



Technical Review of the Agnico Eagle Upper Beaver Mine Project draft Initial Project Description

Submitted To: Wahgoshig First Nation, Lands & Resources Department

Submission Date: July 30, 2021

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1. Introduction

Agnico Eagle is proposing to construct, operate and decommission a gold and copper mine and associated infrastructure in Wahgoshig First Nation (WFN) territory 19 kilometres east of Kirkland Lake, Ontario. The mine, as proposed, may require a federal impact assessment (managed by the Impact Assessment Agency of Canada, or the “Agency”) due to the size of the mine (ore production capacity of more than 5,000 tpd), and/or the construction of a new structure for diverting more than 10,000,000 m³ of water per year from one natural waterbody into another.

To determine if a federal impact assessment is required, Agnico Eagle has prepared a draft Initial Project Description for early review by Indigenous groups who may be impacted by this project.

This document provides Agnico Eagle with WFN’s initial comments on the draft Initial Project Description. It was prepared by Odonaterra and Shared Value Solutions (SVS) and reviewed with WFN representatives on July 29, 2021.

WFN may wish to schedule a meeting with Agnico Eagle and their technical advisor to review and address these comments prior to the submission of the Initial Project Description to the Agency.

2. Review Framework

The framework used for this technical review is guided by the following key elements:

1. The accuracy of how WFN is portrayed in the draft project description as is [required](#) by the Impact Assessment Agency of Canada;
2. Evaluation of the project description to determine if it includes and accurately represents the information shared by WFN or their representatives during meetings or other engagement activities with Agnico Eagle regarding the Upper Beaver Project; and



3. Review of the draft project description to determine whether or not it identifies the rights and interests of WFN and/or commits to engaging with WFN meaningfully throughout the impact assessment process to understand and address impacts on those rights and interests.

The following questions (at a minimum) will be considered in our review comments about each section of the draft IPD:

Draft IPD Section	Questions to guide review
Part A: General Information	<ul style="list-style-type: none"> Was WFN listed? If so, did the listing accurately portray WFN rights and interests with respect to the draft plan for the project?
	<ul style="list-style-type: none"> Did the PDF accurately portray the meetings or dialogue with WFN to date, and the concerns raised during engagement activities?
Part B: Project Information	<ul style="list-style-type: none"> Does the IPD demonstrate that the proponent plans to work with Indigenous groups to share benefits of the project?
	<ul style="list-style-type: none"> Has the proponent committed to discussing with WFN an appropriate method to assess alternative means and alternatives to the project?
Part C: Location Information and Context	<ul style="list-style-type: none"> Is the project location accurate in relation to WFN territory, land claims, communities and known land uses?
	<ul style="list-style-type: none"> Is the brief descriptions for biophysical and human environment accurate, or if they can be improved with WFN knowledge?
Part D: Federal, Provincial, Territorial, Indigenous and Municipal Involvement and Effects	<ul style="list-style-type: none"> Does the draft IPD recognize WFN inherent rights and jurisdiction over environmental effects decision making?
Part E: Potential Effects of the Project	<ul style="list-style-type: none"> Does this section accurately (using known information) portray the range of potential effects on WFN's physical and cultural heritage, current use of lands and resources for traditional purposes or any structure, site or thing that is of historical, archaeological, paleontological or architectural significance?
	<ul style="list-style-type: none"> Does this section accurately (using known information) identify changes that may occur to WFN health, social, or economic conditions?

To guide whether or not WFN rights and interests are addressed, our team has used information gained from previous impact assessment processes undertaken with WFN as a preliminary guide for WFN rights and interests until the WFN community can be meaningfully engaged in this process. We also referenced the advanced exploration agreement between WFN and Agnico Eagle. We recommend that community engagement activities begin during the review of the Initial Project Description led by the Impact Assessment Agency of Canada (IAAC).

WFN Rights and Interests (Preliminary):



WFN Right or Interest	Description / Details
Maintaining and protecting culture, traditions and land use	<p>This right/interest includes maintaining and protecting community:</p> <ul style="list-style-type: none">• Cultural/spiritual beliefs,• Transmission of traditional knowledge, lifestyle and practices to children,• Culturally/historically significant sites (sacred places such as Lake Abitibi, archaeological sites, heritage sites, burial sites and cemeteries, and important landforms),• Occupancy/habitation sites such as cabins, overnight/campsites and historical habitation sites,• Areas for hunting, trapping, fishing and plant harvesting, and• Trails and travel routes that provide access to important places within WFN territory.



<p>Maintaining and protecting the natural environment</p>	<p>This right / interest includes maintaining and protecting:</p> <ul style="list-style-type: none"> • Ecosystem health and function • Water, waterways (rivers, streams), waterbodies (lakes) <ul style="list-style-type: none"> ○ Lake Abitibi ○ Frederick House River ○ Iroquois Falls ○ Black River ○ Driftwood River ○ Abitibi River ○ Blanche River ○ Mattagami River • Plants (for eating, medicines, ceremony, building materials, firewood) <ul style="list-style-type: none"> ○ Blueberries ○ Raspberries ○ Strawberries ○ Chokecherry ○ Large cranberry ○ Small cranberry ○ Hazelnut ○ Tamarack • Mammals <ul style="list-style-type: none"> ○ Moose ○ Black bear ○ Beaver ○ Marten ○ Rabbit ○ Mink ○ Muskrat ○ Fox ○ Lynx • Birds <ul style="list-style-type: none"> ○ Black duck ○ Ring-necked duck ○ Canada goose ○ Spruce partridge ○ Canada ruffed grouse • Fish <ul style="list-style-type: none"> ○ Perch ○ Catfish ○ Whitefish ○ Splake ○ Sturgeon
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	<ul style="list-style-type: none"> ○ Northern Pike / jackfish ○ Walleye ○ Speckled trout ○ Rainbow trout ○ Lake trout ○ Smelts
Maintaining or improving the ability to earn a living and share benefits from activities in WFN territory	<p>This right / interest includes maintaining or improving:</p> <ul style="list-style-type: none"> ● The WFN traditional economy ● Business development opportunities, expansion of existing Wahgoshig businesses and growth of new businesses. ● Employment opportunities ● Commercial activities: ownership or revenue sharing of the project ● Joint ventures: access to business contracts and co-development and implementation of environmental and socio-economic / cultural monitoring programs for the life of the project ● Quality of life / living conditions for WFN members ● Self-sufficiency (as a community and for individuals) ● Education and training ● Treaty land entitlements and other WFN-owned land or land interests
Maintaining and protecting community well-being and safety	<p>This right / interest includes maintaining and protecting the community from:</p> <ul style="list-style-type: none"> ● Risk of spills, accidents or malfunctions resulting from project construction, operation or decommissioning / closure that could impact the environment and human health (as defined broadly to include physical and mental health conditions) directly or indirectly



3. Technical Comments and Information Requests

The following tables provide technical review comments. Comments include placeholders for Agnico Eagle's responses so that this document forms a complete and transparent record of this engagement activity. We recommend that WFN request a meeting with Agnico Eagle to review the comments and their responses prior to submitting the Initial Project Description to the Agency.

