

March 14th, 2022

RE: Comments/Concerns to Agnico Eagle Upper Gold Project -Detailed Project Description and Draft Permitting Plan and Related IAAC Registry Documents.

Beaverhouse First Nation has had the opportunity to review the Impact Assessment Agency of Canada's (IAAC's) Tailored Impact Statement Guidelines (TISG) and Indigenous Engagement and Partnership Plan (IEPP) for the proposed Agnico Eagle Mines Ltd. Upper Beaver Gold Project (the Project).

As you are aware, the Agnico Eagle Upper Beaver Project lies within the heart of Beaverhouse First Nation's Traditional Territory and is heavily impacted by the project. Our community's home base is located 2.5km from the historical argonaut mine, the current advanced exploration and the proposed operations. All, which has directly impacted and will continue to impact our community and its archaeological sites, ceremonial sites, burial sites, trails, hunting, fishing and trapping grounds.

It is recommended that the Impact Assessment Agency take into consideration the additional projects surrounding the Upper Beaver Project and determine the impacts this will have on our community and our Aboriginal rights. It is also recommended that the Impact Assessment Agency take into account the current permits that other ministries are approving, thus allowing further impacts to occur during a period of time when impacts are supposed to be assessed by your agency.

We appreciate the effort the Impact Assessment Agency has made to the development of these reports. Beaverhouse First Nation looks forward to hearing your response to our comments. Please feel free to contact Lands department at landsmanager@beaverhousefn.com if you would like to discuss Beaverhouse First Nation's comments further. Please find our comments attached.

Miigwetch,

Beaverhouse First Nation Lands Department

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Detailed Project Description Comments and Concerns

Section B.1 - Summary of Engagement with Stakeholders

Preamble: Under Section B.1 - Summary of Engagement with Stakeholders of the Detailed Project Description it states; *[“Good practices previously presented will continue to be implemented, and key objectives of engagement activities for 2021 and 2022 are; To inform stakeholders of the baseline studies process”].*

Concern: Insufficient documentation and data shared to stakeholders regarding baseline studies being conducted at the Upper Beaver site. The booklet “Baseline Studies Overview as of October 1st, 2021” was shared with BHFN however, it does not provide data to support the conclusions of any of the studies depicted in the Baseline Studies booklet (ie: Air Quality, Noise, Hydrology and Climate, Hydrogeology, Geochemistry and Geology, Surface Water and Groundwater Quality, Soils, Land and Resource use, Archaeology, Visual Aesthetics, Socio-Economics, Indigenous Knowledge, Ambient Light, Aquatic Biology, Vegetation, Wildlife, Biodiversity and Protected Areas). As well, study specific data has not been shared to stakeholders via The Detailed Project Description. Without the data to support conclusions drawn by Agnico Eagle, stakeholders can not verify claims made regarding baseline studies that have been completed to date.

Proposed Solution: Provide stakeholders with data collected specific to each of the baseline studies being conducted at the Upper Beaver Project. This will allow for transparency between the proponent and stakeholders as well, providing knowledge of current and past site conditions. This will allow stakeholders to determine if the Impact Assessment to be completed encompasses each of these parameters that will potentially be affected by the Upper Beaver Project.

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Table B.1: Summary of Representative Comments in Summary of Issues and Responses

Preamble: Under the Summarized Comments column in Table B.1 it states; [*“Need for an analysis of alternative means for carrying out the Project, including mining without draining York Lake and tailings storage”*].

Under the Summarized Response column, adjacent to the above comment in Table B.1 it states;

[“Technically and economically feasible alternative means will be considered during future regulatory documentation, including for mining and tailings storage. Based on expert studies completed during 2020, Agnico Eagle has not identified any feasible alternative means of carrying out the Project without diverting Ava Lake / Misema River around York Lake”].

Concern: The above comment and response entails that there are alternative means to the project that have not been considered due to their economic feasibility. No detailed description of alternative means to carrying out the project are outlined in The Detailed Project Description.

