

July 29, 2021

**ELECTRONIC MAIL**

**Request for Federal Expert Advice**

- Suzanne Wade, Environment and Climate Change Canada
- Stephen Zwicker, Environment and Climate Change Canada
- Jessica Coulson, Natural Resources Canada
- Shelley Ball, Natural Resources Canada
- Christopher Burbidge, Fisheries and Oceans Canada
- Matthew Baker, Fisheries and Oceans Canada
- Jason Flanagan, Transport Canada
- Beverly Ramos-Casey, Health Canada
- Joel Kaushansky, Health Canada
- Jeffrey Reader, Health Canada
- Clare Bustin, Crown-Indigenous Relations and Northern Affairs Canada
- Kelsey Lucyk, Public Health Agency of Canada

Dear Colleague:

**Subject: Designation Request for the Proposed Touquoy Gold Mine Expansion Project under the *Impact Assessment Act***

On July 23, 2021, the Minister of Environment and Climate Change (the Minister) received a request to designate the proposed Touquoy Gold Mine Expansion Project (the Project) under subsection 9(1) of the *Impact Assessment Act* (IAA).

**The Proposed Project**

The Project would be located in Moose River, Nova Scotia, 63 km Northeast of Halifax and 19 km southeast of Middle Musquodoboit. The Project involves modifying the Touquoy Gold Mine site to support ongoing operations of the existing Touquoy Gold Mine. The Project proposes the use of the exhausted open pit for tailings deposition, the expansion of the waste rock storage area and clay borrow area; and the realignment of the plant access road used to access the mill facility and administrative buildings. The Project as proposed is not a designated project as described in the *Physical Activities Regulations*. The impact assessment process under IAA only applies to designated projects. The Project is currently undergoing a Class I provincial environmental assessment. The provincial registration document submitted to the province on July 16, 2021 by Atlantic

Mining Nova Scotia Inc. can be found here:

<https://novascotia.ca/nse/ea/Touquoy-Gold-Project-Site-Modifications/>.

### **Designation Request**

Under subsection 9(1) of IAA the Minister may, by order, designate a physical activity that is not prescribed in the *Physical Activities Regulations*. The Minister may do this, if, in the Minister's opinion, the physical activity may cause adverse effects within federal jurisdiction or adverse direct or incidental effects (resulting from federal decisions, including funding), or public concerns related to those effects warrant the designation. In accordance with subsection 9(4) of IAA, it is expected that the Minister will respond, with reasons, to the request by October 21, 2021.

The Impact Assessment Agency of Canada (the Agency) will review information about the Project; any concerns expressed from the public (that the Agency is aware of) and Indigenous groups; and expert advice from federal authorities and input from provincial ministries in order to inform the Minister on whether the Project should be designated. If designated, to proceed with the Project, Atlantic Mining Nova Scotia Inc. would be required to submit an Initial Project Description, thereby commencing the planning phase of IAA. In that case, the planning phase would include the Agency determining whether a federal impact assessment is required.

Additional information regarding the process for designation requests can be found at the following link: <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/designating-project-impact-assessment-act.html>.

### **Seeking Federal Authority Advice**

The Agency is requesting that you complete and provide the attached form by **August 18, 2021**.

In the coming days, a Registry page for the Project (Reference 82837) will be available on the Canadian Impact Assessment Registry Internet site. Please use the following email address [touquoymine-minetouquoy@iaac-aeic.gc](mailto:touquoymine-minetouquoy@iaac-aeic.gc), which will also be posted on the Project's Registry page, to provide the Agency with information regarding this file.

**Important Note:** All records produced, collected or received in relation to the designation request process – unless prohibited under the *Access to Information Act* or *Privacy Act* – will be considered public and may be released. Should you wish to provide any comments or documents that contain confidential or sensitive information that you believe should be protected from release to the public, please contact the Agency before submitting the information. Information marked as confidential will not be accepted without prior contact made with the Agency.

Further questions regarding this request can be directed to Kathryn MacCarthy at 902-399-8834 or [touquoymine-minetouquoy@iaac-aeic.gc](mailto:touquoymine-minetouquoy@iaac-aeic.gc).

Sincerely,

Lauchie MacLean  
Project Manager, Atlantic Region

**ATTACHMENT:** July 28, 2021

**Federal Authority Advice Record: Designation Request under IAA**

**Response due by August 18, 2021**

Touquoy Mine Expansion Project

Department/Agency	CIRNAC – CAU Atlantic
Lead Contact	Clare Bustin
Full Address	
Email	Clare.bustin@canada.ca
Telephone	(902)397-3106
Alternate Departmental Contact	William Green william.green2@canada.ca

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1. Has your department or agency considered whether it has an interest in the Project; exercised a power or performed a duty or function under any Act of Parliament in relation to the Project; or taken any course of action (including provision of financial assistance) that would allow the Project to proceed in whole or in part?

no

Specify as appropriate.

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2. Is it probable that your department or agency may be required to exercise a power or perform a duty or function related to the Project to enable it to proceed?

no

If yes, specify that power, duty or function and its legislative source.

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3. If your department or agency will exercise a power or perform a duty or function under any Act of Parliament in relation to the Project, will it involve public and Indigenous consultation?

n/a

Specify as appropriate.

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4. Is your department or agency in possession of specialist or expert information or knowledge that may be relevant to any potential adverse effects within federal jurisdiction caused by the Project or adverse direct or incidental effects stemming from the Project?

no

Specify as appropriate.

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5. Has your department or agency had previous contact or involvement with the proponent or other parties in relation to the Project?

no

Provide an overview of the information or advice exchanged.

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6. From the perspective of the mandate and area(s) of expertise of your department or agency, does the Project have the potential to cause adverse effects within federal jurisdiction or adverse direct or incidental effects as described in section 2 of IAA? Could any of those effects be managed through legislative or regulatory mechanisms administered by your department or agency? If a licence, permit, authorization or approval may be issued, could it include conditions in relation to those effects?

no

Specify as appropriate.

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7. Does your department or agency have a program or additional authority that may be relevant and could be considered as a potential solution to concerns expressed about the Project? In particular, the following issues have been raised by the requestor: The potential to cause adverse effects in areas of federal jurisdiction, including water quality, fish and fish habitat, species at risk, migratory birds, and Mi'kmaq of Nova Scotia.

no

If yes, please specify the program or authority.

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8. Does your department or agency have information about the interests of Indigenous groups in the vicinity of the Project; the exercise of their rights protected by section 35 of the *Constitution Act, 1982*; and/or any consultation and accommodation undertaken, underway, or anticipated to address adverse impacts to the section 35 rights of the Indigenous groups?

yes

If yes, please specify.

Can provide advice on issues regarding Duty to consult as required.

Regarding the letter from the Native Council of Nova Scotia, our advice remains that while the Government of Canada may engage with Native Councils on a principle of good governance, the Crown holds a Duty to Consult only with the rights-holding Indigenous governments representing their membership. The Mi'kmaq, living both on and off-reserve, as represented by their duly elected Band governments, are the only rights-holders consulted for the purpose of fulfilling the Duty to Consult in the province of Nova Scotia.

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9. If your department has guidance material that would be helpful to the proponent or the Agency, please include these as attachments or hyperlinks in your response.

Clare Bustin

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Name of departmental / agency responder

Consultation Advisor

\_\_\_\_\_  
Title of responder

August 19, 2021

\_\_\_\_\_  
Date