The comment tables include the following:

- Comment number for ease of future referencing,
- References from the draft IPD to provide the location of the section or portion of the draft project description to which the comment is made,
- Quotations from the IPD,
- A description of the issue, concern or information deficiency and rationale for the same,
- The information request or comment,
- Agnico Eagle response (placeholder) and,
- WFN response (placeholder).

Comment Number:	1
Draft IPD Section:	A.3 Summary of Engagement with Stakeholders
Quotations:	"Prior to this acquisition, several stakeholders had already been met and were maintaining relationships with the Projects' representatives."
Issue / Concern or Information Deficiency and Rationale:	This section mentions stakeholders but not Indigenous Nations as rightsholders. The Proponent also does not make specific reference to the existing agreements between WFN and Agnico Eagle.
Information Request / Comment:	Please revise to reflect this important distinction of WFN as having Aboriginal and Treaty rights that differentiate them from stakeholder groups who do not. Please include reference to the advanced exploration agreement in place with WFN since July 6, 2015.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	2
Draft IPD Section:	A.4 Summary of Engagement with Indigenous Groups
Quotations:	N/A



Issue / Concern or Information Deficiency and Rationale:	Was the federal government also consulted about which Indigenous groups should be involved? If so, what did they conclude? We note that the Agency was consulted about strategic assessments, so presumably there has been previous opportunities for dialogue on all matters related to project assessment and approval.
Information Request / Comment:	Please indicate whether or not the federal government provided an assessment of which Indigenous groups should be consulted on this project.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	3
Draft IPD Section:	A.4 Summary of Engagement with Indigenous Groups
Quotations:	Key issues raised to date . . . “maximization of socioeconomic impacts”
Issue / Concern or Information Deficiency and Rationale:	Socio-economic impacts may be adverse or positive depending on the valued component considered in the assessment. It should be clarified that the positive socio-economic effects should be maximized while minimizing the adverse socio-economic effects.
Information Request / Comment:	Please revise the language to show that socioeconomic impacts may be either positive or negative and as such the negative effects should not be maximized.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	4
Draft IPD Section:	A.4 Summary of Engagement with Indigenous Groups
Quotations:	“Key issues raised to date by Indigenous Nations...include:”
Issue / Concern or Information Deficiency and Rationale:	The four (4) bullet points are taken to be a summary of Appendix B, as described in the box below on Page 6. However, this summary omits any direct mention of asserted or identified Aboriginal and Treaty rights. For example, Appendix B describes concerns regarding potential impacts to sensitive cultural sites and the need for mapping these in descriptive buffer zones (AppB-3).
Information Request / Comment:	The summary of issues must include the need to avoid impacts to Aboriginal and Treaty rights, and in particular impacts to sensitive cultural sites and areas identified by WFN or other Indigenous Nations.



Agnico Eagle Response:	
WFN Response:	
Comment Number:	5
Draft IPD Section:	A.4 Summary of Engagement with Indigenous Groups and Appendix B Summary of Engagement with Indigenous Groups
Quotations:	The "Community Input and Outcomes" summary chart is described as part of Agnico Eagle's attempt to "address in priority what matters the most for communities, topics are presented according to their priority level."
Issue / Concern or Information Deficiency and Rationale:	<p>The characterization of priorities as described by some participating members of WFN and other communities to date is misleading for at least two reasons:</p> <ol style="list-style-type: none"> 1) The comments, concerns, and issues raised are not described according to the specific Indigenous Nation that mentioned the concern, or the date and event at which this feedback was recorded. This is standard practice for an effective and accurate record of consultation (even at early stages in assessment). WFN members, review team and leadership are very interested in understanding the range of specific concerns that may be raised by other Nations in the area, but do not want our concerns or interests to be conflated with those of other Nations unless there is an agreement to develop shared comments. 2) The current "summary chart" of priorities is vague and potentially misleading, as it suggests that the "access to the boat launch" may be a priority issue over Community Engagement in the baseline studies or Indigenous Knowledge study. This concept of Agnico Eagle presenting issues in a priority ranking is not helpful or accurate. Again, some items may be often-repeated priorities for certain members of an impacted community, but not necessarily for WFN members.
Information Request / Comment:	Please revise the Appendix to remove reference to any prioritization of these concerns.
Agnico Eagle Response:	
WFN Response:	



Comment Number:	6
Draft IPD Section:	A.4 Summary of Engagement with Indigenous Groups
Quotations:	"Main topics and objectives for the engagement activities planned in 2021 are: . . . to validate with Indigenous Nations the engagement activities planned in 2021 and adjust it if deemed necessary"
Issue / Concern or Information Deficiency and Rationale:	2021 is half over, yet there has been no effective collaboration or validation with WFN on engagement activities. WFN needs resources to be able to collaborate or validate the planned activities. For example, planned project communications by mail and email may not be appropriate/effective in the current context (as was noted in the meeting, on May 7, 2021, between Agnico Eagle and WFN) and WFN leadership could direct Agnico Eagle to also pursue radio, TV, or online video/multimedia engagement approaches to build understanding.
Information Request / Comment:	<p>At a minimum, WFN requires collaborative discussion to determine the level of engagement, the workplan, and the budget to support this work.</p> <p>WFN requests that Agnico Eagle send an email record of all meeting minutes and records of engagement with WFN since January 2019, and that Agnico Eagle agrees to include the WFN environmental email inbox (wfnenv@wahgoshigfirstnation.com) in all future correspondence related to engagement activities</p> <p>WFN requests that Agnico Eagle provide a copy of their engagement & consultation plan.</p>
Agnico Eagle Response:	
WFN Response:	

Comment Number:	7
References:	Figure B.3 – Historical Mine Remnants
Quotations:	N/A
Issue / Concern or Information Deficiency and Rationale:	Agnico Eagle has noted that there are numerous legacy mine features from the series of historic gold mining operations at the Upper Beaver site. In the draft IPD, Agnico Eagle has not clarified whether they are committed to remediating all the historic mine features on the project site, and have not described the role that WFN Traditional Knowledge and Land Use and other input would play in remediation.
Information Request / Comment:	WFN requests that the Proponent clarify their commitment to assessment and remediation of historic contamination on-site, and how they plan to incorporate



	WFN Traditional Knowledge and Land Use and other input into the design and remediation plans for historic mine features on-site.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	8
Draft IPD Section:	B.3.3 Ongoing Exploration-related Facilities and Infrastructure
Quotations:	"There will be no processing of ore extracted from underground during the advanced exploration program on site and no tailings storage on the site."
Issue / Concern or Information Deficiency and Rationale:	If these activities are not happening on-site, where will they occur?
Information Request / Comment:	Please specify the location and the mode of transportation for ore to areas that will process the ore and store any tailings associated with the advanced exploration program. Please also indicate how many bulk samples will be taken and processed and the tonnage of ore from each sample.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	9
References:	B 3.4 Proposed Mine Facilities and Infrastructure
Quotations:	"The preliminary site layout has been developed to take advantage of the advanced exploration program buildings and facilities as well as existing geotechnical conditions, in order to minimize land disturbance and to provide adequate setbacks from existing watercourses where practical."
Issue / Concern or Information Deficiency and Rationale:	Agnico Eagle did not mention whether habitat of species at risk, valued ecosystem components/species of cultural importance (e.g., moose, lynx), or important areas to WFN were considered in the site layout planning process. As well, Agnico Eagle does not identify what an "adequate setback" is (e.g., 500 m vs 200 m).
Information Request / Comment:	WFN requests that Agnico Eagle provide further details on what aspects of the natural environment and cultural environment and what valued ecosystem components were considered in the preliminary site layout planning process.