Proposed Solution: Provide stakeholders with further detailed explanation of what the alternative means of completing the Upper Beaver project that were considered are. Provide stakeholders with supplementary information as to why the alternative means to the project were not considered. Include cost differences and technical feasibility considerations when outlining each of the alternative means for the Upper Beaver project that were considered. More clarity is needed on reasoning as the response indicates in the event of an Impact Assessment.

Table C.2 - Preliminary List of Mine Facilities and Comparison to Advanced Exploration Facilities

Preamble: In Table C2 of the Detailed Project Description, under the Proposed Mine Facility Column it lists [*“On-site (uncrushed) ore”*] as a proposed mine facility. Under the Description column it lists the On-site (uncrushed) ore as [*“New ore Stockpiles”*].

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Concern: The above listing fails to depict the exact number of ore stockpile facilities that will be added. Figure S.2 - Preliminary Site Map of the Detailed Project Description shows three ore stockpile facilities on the Upper Beaver site. It is unclear how many ore stockpile facilities are proposed. This discrepancy is concerning as it leaves open ends on capacity limits further instilling the question of Agnico's future goals and opportunities to expand mining operations in the future.

Proposed Solution: Review ore stockpile capacities and projected ore extraction to ensure the Preliminary Site Plan encompasses a sufficient amount of stockpile facilities for the Upper Beaver project plan and not in excess of to prevent unnecessary environmental impacts to surrounding areas. Provide stakeholders with clear projected annual extraction and project blueprint containing the necessary facilities and infrastructure.

Section C.2 - Applicable Physical Activities Regulation Provisions

Preamble: Under Section C.2 - Applicable Physical Activities, Regulations, Provisions, the final line of this section states; [*"The Upper Beaver Gold project is not part of a larger project that is not listed on the Project List"*].

Concern: Under Section A.2 - Proponent states; [*"Possible synergies with the Upper Beaver Gold project will be further assessed after the completion of the merger, and if conclusive, will be integrated to the Upper Beaver Gold project design and Impact Assessment, if appropriate"*]. This statement leads proponents to believe that despite the statement outlined under Section C.2 - Applicable Physical Activities, Regulations, there is not adequate assurance that the Upper Beaver Gold Project is not part of a larger project that is not listed on the Project List. As well, under Section C.3.4.4 of The Detailed Project Description it states [*"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 at the same time as processing the Upper Beaver Mine ore, or potentially after the on-site ore resource is depleted"*]. This further leads stakeholders to have mistrust between themselves and proponents regarding the future plans of the Upper Beaver Gold Project.

Proposed Solution: Proponents need to provide clear and specific plans regarding the future plans of the Upper Beaver Gold Project. Remaining transparent with stakeholders will

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instill a sense of trust which will result in more meaningful consultation. Draft a plan depicting the potential future operation scenarios at the Upper Beaver Gold site that remain true to the future plans discussed by proponents. Provide this draft plan to stakeholders to mitigate concerns and eliminate questions. IAAC should consider putting the Upper Beaver Gold Project Impact Assessment on hold to identify whether the project proposal identified by the proponent may be a part of a bigger project in the future than identified in their proposal?

Section C.3.1 - Stockpiles

Preamble: Initial estimates for the projected amount of each stock pile remain relatively the same within Section B.3.4 of the Initial Project Description [*“Run of mine ore stockpile: approximately 0.3 to 0.5 million tonnes (Mt);, Mine rock stockpile: approximately 12 Mt;,, Overburden / organics stockpile: approximately 2.5 Mt”*] and Section C.3.1 of the Detailed Project Description [*“Uncrushed ore stockpile: approximately 0.3 to 0.6 million tonnes;,, Mine rock stockpile: approximately 11 million tonnes;,, Overburden and organic soil stockpiles: approximately 1.5 million tonnes”*].

Concern: The Preliminary Site Plan as depicted in Figure S.2 of the Detailed Project Description includes additional overburden pond near overburden stockpile and ore stockpile by the mine rock storage facility. What is Agnico’s need for additional stockpile infrastructure with stockpile amounts remaining the same? Is the additional stockpile infrastructure included required or is it being put in place now to allow Agnico to expand their mining operations on the Upper Beaver site in the future?

