

February 4, 2021

Subject: reference number 80879 Wasamac Gold Mine Project draft Tailored Impact Statement Guidelines

The Mining Association of Canada (MAC) is the national organization representing the Canadian mining industry, comprising companies engaged in mineral exploration, mining, smelting, refining and semi-fabrication. Our members account for most of Canada's production of base and precious metals, uranium, diamonds, steelmaking coal, and mined oil sands. Information about MAC and MAC's Towards Sustainable Mining (TSM) initiative can be found on our [web site](#).

We appreciate the opportunity to comment on the draft Tailored Impact Statement Guidelines (TISG). However, we are disheartened by the evident absence of meaningful tailoring or of adjusting generic requirements to the specifics of the project and its location.

In the Parliamentary discussion of Bill C-69, MAC took the position that the increased time allocated in the *Impact Assessment Act* (IAA) for the initial phase of an assessment (180 days compared to the 45 days allowed under the *Canadian Environmental Assessment Act, 2012*) would be time well spent if it led to process improvements. Along with improved inter-jurisdictional cooperation and coordination with federal regulatory departments, the key improvement we expected was the tailoring of assessments to the characteristics of each project.

In reviewing the draft TISG, it is difficult to find any evidence of attempts at tailoring. Even more troubling, much of the text implies that the authors of most sections had not troubled to read the Detailed Project Description. We highlight some examples below.

- Section 3.1.2 of the TISG asks for the location of open pit mines even though the Project Description specifies that Wasamac will be an underground mine. Similarly, several sections refer to gas flaring, which is not associated with mining.
- Section 4.3 of the TISG, Alternatives to the Project, repeats generic requirements even though the proponent clearly stated in the Project Description that the two alternatives are to build a mine or not build a mine. As MAC had noted throughout the Bill C-69 discussion, factors such as "alternatives to" may be relevant to some public or infrastructure projects but are not relevant to private-sector projects such as mining. We were reassured by the provisions in the IAA, specifically subsection 18(1.2)

Scope of factors

(1.2) The scope of the factors referred to in paragraphs 22(1)(a) to (f), (h) to (l) and (s) and (t) that are to be taken into account under subsection (1.1) and set out in the tailored guidelines referred to in paragraph (1)(b), including the extent of their relevance to the impact assessment, is determined by the Agency.

- Section 4.4 of the TISG asks that the Impact Statement describe “How not proceeding with the project was considered as the first option and how this could be achieved by identifying alternative means of carrying out the project (e.g., by changing the project location or design) and considering alternatives to the project.” As in Section 4.3, this is a strange question to ask of a private sector mining proponent. It implies that the government wishes to encourage mining companies to consider investing in other countries.
- Section 4.4 states the proponent must provide alternative means analysis on all technically and economically feasible alternatives for all project elements. The phrasing would prevent the proponent from using stepwise analysis that narrows the need for analysis to the most desirable options for key project elements that raise particular concerns or have the highest likelihood of adverse impacts. Many alternatives may be technically and economically feasible but offer little benefit. Similarly, many project elements are inconsequential.
- Section 16.2 of the TISG, Social Determinants of Health, asks the proponent to “describe the effects that itinerant, rotational or work camp workers have on the safety of women and girls”. Section 20.1 of the TISG, Atmospheric, Acoustic and Visual Environment, asks the proponent to “consider measures for temporary activity sites (work camp, work area, storage area, workers’ camps etc.)”. The authors of each of these sections overlooked the location of the project near infrastructure and communities in contrast to the more appropriate characterization of the project in Section 9 of the TISG, Baseline Conditions – Human Health, which recognizes that the workforce for the project will be commuting, primarily from Ville de Rouyn-Noranda.
- Several sections of the TISG (8.5 and 8.9) refer to marine ecosystems, which it is difficult to imagine being impacted by the project, considering the project’s location. Similarly, there are references to Ramsar sites and other ecosystems not present in the region.

Overall, the draft TISG appear generic enough to be applicable to any mining project, or even any project, in any part of Canada. The absence of tailoring raises questions about the efficacy of the preceding steps of the planning phase, and whether the Agency and expert and regulatory departments had devoted the appropriate time and allocated the appropriate expertise to contribute to an effective planning process.

We hope that the lack of tailoring will be rectified in the final version of the TISG. TISG that are generic and broad would lead to an Impact Statement with a massive amount of unnecessary information. The result would be off-putting and overwhelming for public participation and Indigenous engagement, thus decreasing the quality of engagement and input in the impact assessment.

For future assessments, MAC strongly urges the Agency and federal departments to review their approach to the planning phase of IAA. Publishing generic draft TISG and leaving tailoring to the final version is not consistent with the intent of the planning phase and the objectives of transparency, public participation and Indigenous engagement the IAA promised.

We hope to engage with the Agency and with expert and regulatory departments in reviewing how the planning phase of assessments under the IAA can be adjusted to better align with the Act's intent.