	As well, WFN requests that Agnico Eagle provide further details on what aspects of the natural environment and cultural environment and what valued ecosystem components will be considered in future updates to the site plan. Also, WFN requests that Agnico Eagle provide details of these “adequate setbacks,” specifically, the setback distance used for each watercourse that was considered in the planning process.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	10
References:	B 3.4 Proposed Mine Facilities and Infrastructure
Quotations:	“The preliminary site layout has been developed to take advantage of the advanced exploration program buildings and facilities as well as existing geotechnical conditions, in order to minimize land disturbance and to provide adequate setbacks from existing watercourses where practical.”
Issue / Concern or Information Deficiency and Rationale:	At previous meetings with WFN, Agnico Eagle noted the structural stability concerns with the crown pillar in the existing underground workings, and that they have proposed the open pit as a means to address the structural concerns associated with the crown pillar. WFN is concerned about the hazards and risks associated with the unstable crown pillar, and note that given the location of the crown pillar beneath York Lake, accidents or malfunctions as a consequence of the unstable crown pillar could have serious consequences on WFN employees and contractors on-site, and could also have substantial downstream impacts.
Information Request / Comment:	WFN notes that the crown pillar issue is a significant concern to our Nation. WFN requests to be regularly informed on geotechnical design considerations in advance of construction, during operations and during mine closure (as appropriate). WFN also notes the need for independent, third party geotechnical engineering oversight over activities at the Upper Beaver Project, and request that Agnico Eagle confirm that they will facilitate discussion on geotechnical engineering oversight during negotiations and consultation with WFN.
Agnico Eagle Response:	
WFN Response:	



Comment Number:	11
References:	B 3.4 Proposed Mine Facilities and Infrastructure
Quotations:	"Lighting will be provided as appropriate to ensure a safe working environment."
Issue / Concern or Information Deficiency and Rationale:	Agnico Eagle notes that lighting will be used to ensure a safe working environment but does not mention any mitigations in place to minimize and avoid impacting the natural environment with enhanced light pollution.
Information Request / Comment:	WFN requests that Agnico Eagle commit to ensuring that mitigation measures (e.g., directing lighting down, spectral modification, automatic light switches to turn off non-essential lights) are in place to mitigate impacts to wildlife in addition to ensuring worker safety.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	12
References:	B 3.4 Proposed Mine Facilities and Infrastructure
Quotations:	"A network of access and haul roads will be established within the site as needed, utilizing the existing road network as reasonably, and minimizing water crossings."
Issue / Concern or Information Deficiency and Rationale:	Agnico Eagle did not indicate whether habitat of species at risk, valued ecosystem components / species cultural of importance (e.g., moose, lynx), or important areas to WFN were considered in during the planning process for the proposed road network. As well, Agnico Eagle does not identify what an "adequate setback" distance is.
Information Request / Comment:	<p>WFN requests that Agnico Eagle provide further details on what aspects of the natural environment and cultural environment and what valued ecosystem components were considered in the proposed road network planning process.</p> <p>WFN requests that Agnico Eagle ensure that their network of access and haul roads is developed to avoid disturbance to habitat for species at risk, species of cultural importance to WFN, and areas of cultural importance to WFN.</p>
Agnico Eagle Response:	
WFN Response:	



Comment Number:	13
References:	B 3.4 Proposed Mine Facilities and Infrastructure
Quotations:	"A demolition landfill may be established on the site for disposal of waste at closure."
Issue / Concern or Information Deficiency and Rationale:	Agnico Eagle does not clearly indicate whether a landfill will or will not be constructed to accept waste during closure activities, nor do they mention specific consultation and engagement activities that will occur related to the landfill. The presence of a landfill on the Project site may have adverse impacts on WFN community members' use of the site post closure.
Information Request / Comment:	<p>WFN requests that Agnico Eagle commit to identifying whether a demolition landfill will be established on site. If the demolition landfill will be established on site, WFN requests further details of the proposed landfill (e.g., location, material to be disposed of, predicted capacity to meet closure needs).</p> <p>As well, WFN requests that Agnico Eagle provide details on how they would consult and engage with WFN on the potential landfill.</p>
Agnico Eagle Response:	
WFN Response:	

Comment Number:	14
References:	B 3.4 Proposed Mine Facilities and Infrastructure
Quotations:	"Fencing or similar measures will be used to ensure public safety while the pit floods to create a lake."
Issue / Concern or Information Deficiency and Rationale:	Agnico Eagle does not commit to using wildlife fencing to ensure that there are no adverse impacts to species of importance to WFN (e.g., moose) while the pit is in the process of flooding. This is concerning as the time required for the pit to flood will be decades, meaning that the risk of adverse impacts to species of cultural importance to WFN via entrapment, drowning, or injury in the refilling pit could be prolonged.
Information Request / Comment:	WFN requests that Agnico Eagle clarify how they will incorporate WFN Traditional Knowledge and Land Use, valued ecosystem components, and studies and plans to ensure that these potential adverse impacts to species of importance to WFN are mitigated and avoided.
Agnico Eagle Response:	
WFN Response:	



Comment Number:	15
References:	B 3.4 Proposed Mine Facilities and Infrastructure
Quotations:	"Once the pit lake is at final level and the water quality meets all regulatory requirements, it is intended that the pit lake will be reconnected to the Misema River system to provide additional recreational opportunities and habitat."
Issue / Concern or Information Deficiency and Rationale:	Agnico Eagle does not identify what additional aquatic habitat will be present within the refilled pit and its connecting channel once it is reconnected and passively discharging to the Misema River.
Information Request / Comment:	WFN requests that Agnico Eagle clearly identify what habitat they intend to establish within the flooded pit lake (e.g., fish habitat, waterfowl habitat, aquatic feeding habitat for moose, etc.).
Agnico Eagle Response:	
WFN Response:	

