



KITIGAN ZIBI ANISHINABEG

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Marie-Ève Rousseau Senior Consultation Analyst,
Crown Consultations Impact Assessment Agency of Canada
Région du Québec
901-1550, avenue d'Estimauville
Québec (Québec) G1J 0C1

Dear Ms. Rousseau,

RE: Kitigan Zibi Anishinabeg Comments of the draft Tailored Impact Statement Guidelines and Indigenous Engagement and Participation Plan

COMMENTS ON THE INDIGENOUS ENGAGEMENT AND PARTICIPATION PLAN (IEPP)

It should be detailed and demonstrated how the Agency will support the engagement and participation of KZA in the proposed project. Normal practice is to plan, advise, collect information, carry out assessment from the western point of view. We must enter all Impact Assessment processes that respects the integrity of all knowledge systems. The agency must provide a venue for collaboration and sharing. This relationship/ethical space is based on creating a space where knowledge systems can interact with mutual respect and are equal in merit. This space is not to enter a process of consultation or accommodation, but to provide a venue for collaboration to reach common ground.

Challenges our community faces are technical capacity, long-term funding, and strict guidelines. Without longer term along with ensured funding, it is impossible to hire staff or contractors which could address the process meaningfully. This, strict timelines community engagement is not possible.

Jurisdiction

Currently, an individualized or a project-specific approach to engagement is contrary to Canada's stated intent to advance reconciliation and nation-to-nation relationships. With this approach Kitigan Zibi Anishinabeg cannot meaningfully and effectively address impacts, cumulative effects and how the designated projects impact our inherent section 35 rights.

Kitigan Zibi Anishinabeg asserts that the Indigenous Jurisdiction Regulation, granted by the Impact Assessment Act SC 2019 c 28 (“IAA”) section 109(d)(iii) to make a regulation designating and empowering Indigenous governing bodies to exercise “jurisdiction” per section 114(1) (e), must be enacted. Until this regulation is in place, Kitigan Zibi Anishinabeg, will participate in the Impact Assessment for designated project under protest, and without prejudice to its section 35 constitutional rights.

COMMENTS ON THE DRAFT TAILORED IMPACT STATEMENT GUIDELINES

On behalf of Kitigan Zibi Anishinabeg (KZA) in response to the draft Tailored Impact Statement Guidelines provided by the Agency on January 8, 2021 the following comments are being submitted.

Kitigan Zibi Anishinabeg rights are collective rights which flow from our continued use and occupation of our traditional territory. These rights are inherent, and we have carried out since before European contact. Kitigan Zibi Anishinabeg asserts and exercises our authority, jurisdiction and stewardship over lands of our traditional territory (Aki) of which will be threatened by the proposed project. The submission of these comments should not be construed as accepting the Guidelines, (IEPP) or Wasamac Gold Mine proposed project.

General Comments

Through meetings, previous letters and information sessions Kitigan Zibi Anishinabeg has already raised concerns with the Agency, both verbally and in writing, about the speed with which the assessment process is moving forward, especially while key regulatory components have yet to be finalized. As in previous comments, we continue to be concerned that designated projects within our traditional territory should not commence until all regulations are complete and meaningful consultation conducted. This, in addition to stringent timelines and inadequate funding to ensure capacity, severely limits Kitigan Zibi Anishinabeg’s ability to meaningfully address our concerns on how these draft guidelines and plans and future regulations will affect our section 35 rights.

Background

Monarch Gold Corporation is proposing the construction, operation, decommissioning and abandonment of an underground gold mine located in the Abitibi-Témiscamingue region, approximately 15 kilometres from downtown Rouyn-Noranda, Quebec. As proposed, the Wasamac Gold Mine Project would have a mine life of 11 years and an ore production capacity of 6053 tonnes per day. The project would include the operation of an underground mine, the construction of an ore processing plant and related infrastructures, and the development of underground infrastructures for ore and waste rock transportation as well as waste rock, tailings and overburden accumulation areas. The proponent is considering the possibility for

transporting the ore by rail to process it at a plant in Ontario, as an alternative to the construction of a processing plant in Quebec. The Project is expected to commence construction in Q4 2023.

2.3. Project Location

“Culturally important features of the landscape.”

For all aspects for collection of information and issues concerning data management, First Nation must be able to control the methodology and how this data is shared. Funding should not be project specific, but addressed on the needs of community and their ability to participate meaningfully in the Impact Assessment.

2.5. Qualifications of Individuals Preparing the Impact Statement

“Knowledge relevant to a particular matter may include Indigenous and community knowledge.”

As previously noted, all research activities that involve or impact Kitigan Zibi Anishinabeg, that Kitigan Zibi Anishinabeg has a vested interest in, Kitigan Zibi Anishinabeg should have first right of refusal. Furthermore, in order to build capacity to participate fully in this aspect we request annual funding to ensure that long-term planning can be carried out.

6. Description of Engagement With Indigenous Peoples

“As part of an impact assessment process under the IAA, the proponent must collaborate with Indigenous peoples in completing its Impact Statement, and then throughout the lifecycle of the project if it is approved.”