Proposed Solution: Provide stakeholders a clear explanation on Agnico’s future mining operation intentions at the Upper Beaver Site. Provide information regarding stockpile capacity limits and the need for additional stockpile facilities as well as a cohesive plan to follow these limits.

Section C.3.1 - Stockpiles

Preamble: Under Section C.4.3.4 - Stockpiles of the Initial Project Description states [*“It is unknown at this time whether stockpile(s) will overprint minor creeks which may contain*

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fish”]. Looking at the corresponding section (Section C.3.1 - Stockpiles) makes no mention of whether stockpiles will overprint any water courses, large or minute, that are fish habitat.

Concern: Preservation of existing fish habitat is significant to minimize the adverse environmental impacts of the Upper Beaver Gold Project. Impacting waterways that contain fish can negatively impact fish species not only at the site of the stockpile overprint, but downstream fish habitat as well.

Proposed Solution: Review projected overburden amounts and stockpile facilities to ensure adequate storage space and prevent contamination to the surrounding environment. Provide a clear plan on effluent discharge and specific effluent discharge location to ensure sufficient studies can be conducted at and downstream from discharge location. Provide stakeholders with a plan to contain/treat overburden and effluent.

Section-C.3.4.2 Open Pit and Diversion

Preamble: Under Section C.3.4.2 - Open Pit and Diversion states; *“Rock stability investigations between 2018 and 2020 by specialized consultants (Golder Associates and Knight Piésold) identified that there was insufficient competent rock (termed crown pillar) above the existing underground mine workings for safe underground mining to occur in the future”].*

Concern: Insufficient evidence provided to stakeholders regarding the rock stability investigations conducted by Golder Associates and Knight Piésold. Lack of transparency with stakeholders regarding the crown pillar issue results in the questioning of whether the Open Pit and Diversion method is the only viable option to continue the Upper Beaver Project.

Proposed Solution: Provide stakeholders with detailed reports procured by Golder Associates and Knight Piésold to allow for additional analysis of Crown Pillar issue. Eliminating the requirement for dewatering York Lake by investigating alternative approaches to correcting the crown pillar issue will mitigate public concerns of overall project footprint and impact.

Section - C.3.4.2 Open Pit and Diversion

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Preamble: Under Section C.3.4.2 - Open Pit and Diversion states; [*“Following review of expert studies and an internal assessment, it was determined that the best option for mining to proceed would be to divert the water flowing from Misema River into the York Lake around the area and remove the sediments and rock under the lake as well as the ore by an open pit. This would mitigate any short term or long-term instability concerns with the crown pillar, would provide the opportunity to rehabilitate the historic tailings and mine rock located in and beside York Lake, and maintain the viability of the project.”*.]

Section C.3.4.2 Open Pit and Diversion then lists the potential engineering options that were investigated by Agnico Eagle that would support the development of the Upper Beaver Project. The options outlined include; [*“Geotechnical stabilization of the crown pillar by means of a freezing technique, sterilization of resources and reserves by maintaining a safe distance from all historic mining, remote construction of underground bulkheads to isolate the historical mining; and Surface mining through the crown pillar with diversion of a portion of the York Lake / Misema River system”*]

Towards the end of Section C.3.4.2 - Open Pit and Diversion it states; [*“.. Once the fish removal process is complete, 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”*].

Concern: The four options of potential alternative approaches to the Upper Beaver project outlined in the in Section C.3.4.2 of The Detailed Project Description are outlined briefly and do provide an in depth explanation of these approaches. As well, the Detailed Project Description neglects to provide reasoning as to why three of the four proposed alternative approaches for ore extraction were not selected. The Detailed Project Description neglects to provide reasoning as to why surface mining through the crown pillar with diversion of a portion of the York Lake/ Misema River system was selected as the optimal alternative approach to the Upper Beaver project.

It is important to note that the impacts to the Misema River system are extreme and have direct impacts to BHFN community cultural practices. The utilization of water bodies to mitigate project impacts has serious implications for the ecological resilience of an already stressed ecosystem.

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BHFN has Anishinaabe women members who are water keepers and have concerns about impacts to their access to water sources and the ripple effects to children in utero, their family's health and well being and future implications of project activities and eventual closure and removal of proposed dams.