Comment Number:	16
References:	B.3.4: Proposed Mine Facilities and Infrastructure
Quotations:	"The conceptual design has dams placed at the west end of Ava Lake and below York Lake, and a channel joining Ava Lake directly to the Misema River downstream of York Lake."
Issue / Concern or Information Deficiency and Rationale:	A review of satellite imagery suggests that the inflow from Ava Lake to York Lake may provide suitable spawning habitat for walleye and white sucker. By placing dams at the west end of Ava Lake and below York Lake, fish would be prevented from accessing this potential spawning area, in addition to other habitat in York Lake that may support various other life stages of fishes. WFN is concerned that the placement of cofferdams may result in a reduction in the productivity of the Misema River fishery. The productivity of the fishery may not recover until the open pit is filled and brought back in line with the river system. Should this occur, this would represent an impact to WFN's rights and interests that would extend throughout operations and into post-closure. For this reason, it is essential that WFN be extensively consulted on measures to compensate for, and offset, impacts to fish and fish habitat, or be otherwise accommodated for such impacts.
Information Request / Comment:	Agnico Eagle should describe its process, and expectations, for how it will ensure WFN is meaningfully consulted on, and involved in, the development of compensation measures for offsetting impacts to fish and fish habitat. This should



	include how Agnico Eagle will ensure the Traditional Knowledge and Land Use of WFN is considered in the development of compensation measures.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	17
References:	Section B.3.4: Proposed Mine Facilities and Infrastructure
Quotations:	"Once the pit lake is at final level and the water quality meets all regulatory requirements, it is intended that the pit lake will be reconnected to the Misema River system to provide additional recreational opportunities and habitat."
Issue / Concern or Information Deficiency and Rationale:	Agnico Eagle has not discussed how they will incorporate WFN TKLU into the end land use plan for the mine, including how mine features remaining on the landscape (e.g., pit lake) will provide beneficial and safe end uses for our community members. WFN may have interest in seeing the mine site rehabilitated such that it provides specific land uses for our community or WFN-owned businesses.
Information Request / Comment:	Agnico Eagle should discuss their process for consulting with WFN on the end land use plan for the mine, including ensuring that the mine site provides end land uses that are beneficial to our community members (e.g., moose hunting opportunities, walleye fishery, medicinal and traditionally important plant habitat, etc.).
Agnico Eagle Response:	
WFN Response:	

Comment Number:	18
Draft IPD Section:	B.3.4 Ore Processing
Quotations:	"Although not currently planned, there is also the potential that the processing plant could also process ore trucked to the site from other compatible deposits"
Issue / Concern or Information Deficiency and Rationale:	If these activities are not currently planned, why are they noted here? What information can be shared by AE to support this statement?
Information Request / Comment:	Please provide additional details about processing other ore from off-site mines such as type of ore, transportation routes and modes, and if this additional ore changes the size of other mining infrastructure such as the tailings facility, or mine rock stockpiles.



	WFN notes that the ability to commingle ore from other sites or properties has not been agreed to by WFN, and if it is, it will be subject to business terms and conditions, as well as additional environmental review and oversight by WFN.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	19
Draft IPD Section:	B.3.4 Water Management Facilities and Drainage Works and B.6 List of Potential Alternatives
Quotations:	"The water management system will ensure that excess water from the retention pond meets all regulatory requirements and can be discharged to the environment. The discharge location has not as yet been determined but will be selected to ensure that the receiving watercourse has sufficient assimilative capacity."
Issue / Concern or Information Deficiency and Rationale:	<p>WFN must be included in the alternatives assessment for the discharge location given importance of water to WFN and low threshold set by the community for acceptable water quality impacts.</p> <p>Similarly, WFN must be meaningfully involved in the assessment of the alternative means (including site access and bypass locations) for the Project including the preparation of the criteria that will be used to measure the relative merits of the alternatives as well as the actual scores on these criteria. These activities should be included in the overall engagement strategy that should be collaboratively prepared by WFN and Agnico Eagle for the Project impact assessment process.</p>
Information Request / Comment:	Please make a commitment to meaningfully involve WFN in an assessment of alternatives means.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	20
Draft IPD Section:	B.3.4 Open Pit and Diversion and B.6 List of Potential Alternatives
Quotations:	"The conceptual design has dams placed at the west end of Ava Lake and Below York Lake, and a channel joining Ava Lake directly to the Misema River downstream of York Lake. After that is completed, fish will be transferred from



	York Lake, and York Lake will be dewatered. There is the potential that on closure of the mine, the open pit could be reflooded to create a larger lake at the current York Lake location.”
Issue / Concern or Information Deficiency and Rationale:	WFN must be included in alternatives assessment for the major changes planned to the river and lakes given the importance of water to WFN and the aquatic environment, including fish and the practice of WFN Aboriginal and Treaty rights
Information Request / Comment:	Please make a commitment to meaningfully involve WFN in an assessment of alternatives means.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	21
Draft IPD Section:	B.3.4 Power Supply
Quotations:	“There is the potential that development of a 115 kV line with connection to the local electrical grid could be required.”
Issue / Concern or Information Deficiency and Rationale:	When will this be known and what other approvals will be required for this power line? Will there be harmonization of the federal and provincial environmental assessment processes?
Information Request / Comment:	To facilitate a fulsome assessment of project impacts and to simplify community consultation, WFN prefers that all provincial and federal assessment processes are harmonized.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	22
Draft IPD Section:	B.3.4 Accommodation
Quotations:	“An accommodation complex (or similar) is not proposed . . . “
Issue / Concern or Information Deficiency and Rationale:	Is there any information about the size of the construction or operations work force and where they will be housed during both those phases of the project? How will the workforce be expected to travel to and from the work site? WFN is concerned with the risk to our members, especially vulnerable populations amongst our membership, who may be at risk of interacting with remote mine site workers not required to stay on the mine site. We are also concerned about



	potential broader social effects from the likely influx of residents to the area who will work at the mine.
Information Request / Comment:	<p>WFN requests that as part of the assessment of Section 22(s) of the act (the gender-based analysis plus [GBA+]) the Proponent consider the effects of mine workers either moving to the area or living in the area periodically as part of a rotation on-site.</p> <p>WFN also requests that the Proponent clarify how they will gather and incorporate input from WFN to inform their GBA+ assessment to ensure that it meaningfully considers the disproportionate impacts of all aspects of the project on groups represented under GBA+.</p>
Agnico Eagle Response:	
WFN Response:	

Comment Number:	23
References:	B.3.4: Proposed Mine Facilities and Infrastructure
Quotations:	"The benches in rock will be developed by blasting using an ANFO (ammonium-nitrate / fuel oil) explosive and/or an emulsion explosive."
Issue / Concern or Information Deficiency and Rationale:	Figure B.1 (Preliminary Site Plan) shows that the open pit will be located reasonably close to Ava Lake, Misema River, and Victoria Creek. WFN is concerned about the lethal and sub-lethal effects that blasting may have on fish, fish larvae, and fish eggs in these waterbodies. Agnico Eagle has not provided any measures for mitigating the effects of blasting when working in or near fish-bearing waters.
Information Request / Comment:	WFN requests that Agnico Eagle provide measures that will be implemented to mitigate the effects of blasting on fish, including the overpressure that they anticipate on achieving when blasting in or near fish-bearing waters. In addition, WFN requests that Agnico Eagle calculate the required setback distances for blasting activities from the nearest fish habitat based on the anticipated charge weight, using a 50 kPa overpressure threshold and 13mm/second particle velocity threshold.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	24
References:	B 3.4 Proposed Mine Facilities and Infrastructure
Quotations:	"Aggregate operations may be need to be developed for Upper Beaver Gold Project on the site or elsewhere, that will be under the care and control of



