1 On completion of the Regional Assessment, the Committee will provide the Ministers with a Report, as outlined in the Agreement, which will describe the conduct, and document the results, of the Regional Assessment including the information outlined below.

B2.2 In its Report, the Committee will, in accordance with the objectives of the Regional Assessment outlined in Section 1.2 of the Agreement, include the following information for consideration and use in impact assessments for future mine development activities in the Assessment Area:

*Objective A: Providing information, knowledge and analysis related to key, regional-scale environmental, health, cultural, social and economic conditions, values, and issues, with consideration and integration of both Indigenous knowledge and scientific information.*

- a) An inventory and compilation of existing and publicly accessible scientific, technical, Indigenous and cultural information and knowledge for the Assessment Area and Study Area(s).
- b) A description of current environmental, health, cultural, social and economic conditions of the Assessment Area and Study Area(s). This description will be presented in a manner to be determined by the Committee, which in addition to the Committee's Report may include information in an electronic format (such as through a Geographic Information System (GIS) application).
- c) An identification and analysis of key information gaps, requirements and opportunities, with a focus on those with relevance to, and implications for, impact assessments for future mine development activities in the Assessment Area.
- d) Recommendations to address such information and knowledge gaps as appropriate.

*Objective B: Identifying and recommending mitigation measures and other potential and innovative approaches for addressing potential positive and adverse effects (both project-specific and cumulative, including potential impacts on Indigenous peoples), to support sustainability considerations as part of future decision-making for mine development activities in the Assessment Area.*

- e) An identification and analysis of potential changes to the environment or to health, cultural, social or economic conditions that may result from mine development activities in the Assessment Area, and the potential positive or adverse consequences of these changes on the Assessment Priorities.



- f) Recommendations on potential mitigation measures and other approaches that are technically and economically feasible for addressing the potential adverse effects or maximizing the potential positive effects of future mine development activities in the Assessment Area on the Assessment Priorities. This may include standard mitigation measures as well as other potential and innovative approaches, technologies and measures that may be required to address particular issues identified through the Regional Assessment.
- g) Recommendations on potential approaches and measures to address regional-scale and non-project specific effects on the Assessment Priorities. This may include potential policy, plan, program, regulatory or other initiatives by governments or other relevant parties.

*Objective C: Providing an understanding of the regional context that can be used in considering and evaluating the effects of future mine development activities in the Assessment Area to inform future impact and the planning and management of cumulative effects in a manner that fosters sustainability.*

- h) An identification and analysis of key environmental, health, cultural, social or economic components, values and issues with respect to potential effects on the Assessment Priorities, that should be considered in impact assessments for future mine development activities and other physical activities in the Assessment Area. This will include identifying and highlighting:
  - i. Any components, values, locations or times that may be particularly susceptible to further change as a result of past, on-going or future mine development activities and other natural or human-induced disturbances; and
  - ii. Any circumstances where the nature, location, timing and potential accumulation of these effects may result in potential cumulative effects (positive or adverse), and potential approaches to avoiding, creating, reducing or maximizing such effects, as applicable.

*Objective D: Describing how the findings or recommendations of the Regional Assessment could be used to inform, and enhance the effectiveness and efficiency of, future impact assessments as well as other initiatives as applicable.*

- i) Recommendations on how to consider, implement or otherwise address the Regional Assessment findings in a clear, effective and efficient manner in future impact assessments for future mine development activities in the Assessment Area, and/or through other initiatives by governments or other parties.

B2.3 The Committee will also include the following in its Report:

- a) A description of the existing impact assessment processes and other regulatory requirements that apply to mine development activities in the Assessment Area.

- b) A high-level, generic description of the types of mine development activities that may occur in the Assessment Area, including their construction, operations and decommissioning, closure and rehabilitation phases as applicable.
- c) The purpose of and need for such mining activities, including their potential benefits at the local, regional and national scales and role in providing access to critical minerals.
- d) A description of the public and Indigenous participation activities undertaken by the Committee during the conduct of the Regional Assessment, including a summary of any comments received and of where and how these were considered in the Regional Assessment.
- e) An overview of how the Committee took into account and used any Indigenous Knowledge provided during the Regional Assessment. In doing so, the Committee must obtain consent to disclose any confidential Indigenous Knowledge provided as per Section 119 of the IAA unless otherwise required by law.
- f) Recommendations for a Regional Assessment follow-up program to consider and incorporate any new or updated information that becomes available after submission of the final Report by the Committee, in order to help ensure that the Regional Assessment remains current and useful into the future and continues to fulfill the goal and objectives of the Regional Assessment as outlined in this Agreement.