Proposed Solution: Provide stakeholders with an in depth explanation of the potential alternative approaches to the project that were not selected under Section C.3.4.2 of The Detailed Project Description. Provide stakeholders with reasoning as to why each of these approaches were not considered when reviewing their viability to the project. Provide stakeholders with reasoning as to why the approach of surface mining through the crown pillar with diversion of a portion of the York

Section C.3.4.4 - Ore Processing

Preamble: Under Section C.3.4.4 of The Detailed Project Description it states [*“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 at the same time as processing the Upper Beaver Mine ore, or potentially after the on-site ore resource is depleted”*]. There is no follow-up provided on whether additional sites will have their ore processed at Agnico's Upper Beaver site.

Concern: The implications of processing additional ore beyond the amounts estimated by Agnico's Upper Beaver project plan are unknown. The impacts of additional waste being produced through the processing of ore from other sites could negatively impact the surrounding environment. If this were to happen, is it known how much ore will be processed in addition to the ore being extracted and processed from the Upper Beaver site? Is the proposed waste storage infrastructure adequate to support and contain the outside ore?

Proposed Solution: To design a project plan that encompasses the potential for additional ore processing beyond that extracted from the Upper Beaver site will ensure waste stockpile and treatment will handle the capacity of ore being processed on site. Determine whether processing of off site ore will occur at the Agnico and provide a definite response to stakeholders to allow for the impacts to be adequately assessed.

Section C.3.4.6 - Buildings and Yard Areas

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Preamble: Under Section C.3.4.6 - Building and Yard Areas it states; [*“A network of access and haul roads will be established within the site as needed, utilizing the existing road network or road network developed during the advanced exploration as reasonable (Figure C.1), and minimizing water crossings. These roads are expected to be contained primarily within the footprint / preliminary project boundary shown in Figure C.1 (and D.2). Any new roads will be constructed of aggregate or non-potentially acid generating mine rock. Three new water crossings are currently proposed for the Upper Beaver Gold project, likely as culverts, but potentially as bridges (Figure C.1). One or two existing water crossings may also require upgrading”*].

Figure C.1 depicts a preliminary road crossing to be installed over the rapids connecting Ava Lake to Beaverhouse Lake.

Concern: There is concern regarding the installation of this alternative access road. The construction of a bridge over the rapids is of concern as it has the potential to negatively impact surrounding aquatic ecosystems and fish habitat in this location. As well, contamination of Ava Lake and Beaverhouse Lake is highly likely to occur through the construction of the alternative access road. The impacts road construction will have on the BHFN community range from contaminated water to the disruption of wildlife by the generated acoustics of the construction. Negative impacts on BHFN food and water sources will be detrimental to the sustainability of the community, Significant wetlands are located along the preliminary access road depicted in Figure C.1. Wetlands provide a huge bounty of ecosystem services, they; are a source of food and medicines; improve water quality; provide habitat for wildlife; are a habitat for fish; provide flood mitigation; reduce erosion; provide climate change mitigation; have recreation and tourism value.

Proposed Solution: Re-evaluate the requirement for alternative access road construction. Consider an alternative route that does not impact Ava Lake, Beaverhouse Lake or wetlands surrounding this road access location. . The construction of road access should not be determined by financial feasibility. The consideration of environmental and social impacts should take precedence when planning alternative public road access.

Section C.3.4.15 - Preliminary Decommissioning Approach

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Preamble: Under Section C.3.4.15 - Preliminary Decommissioning Approach in the Detailed Project Description is states [*“A preliminary description of the proposed reclamation measures is provided in the text that follows, subject to consultation, additional engineering and regulatory review”*]. A specific decommissioning plan is not available.

Concern: The decommissioning plan available for review in The Detailed Project Description is hypothetical and does not provide a specific decommissioning plan. This is of concern as a specific decommissioning plan allows stakeholders to review the scope of the Upper Beaver project and determine its environmental and socio-economic impacts to surrounding areas not just throughout the duration of the project but once it is completed. The decommissioning plan is an integral part of the project and must be made available to fully assess the impacts of the proposed project.