	Agnico Eagle. Agnico Eagle is planning to complete a field investigation south of the main project site to evaluate potential of this aggregate source.”
Issue / Concern or Information Deficiency and Rationale:	Agnico Eagle does not clearly indicate whether or not they will be developing aggregate sources to facilitate construction, nor do they provide specifics of the location they intend to investigate for potentially developing an aggregate operation.
Information Request / Comment:	WFN requests that Agnico Eagle confirm whether or not they will be developing aggregate sources within the project area or elsewhere within WFN's territory and provide further details of the specific locations they are investigating, including details of baseline data collection that have occurred or are proposed to occur. There is significant potential for these areas to impact on WFN traditional land use or habitat/species on which it relies.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	25
References:	B.3.4 Proposed Mine Facilities and Infrastructure
Quotations:	“Mineral waste associated with the mine development will be re-used to backfill the mine as practical. Excess mineral waste (mine rock) that cannot be re-used underground immediately but cannot be retained underground, will be stored on surface in a stockpile. The rock may be returned underground as needed for support, re-used as aggregate if warranted by rock geochemistry, or will remain on surface and reclaimed in place”
Issue / Concern or Information Deficiency and Rationale:	WFN notes that the Proponent will need to employ a rigorous waste rock sorting program to determine the most suitable rock to be stored on surface temporarily or permanently or reused as aggregate. As WFN places exceptionally high importance on the protection of water on our Traditional Territory, we are concerned that the complex management and sorting of waste rock based on availability of backfill space and waste rock geochemistry during operations presents short term and long-term risks to water quality on our Traditional Territory.
Information Request / Comment:	WFN requests that Agnico Eagle specify in the IPD how WFN Traditional Knowledge and Land Use and relevant WFN governance and land use plans will be incorporated into the waste rock management plan for the Project.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	26
References:	B.3.4 Proposed Mine Facilities and Infrastructure (pp. 13-19)
Quotations:	“There is potential that on closure of the mine, the open pit could be reflooded to create a larger lake at the current York Lake location”



Issue / Concern or Information Deficiency and Rationale:	While WFN is encouraged by the fact that the proposed open pit would result in the removal of historical waste rock from York Lake, the Proposed open pit presents new and currently unknown geochemical, ecosystem, and human health risks, and is a dramatic permanent alteration to an important waterway within our Traditional Territory. Such substantial and permanent changes to an important waterway in our Traditional Territory requires the Proponent to meaningfully involve WFN in planning and design for closure of the open pit, which will be a legacy that our members will inherit from the Project.
Information Request / Comment:	WFN requests that Agnico Eagle provide further information in the IPD on how WFN Traditional Knowledge and Land Use, valued ecosystem components, governance and land use planning documents will be considered and incorporated into the design, operations, and remediation of the open pit during the federal Impact Assessment process.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	27
References:	C.6 Physical and Biological Environmental Setting
Quotations:	Agnico Eagle and its predecessors have been conducting environmental investigations on the Upper Beaver Mine site since 2010. The main periods of investigations were during 2011 to 2012 and 2018 to present.
Issue / Concern or Information Deficiency and Rationale:	Agnico Eagle does not provide details of the previous studies that were undertaken to assess the terrestrial environment. The absence of this key detail means that it is not possible to determine whether Agnico Eagle has undertaken sufficient studies to assess the baseline conditions for the terrestrial environment, or whether the potential impacts are appropriate.
Information Request / Comment:	WFN requests that Agnico Eagle include details and data from the terrestrial studies that have been undertaken for the Project to date. Specifically, WFN requests that Agnico Eagle provide the following for each study: <ul style="list-style-type: none"> • Methods and equipment used • Qualifications of personnel • Fieldwork investigation dates, times, weather conditions, and temperatures • Results • Associated reporting
Agnico Eagle Response:	
WFN Response:	



Comment Number:	28
References:	C.6.4 Terrestrial Environment
Quotations:	N/A
Issue / Concern or Information Deficiency and Rationale:	Agnico Eagle notes that waterfowl brood rearing habits, late winter moose habitat, , moose aquatic feeding area, and moose calving sites were found locally, but does not present further details (e.g., location., spatial extent) of these important areas. This is concerning to WFN as potential adverse impacts to these important wildlife areas would cause adverse impacts to WFN's rights and interests, as many WFN members hunt geese and moose very near to the Project site.
Information Request / Comment:	<p>WFN requests that Agnico Eagle provide a map showing the locations and spatial extent of waterfowl brood rearing habits, late winter moose habitat, moose aquatic feeding area, and moose calving sites.</p> <p>As well, Agnico Eagle should provide details on how they will incorporate Traditional Knowledge into their description of baseline terrestrial environment conditions and how this information will be used in associated assessments of impacts and proposed mitigations.</p>
Agnico Eagle Response:	
WFN Response:	

Comment Number:	29
References:	Section C.6.5: Aquatic Environment
Quotations:	"The studies included fish habitat and community assessment, fish collection, and benthic invertebrate and sediment analysis."
Issue / Concern or Information Deficiency and Rationale:	WFN notes that Agnico Eagle has not included fish tissue contaminants in the list of studies completed on the aquatic environment. The potential for increase in contaminant concentrations is a significant concern for WFN and may influence our community members' desire to harvest fish from downstream of the Project.
Information Request / Comment:	Agnico Eagle should describe how they will ensure concerns regarding the increase of contaminants in fish tissue will be assessed and addressed, including how WFN's Traditional Knowledge and Land Use will be used to inform the study design for aquatic effects assessments.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	30
References:	Section C.6.5: Aquatic Environment
Quotations:	N/A



Issue / Concern or Information Deficiency and Rationale:	The Impact Assessment for the Project would greatly benefit from an understanding of the consumption patterns of WFN community members as it relates to country foods. In the context of the aquatic environment, this would include the species harvested, the rate at which particular species are consumed, and from which waterbodies species are harvested. The incorporation of WFN's Traditional Knowledge and Land Use and valued ecosystem components into a human health risk assessment for the Project has not been discussed.
Information Request / Comment:	Agnico Eagle should describe its process for incorporating WFN's Traditional Knowledge and Land Use and VECs into a human health risk assessment for the Project, such that the results accurately reflect the risk to WFN community members.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	31
References:	C.6.6 Terrestrial Environment
Quotations:	N/A
Issue / Concern or Information Deficiency and Rationale:	Agnico Eagle notes that five species of risk were identified as present in the local area but does not provide sufficient details of these observations. As well, Agnico Eagle does not provide details of habitat present within the local area or project site that could support species at risk.
Information Request / Comment:	<p>WFN requests that Agnico Eagle provide details of the observations for each species at risk, specifically the observation location, number of individuals, breeding status, date, time, and method being used at time of observation.</p> <p>As well, WFN requests that Agnico Eagle provide details of potential species-at-risk habitat that is found within the project site and local area. Specifically, WFN expects that these details will include a description of the preferred habitat of each species, and a map showing habitat that meets these criteria within the local study area and project site.</p> <p>Finally, WFN requests that Agnico Eagle provide details of how WFN community members will be engaged in future and ongoing environmental monitoring and data collection in the baseline data collection phase.</p>
Agnico Eagle Response:	
WFN Response:	