“share project information frequently and transparently with Indigenous peoples;”

Kitigan Zibi Anishinabeg asserts that engagement should occur at the front end of the project, such as pre-planning stage, and develop throughout the lifespan of the project. To date, Kitigan Zibi Anishinabeg has been emailed, with a letter attached by the proponent. The first time to announce the project and the second to inform us of the “friendly” agreement of which another company purchased the proponent. Although we recognise that we are not the closest First Nation in proximity, a relationship must be developed which can only occur through dialogue.

7. Baseline Conditions

7.4. Spatial and Temporal Boundaries

“When the expertise on a wildlife species is mainly provincial, it is recommended to contact provincial or local authorities to verify the appropriate spatial boundaries.”

If one of the Potentially Affected Indigenous Peoples has not only traditional knowledge, but has carried out research and is recognized as an expert, said First Nation must be contacted to verify the appropriate spatial boundaries.

8.11. Species at Risk and Their Habitat

Through Aboriginal Funding Species at Risk, many of the Potentially Affected Indigenous Peoples, have gained valuable knowledge and has increased their capacity in respect to researching species at risk. As noted before, projects/research first right of refusal must be given to the First Nations.

Kitigan Zibi Anishinabeg has carried out AFSAR projects for over 16 years. Species studied include *Glyptemys insculpta*, *Antristomus vociferus*, *Riparia riparia*, *Myotis septentrionalis* and *Myotis lucifugus*.

Turtle-Specific Requirements

Kitigan has been studying the wood turtle for the past 15 years. We sit on the provincial turtle expert panel, contributed to the federal recovery plan and are considered experts.

Process being carried out in an ethical space.

We request, accordingly, that the Tailored Impact Statement Guidelines more clearly set out the proponent’s obligations with respect to soliciting and integrating Indigenous knowledge into the Impact Statement. This must be done in an ethical space.

In Section 19 - Indigenous Peoples contains language such as:

“The engagement with Indigenous peoples **should** involve ongoing information sharing and collaboration between the proponent and the Indigenous peoples to help validate the assessment findings. The results of any engagement **should** be presented in the Impact Statement, and, **as best as possible** should reflect the perspective of the Indigenous peoples.”

This terminology is vague, non-binding and gives the proponent the path and inclusiveness it decides. Resources, support, and capacity must be defined. There must be a defined mechanism for collaboration and integration of KZA in the Impact Assessment.

This could be carried out through KZA Guardians, which would act as data collectors, monitors, compliance, and general presence on the ground, throughout the lifecycle of the proposed project. This would also include that the KZA Guardians be integrated into the development

and implementation of emergency preparedness and response measure for the proposed project.

Anticipated changes to the natural environment

The impact statement on groundwater, wetland and riparian area must include the impact on insect larvae like water striders and dragonflies. Not only fishes, reptiles and mammals.

All cumulative impact study should be performed in collaboration with an external professional impact assessment firm and be verified by Environment and Climate Change Canada and the Canadian Wildlife Service. Any justification for exclusions from those impact studies should be signed by Environment and Climate Change Canada and the Canadian Wildlife Service.

Effects on valued components - Environment

In no case should authorizations be granted on an expedited basis, even if the regulatory authorization requirements during the impact assessment are met. This will assure that any citizen or group who would like to verify or review any case study might have time to do so. The yearly GHG emission estimate should always include the potential GHG emission associated with many "worst case scenarios". Otherwise, an open mine might be shown as being a bigger environmental risk than a nuclear power plant.

Cumulative impacts studies should include actuality cases that are contested or still in contention. I.E.: Moose population in La Vérendrye Park

Species at risk

In her 2014 study, incorporating detectability of threatened species into environmental impact assessment, Georgia E. Garrard stated that the probability of detection is intrinsically linked to survey effort; thus, minimum survey effort requirements are a useful way to address the risks of false absences. Estimates of the survey effort required to detect the species or demonstrate its absence with any confidence were much higher than the effort traditionally invested in Impact Assessment surveys. We think that minimum survey requirements should be established for all species listed under Species at Risk Act and all species of cultural importance for First Nations. Any justification for exclusions from those impact studies should be signed by Environment and Climate Change Canada and the Canadian Wildlife Service.

Environmentally Significant Insects

Studies on environmentally significant insects must be more present in the draft Tailored Impact Statement Guidelines. Not only for insects that are under the species at risk act, but many arthropods that are in very close relation with their habitat and very sensible to changes in the environment.

Cumulative Effects

Potential cumulative effects, which must be addressed, include, but are not limited to include habitat alteration, loss due to habitat fragmentation, barriers to movement and direct and indirect mortality. Challenges to ensure that an adequate cumulative effects assessment is thorough, include ensuring that baseline data previous to the project is carried out and is comprehensive, the incorporation of traditional knowledge of the First Nation communities effected, standardized methodology for all research and determining thresholds prior to project development with compliance and mitigation measures identified. These cumulative impacts must include past, present, and foreseeable projects within Algonquin Aki, including other mining operations, forestry operation and recreational activities.

Adverse impacts, which will potentially affect Kitigan Zibi Anishinabeg community members directly, include contamination of traditional foods, availability of traditional foods and medicines due to increase in access, restricting access to our traditional Aki and potential disturbance of culturally relevant sites. Furthermore, agreements set by the proponent only address needs of communities located within close proximity and does not take into consideration the residual and cumulative effects on Aboriginal right of those located in the watershed or Nation territory.

Please accept my best regards,

<Original signed by>

Darhlene Twenish
Counsillor of Kitigan Zibi Anishinabeg