B2.4 The Committee may request clarification of, or an amendment to, its Terms of Reference by sending a letter signed by the co-chairpersons to the President of the Agency setting out the request. Upon receiving such a request, the President of the Agency, in collaboration with the provincial Deputy Minister of Northern Development, Mines, Natural Resources and Forestry for Ontario, will provide the Committee such clarification or a response to the requested amendment in a timely manner.

B2.5 Subject to the above, the Committee will continue with the Regional Assessment to the extent possible while waiting for a response in order to adhere to the timelines of this Agreement.

## **APPENDIX C**

### **Topics for Which Input from Advisory Supports May be Sought by the Committee**

C.1.1 The Indigenous advisory supports referenced in Section 5.0 of the Agreement will provide the Committee with Indigenous Knowledge and perspectives on some or all of the topics listed below, as requested by the Committee during the conduct of the Regional Assessment. It will also advise the Committee on approaches for the collection, sharing and consideration of such knowledge and its incorporation into the Regional Assessment.

- a) Indigenous peoples and their communities, activities and other interests in the Study Area(s), including Aboriginal or Treaty rights protected by section 35 of the Constitution Act, 1982;
- b) Environmental, health, cultural, social and economic conditions in the Study Area(s);
- c) Future mine development activities in the Assessment Area, including their:
  - a. Purpose;
  - b. Associated physical activities;
  - c. Regulatory requirements and applicable standards;
  - d. Potential positive and adverse effects, including cumulative effects, on the Assessment Priorities;
  - e. Relevant mitigation measures and follow-up, and other approaches for eliminating, reducing, controlling or offsetting potential adverse effects and creating and maximizing potential positive effects on the Assessment Priorities; and
- d) Other topics relevant to the Regional Assessment, as requested by the Committee.

C.1.2 The scientific, technical and economic advisory supports referenced in Section 5.0 of the Agreement will provide the Committee with information and advice on some or all of the topics listed below, as requested by the Committee during the conduct of the Regional Assessment.

- a) Environmental, health, cultural, social and economic conditions in the Study Area(s);
- b) Future mine development activities in the Assessment Area, including their:
  - a. Purpose;
  - b. Associated physical activities;
  - c. Regulatory requirements and applicable standards;
  - d. Potential positive and adverse effects, including cumulative effects, on the Assessment Priorities;
  - e. Relevant mitigation measures and follow-up, and other approaches for avoiding or reducing potential adverse effects and creating and maximizing potential positive effects on the Assessment Priorities; and
- c) Other topics relevant to the Regional Assessment, as requested by the Committee

## **APPENDIX D**

### **Indigenous Talking / Sharing Circle**

D1.1 The Committee will provide the opportunity to establish, and will seek information and advice from, an Indigenous Elder(s)-led Talking/Sharing Circle during the conduct of the Regional Assessment.

D1.2 The Circle would be comprised of individual community members from Matawa-member First Nations and Mushkegowuk-member First Nations who exercise traditional and cultural activities in the Assessment Area, and would allow a broad spectrum of Indigenous community members (Elders, youth, women, land users) an opportunity to participate in, and provide input to, the conduct of the Regional Assessment. There would be no limitations on the number of community members who could participate if they wish, all voices would be welcome.

D1.3 Under the guidance of one or more Elders, the Circle would allow participants to share information, knowledge and perspectives that are relevant to the Regional Assessment. The format and function of the Circle, and the manner in which its outcomes would be documented and provided to the Committee, will be determined by its participants.

D1.4 Once created by its participants, the Circle will hold an introductory meeting with the Committee to discuss and plan the nature and conduct of its work, the process and timelines within which it will meet with, and provide input to, the Committee, and the manner in which this input may be used in the conduct of the Regional Assessment in accordance with the timelines and other provisions of this Agreement.