Comment Number:	32
Draft IPD Section:	C.7.2 Social Context



Quotations:	"There are no First Nation Reserve lands proximal to the site, although the site is anticipated to be within the Traditional lands of a number of Indigenous Nations."
Issue / Concern or Information Deficiency and Rationale:	WFN confirms that the Project is within WFN Traditional Territory. WFN is a signatory to Treaty 9 and is politically affiliated with the Nishnawbe Aski Nation in Ontario and the Algonquin Anishinabeg Nation Tribal Council in Quebec.
Information Request / Comment:	Please revise to include this information related to WFN.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	33
Draft IPD Section:	C.7.4 Health Context
Quotations:	N/A
Issue / Concern or Information Deficiency and Rationale:	<p>The World Health Organization (WHO) uses a much broader definition of health than is provided in this section – which reports primarily on physical health conditions and services. The document First Nations Perspective on Health and Wellness (First Nations Health Authority [FNHA] 2018) reflects a balanced consideration for the emotional, mental, physical, and spiritual aspects of health and wellness, where relationships, responsibility, wisdom, and respect are valued and embedded within a health and wellness framework. Both the WHO and FNHA approaches to social determinants of health and wellbeing are endorsed in federal impact assessment processes.</p> <p>For Indigenous and non-Indigenous Canadian communities, Indigenous Services Canada publishes a Community Well Being (CWB) index as one publicly available measure of wellbeing (using census data for education, labour force activity, income, and housing). The current CWB score reported for WFN is 66 out of 100 using 2016 census data.</p> <p>The generally poor health outcomes of residents in the region described in C7.4. may have been significantly impacted by the COVID-19 pandemic. Will Agnico Eagle be considering the physical and mental health impacts of the ongoing global pandemic on WFN members in this assessment?</p>
Information Request / Comment:	WFN looks forward to being engaged fully in defining social determinants of health for their community and working with Agnico Eagle on assessing and addressing any impacts on them.



Agnico Eagle Response:	
WFN Response:	

Comment Number:	34
Draft IPD Section:	D.3 Federal, Provincial, Indigenous and Municipal Involvement and Effects
Quotations:	N/A
Issue / Concern or Information Deficiency and Rationale:	<p>The requirements for this section are to provide “any jurisdictions that have powers, duties or functions in relation to an assessment of the project’s environmental effects”</p> <p>There is no recognition in this section that, for any Proponent to operate on WFN Traditional Territory and benefit from the resources, Agnico Eagle and the Crown must engage with WFN to seek consent¹ for the Project.</p> <p>WFN Traditional Territory is shared with the Crown/settlers by Treaty 9. WFN agreed to share its land with settlers through Treaty 9. WFN did not agree to become subjugated to the Crown or to surrender its rights to and its Traditional Territory to the Crown. WFN understands Treaty 9 to be a pact of mutual co-existence, of the sharing of the lands and resources and the governance over them, such that dual or mutual consent is required for Conduct² in such shared lands.</p> <p>On April 6, 2010, WFN, along with other Anicinape (Algonquin) First Nations from Quebec, signed a declaration of assertion, affirmation and confirmation of their rights stating, among other things, that they never relinquished their governance, jurisdiction or sovereignty anywhere in Canada; that they agreed to live in peaceful co-existence with settlers and not to be subjugated by the Crown or settlers.</p> <p>WFN’s rights to use its Traditional Territory and its corresponding responsibility to protect this part of the world for future generations, are inherent – coming from forever being “in here,” and sacred, coming from the Creator. WFN decides how to exercise such rights and responsibilities through self-determination, which are embodied in many international legal instruments including the United Nations Declaration on the Rights of Indigenous Peoples to</p>

¹ Consent means WFN’s free, prior and informed consent to or permission for Conduct.

² Conduct means every action or decision contemplated by the Crown and any Proponent to permit or carry out an undertaking that might have Material adverse effects on any Rights or Values or Material effects on Sustainability of WFN.



	which Canada is a signatory and which has recently become adopted in Canadian law through the passing of Bill C-15.
Information Request / Comment:	Please revise this section to reflect this inherent WFN jurisdiction which is equally important to that of the current settler government jurisdiction noted (solely) in this section. This section should recognize that consent must be sought by Agnico Eagle to operate in WFN Traditional Territory.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	35
References:	Table D.1: Preliminary List of Potential Federal Approvals and Table D.2: Preliminary List of Potential Provincial Approvals
Quotations:	N/A
Issue / Concern or Information Deficiency and Rationale:	Section C.6.6 (Species at Risk) states that little brown myotis were detected west of the site, and that a single calling whip-poor-will was identified south of Beaverhouse Lake. Despite these findings during baseline studies, Agnico Eagle has not included the Federal Species at Risk Act (SARA) or provincial Endangered Species Act (ESA) in their preliminary list of potential approvals. Considering little brown myotis and whip-poor-will are designated as endangered and threatened, respectively, under the federal and provincial legislation, Agnico Eagle may be required to obtain approval under the SARA and ESA.
Information Request / Comment:	WFN requests that Agnico Eagle update the preliminary lists of potential approval to include the SARA and ESA.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	36
References:	Table D.2: Preliminary List of Potential Provincial Approvals
Quotations:	N/A
Issue / Concern or Information Deficiency and Rationale:	Agnico Eagle notes that permits and approvals may be required from the Ministry of Environment, Conservation and Parks (MECP), but does not note whether they will be seeking a permit under the Endangered Species Act.
Information Request / Comment:	WFN requests that Agnico Eagle provide further details of what permits and approvals may specifically be required from MECP.
Agnico Eagle Response:	
WFN Response:	



Comment Number:	37
References:	Table D.2: Preliminary List of Potential Provincial Approvals
Quotations:	N/A
Issue / Concern or Information Deficiency and Rationale:	Agnico Eagle notes that they will require a Forest Resource License for site clearing under the Crown Forestry Sustainability Act. Agnico Eagle does not note whether they will be contracting out this clearing work and whether First Nations would have right of first refusal on such contracts.
Information Request / Comment:	WFN requests that Agnico Eagle provide details of how they will engage and consult with WFN on site preparation activities, like a cutting permit, and outline how WFN will be included in associated Project procurement processes (e.g., provide contract set asides for Indigenous businesses, such as Wahgoshig Resources Inc.).
Agnico Eagle Response:	
WFN Response:	

Comment Number:	38
Draft IPD Section:	Table E.2: Preliminary Summary of Potential Environmental Effects
Quotations:	N/A
Issue / Concern or Information Deficiency and Rationale:	<p>Impacts on air quality, noise and light; local waterbodies/watercourses; and natural vegetation and wildlife all have the potential to impact how and where First Nation Rights are exercised. This should be noted in the second column labelled "potential effect (preliminary)."</p> <p>The potential effect on "Indigenous / Public Health and Safety (air emissions, water quality, socioeconomics)" is a very broad "environmental component." To state that there is "no effect expected" is premature without meaningful engagement of WFN. Furthermore, socio-economic effects are bi-directional (they can be positive or negative), so identifying them to only be positive is premature and misses the full range of socio-economic valued components that could be assessed. As an example, racism is listed as a potential negative socioeconomic concern in Appendix B.</p>
Information Request / Comment:	Please revise the table to include other potential effects on WFN.
Agnico Eagle Response:	
WFN Response:	



Comment Number:	39
References:	Table E.2: Preliminary Summary of Potential Environmental Effects
Quotations:	"One or more crossings may be needed which has the potential for habitat disturbance"
Issue / Concern or Information Deficiency and Rationale:	This statement is vague and does not provide any detailed information on the location, impacts, or mitigations associated with watercourse crossings completed during both the construction and operations and maintenance phases of the Project.
Information Request / Comment:	Agnico Eagle must provide greater detail on the watercourse crossing methods being considered for the Project. This includes an assessment of impacts the crossing methods will have on fish, fish habitat, fish spawning areas, aquatic resources, and how impacts will be managed and mitigated.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	40
References:	Table E.2: Preliminary Summary of Potential Environmental Effects B.3.4 Proposed Mine Facilities and Infrastructure
Quotations:	N/A
Issue / Concern or Information Deficiency and Rationale:	Regarding potential effects of the Project on natural vegetation and wildlife, Agnico Eagle notes only mine site and related infrastructure development as having the potential to displace existing terrestrial habitat, and mine site development displacing existing terrestrial habitat for species at risk. Agnico Eagle does not note other potential impacts of the Project on natural vegetation, wildlife or WFN's valued ecosystem components. This is of grave concern to WFN as the mischaracterization of potential impacts of the Project could lead to absence of effective avoidance, mitigation, and compensation measures. Adverse impacts that cause changes to the natural environment are likely to have adverse effects on WFN as per section 7(1) (c) and (d) of the Impact Assessment Act (2019), and adverse impacts to our rights and interests.
Information Request / Comment:	<p>WFN requests that Agnico Eagle provide details on how WFN will be consulted and engaged in identifying potential impacts of the Project on natural vegetation and wildlife and associated proposed mitigations.</p> <p>WFN requests that Agnico Eagle update the list of potential impacts of the project on natural vegetation and wildlife to include the following:</p> <ul style="list-style-type: none"> • Increased human traffic around the Project site may lead to increased hunting pressures and human-wildlife conflict • Mine site development and associated infrastructure development, may adversely impact populations and habitats of valued ecosystem components to WFN (e.g., moose)



	<ul style="list-style-type: none"> Increased traffic related to construction, operation, and closure of the mine site will impact populations and habitat of terrestrial wildlife Increased noise and light emissions related to mine site development/operation, infrastructure development/operation and increased traffic will impact wildlife habitat and wildlife populations (e.g., wildlife avoidance of these noise and light emission sources) <p>WFN requests that Agnico Eagle update the list Proposed Mitigations (Preliminary) to include the following:</p> <ul style="list-style-type: none"> Developing Project policies to lessen the impact of increased hunting pressures around the Project site Ensuring site restoration works provide habitat for valued ecosystem components (e.g., moose) equal to or greater than those that were destroyed by the Project Developing a site-wide wildlife road mortality management program that will provide specific mitigation measures, monitoring/data collection, guidance to road users, and reporting Developing a site-wide noise and light emission management plan that will provide details of specific mitigation measures (e.g., directional lighting), monitoring/data collection and reporting <p>The suggestions above are preliminary in nature, and our input is not limited to these items. WFN expects to be consulted and engaged during the development of scoping elements of the impact assessment (valued ecosystem components, indicators, objectives, spatial and temporal study area boundaries) and all subsequent phases of the impact assessment and specific mitigation and monitoring measures.</p>
Agnico Eagle Response:	
WFN Response:	

Comment Number:	41
References:	E.4 Potential Effects to Indigenous Peoples – Social, Economic and Health Conditions
Quotations:	“These potential effects will be determined through ongoing engagement activities and the environmental approvals process for the mine.”
Issue / Concern or Information Deficiency and Rationale:	Section 22(l) of the IAA requires Agnico Eagle to assess the impact of the Project on the cultures of impacted Indigenous Nations. Despite this being a requirement for Agnico Eagle to assess under the Act, Agnico Eagle has provided no indication on how they will come to understand WFN’s culture, and from that understanding assess how the Project may affect WFN’s ability to maintain or transmit our culture to future generations.



Information Request / Comment:	WFN requests that the Proponent provide further details on how they plan to gather information from WFN to understand our culture, and how they will work with WFN to assess the impacts that the Project will have on our culture and our ability to maintain and transmit our culture to future generations.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	42
Draft IPD Section:	E.4 Potential Effects to Indigenous Peoples – Social, Economic and Health Conditions
Quotations:	“There are no anticipated direct negative effects on health conditions as all regulatory requirements will be met.”
Issue / Concern or Information Deficiency and Rationale:	It is premature to assume that there will be no direct negative effects on health conditions, particularly in light of the fact that the social determinants of health and wellbeing—from WFN’s perspective—have not yet been identified or assessed.
Information Request / Comment:	WFN looks forward to being fully and meaningfully engaged in the impact assessment to identify, assess, and determine appropriate mitigations for any negative effects or enhancements for positive impacts of the Project including those on health and socio-economic conditions.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	43
References:	Table E.4: Preliminary Comments and Preliminary Approach / Actions
Quotations:	“A preliminary plan to reclaim the site will be included and provided for comment during the impact assessment process. In addition, a detailed regulatory Closure Plan will be required before any construction starts for the mine.”
Issue / Concern or Information Deficiency and Rationale:	Agnico Eagle has committed to developing a reclamation plan as part of the impact assessment process and has provided some general details of some reclamation activities that will be occurring as part of the Project, including revegetation, seeding, covering with overburden, and scarification. These brief details do not provide a sufficient overview of what reclamation activities could occur, nor do they provide an adequate idea of what portion of the reclamation measures will be active (e.g., plantings saplings) vs. passive (e.g., natural regeneration), or what overarching objectives of the reclamation of the site may be.



Information Request / Comment:	WFN requests that Agnico Eagle provide details of how they will consult with WFN during the development of the reclamation plan, that further details be provided on the reclamation activities that may be undertaken as part of this plan, and that preliminary overarching objectives of the site reclamation be provided. In particular, we expect that an objective of closure will be return of the site to a state that is safe and productive for traditional use activities by WFN.
Agnico Eagle Response:	
WFN Response:	

Comment Number:	44
References:	E.6.1.1 Atmospheric Emissions
Quotations:	"Water and other approved dust suppressants will be used as required to control dust emissions."
Issue / Concern or Information Deficiency and Rationale:	Agnico Eagle notes that water and other suppressants will be used to control dust emissions. Agnico Eagle does not commit to developing a dust management plan that will outline thresholds for dust management, methods, frequency, or control methods used on-site.
Information Request / Comment:	<p>WFN requests that Agnico Eagle commit to developing a dust management plan, in consultation with WFN, that will include the following:</p> <ul style="list-style-type: none"> • Thresholds for use of control methods • Control methods and materials/equipment • Frequency of control methods • <p>WFN requests that, once a draft of the plan has been developed, Agnico Eagle share this with WFN for their review and comment.</p>
Agnico Eagle Response:	
WFN Response:	

Comment Number:	45
References:	E.6.1.2 Liquid Discharges
Quotations:	"All effluent discharged from the site will be treated to meet regulatory requirements"
Issue / Concern or Information Deficiency and Rationale:	WFN notes that regulatory requirements for effluent discharge are often insufficiently conservative from WFN's perspective. As the Proponent is aware, there are many historic and current mining operations on WFN's Traditional Territory spanning a continuous period of more than 100 years. Forestry and other resource and infrastructure development has also significantly impacted water resources on our Traditional Territory. WFN places exceptional



	importance on the protection of water in our Traditional Territory, and our experience has shown that the minimum requirements set by regulators routinely overlook the cumulative impacts of over 100 years of industrial development on our Traditional Territory.
Information Request / Comment:	<p>WFN requests that the Proponent provide details on how they intend to engage with WFN to determine appropriately conservative effluent discharge criteria, as well as monitoring and adaptive management strategies related to industrial effluent and seepage from the project in all phases.</p> <p>WFN also requests that the Proponent specify how they will incorporate cumulative effects considerations into their effluent discharge criteria, and how they plan to incorporate WFN Traditional Knowledge and Land Use and other WFN input into their cumulative effects assessment.</p>
Agnico Eagle Response:	
WFN Response:	

Comment Number:	46
Draft IPD Section:	E.7 Overview of Potential Environmental Effects
Quotations:	"Agnico Eagle is unaware of any other projects, apart from their exploration / advanced exploration program that could cause the Upper Beaver Gold project to have a cumulative effect on the environment."
Issue / Concern or Information Deficiency and Rationale:	<p>There is no indication or definition of a regional study area within which cumulative effects may occur in combination with the Project effects. To state that there are no other activities is premature and misses potential cumulative effects on WFN rights, uses and interests from activities such as forestry, energy infrastructure development, road development, urban development and other mining projects in the region.</p> <p>Furthermore, Agnico Eagle is operating on mining claims that have been in operation on and off for over 100 years and, in combination with other projects and activities authorized by the Crown without consultation with WFN, have resulted in cumulative impacts on WFN that have never been accommodated. WFN appreciates that the project may resolve some ongoing legacy environmental hazards, however, the project, in combination with others, also perpetuates impacts sustained by WFN members for generations.</p>
Information Request / Comment:	WFN looks forward to working with Agnico Eagle to assess cumulative impacts including providing assistance in identifying other projects or activities that could create ongoing sustained cumulative effects on WFN rights, uses and interests in a region defined collaboratively with WFN.



Agnico Eagle Response:	
WFN Response:	

Comment Number:	47
References:	E.7 Overview of Potential Environmental Effects
Quotations:	"The (potential effects of the Upper Beaver Gold Project) will be clarified through ongoing engagement activities, the environmental approvals process and engineering investigations and studies for the mine."
Issue / Concern or Information Deficiency and Rationale:	WFN notes that the preliminary potential effects for the Project present no consideration of the Project's contribution to regional sustainability. Section 22(h) of the Impact Assessment Act defines sustainability as "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." The act also states that "sustainability is contextual, tied to human-ecological systems and is project dependent. It is important to understand different perspectives and values of communities and Indigenous groups involved in an impact assessment, in order to accurately assess the project's contribution to sustainability. There may be different perspectives or values in or among different groups and communities. " As such, WFN is concerned about the lack of consideration of the Project's overall contribution to sustainability as understood by WFN, and how the preliminary environmental effects inform the assessment of the Project's sustainability to WFN.
Information Request / Comment:	<p>WFN requests that Agnico Eagle provide a rationale for how they will assess the project's overall contribution to sustainability. The Proponent should assess how each of the preliminary environmental effects inform the Project's contribution to sustainability.</p> <p>WFN also requests that the Proponent specify how they will incorporate WFN Traditional Knowledge and Land Use, studies and plans, or any Project-specific WFN-led assessments into WFN's unique definition of sustainability, and how that definition will be incorporated into their assessment as required by Section 22(h) of the Impact Assessment Act.</p>
Agnico Eagle Response:	
WFN Response:	

Comment Number:	48
Draft IPD Section:	Appendix B Community Inputs and Outcomes – Indigenous Nations
Quotations:	N/A



<p>Issue / Concern or Information Deficiency and Rationale:</p>	<p>There is no indication of which Indigenous Nations provided comments that appear in this Appendix. It is not clear whether or not the comments from each of the engagement activities undertaken by Agnico Eagle and the previous owners with WFN since 2009 (or in what timeframe) have been considered here.</p> <p>Many of the “topics” appear to be suggestions and concerns, but have not been well categorized to reflect this. For example, the “need to preserve the access for boat launching on the west side of the Beaverhouse Lake” could be considered a suggestion as well as a concern that it could be removed. The “discuss [sic] about a traditional trail in the project area” is not really a suggestion, nor is it clear what the concern or discussion was about.</p> <p>WFN concerns discussed at a meeting with Agnico Eagle on May 7, 2021, that are not reflected in Appendix B include:</p> <ul style="list-style-type: none"> • The need to maintain and respect the confidentiality of Indigenous Knowledge and Land Use information (cultural sites) as well as the desire to work with their own advisors to prepare information pertaining to WFN in the EIS. • Interest in methodology and participation in terrestrial wildlife studies related to moose and fish and the need for sustainability in these resources. • The need to collaborate in engagement planning – maintaining good meeting notes, challenges related to communication by email and the need for information in French. <p>WFN concerns discussed at a meeting, on November 18, 2020, with Agnico Eagle that are not reflected in this table include:</p> <ul style="list-style-type: none"> • The need to be involved in the assessment of alternatives means to the project. • A recommendation to have any federal impact assessment process harmonized with provincial EA processes. • There was discussion about work plans and funding for technical support, however, to our knowledge this has not yet been agreed to nor discussed. • It should be noted that some follow up actions from this meeting have not been completed, including provision of the permitting schedule and previous meeting notes.
<p>Information Request / Comment:</p>	<p>WFN suggests that the table be revised to clearly identify which concerns were expressed by which Indigenous Nations over a specific period of time. It would also be helpful to confirm the type, date, location, and participants in</p>



	engagement activities so that WFN can verify the engagement records and that the concerns expressed have been heard, documented correctly and are being addressed.
Agnico Eagle Response:	
WFN Response:	