Proposed Solution: Having Agnico draft a specific site decommissioning and land reclamation plan that will be submitted to the applicable agencies will provide stakeholders with a concrete preliminary plan. This document will be used not only to assess the potential impacts of the proposed project but to also hold proponents accountable throughout the duration and upon completion of the project.

Section C.6 - Potential Alternatives

Preamble: Under Section C.6 - Potential Alternatives, the Detailed Project Description states; [*“Effluent discharge location (potential alternatives: Misema River various locations);*]

Concern: The proposed effluent discharge location and potential alternatives include the Misema River in various locations. The use of Misema River as the effluent discharge location has negative implications regarding BHFN, the surrounding community members that frequently utilize the Misema River and the surrounding ecosystems at the effluent discharge location and downstream from this location. Adverse environmental effects experienced by the discharge of effluent into the Misema river would severely impact the resilience of the river system and the health of people who rely on this river system.

Wetlands provide a huge bounty of ecosystem services, they; are a source of food and medicines; improve water quality; provide habitat for wildlife; are a habitat for fish; provide flood mitigation; reduce erosion; provide climate change mitigation; have recreation

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and tourism value. Of significant importance to First Nations people in the region, wetlands have cultural and spiritual significance, and they are groundwater recharge and discharge points. This is an important point because the implications for effluent discharge or collateral damage/ pollution in the water could seep into the groundwater and be carried along a wider impact radius than stated in the Detailed Project Description. Superimposing over bodies of water will have direct cultural and environmental impacts. Both in reduction of navigable waters for fish to frequent and pollution in the water. Figure D.5 - Wetlands and Low-Lying Areas within the Detailed Project Description depicts the proposed final effluent discharge going right into the Misema River and flowing downstream through wetlands making it a direct contravention of the principles of sustainability outlined in the provincial wetland's conservation strategy, notably, the Lakes and Rivers Improvement Act (Ontario Ministry of Natural Resources and Forestry. 2017. A Wetland Conservation Strategy for Ontario 2017–2030. Queen's Printer for Ontario. Toronto, ON).

In addition, this site and adjoining riversides are frequented by fishermen and trappers depending on the season. The impacts to the surrounding water bodies cannot be understated. As noted above, the initial site plan has mapped the effluent discharge point directly into wetlands and flowing downstream, in Figure D.3 Watershed Boundary Map we can see this river continuing through a series of small lakes and rivers and ultimately flowing into/ through South Grassy Lake Conservation Reserve. Conservation Reserves protect significant natural and cultural features while providing opportunities for a variety of compatible traditional activities. Regulated under the Provincial Parks and Conservation Reserves Act, they are also important for scientific research and environmental monitoring. Wetlands are a foundational ecosystem service that have rippling implications for a variety of plants and animals that frequent the region. The effluent discharge point is placing undue strain on ecologically sensitive points and will pollute this conservation reserve in addition to the negative cultural impacts of ecological degradation.

Solution: Proponents should consider an alternative effluent discharge location that does not utilize the Misema River or adjacent water bodies. This will mitigate the adverse effects created by effluent discharge that will be experienced in Misema River, surrounding ecosystems and people who utilize the Misema River. The ecological impacts are significant enough to warrant a thorough investigation into the project plans to provide solutions that protect our waters, the potential for human impacts via groundwater seepage must be investigated and scientific data gathering, including a groundwater seepage risk

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assessment in accordance with XV.1 of the Environmental Protection Act. This includes an Ecological Risk Assessment AND a Human Health Risk Assessment report.

Section C.6 - Potential Alternatives

Preamble: Under Section C.6 - Potential alternatives, the Detailed Project Description states; *["In consideration of the local site conditions, there are no alternatives methods that are economically viable for: Mining methods (constrained by ore location and geometry, Crown pillar stability and land ownership / tenure)"]*.

Concern: The above statement entails that proponents have alternative methods of ore processing that are both technically and scientifically viable options however, were not considered as they are not economically feasible to the Upper Beaver Project.

Proposed Solution: Provide stakeholders with a list and detailed explanation of the alternative methods of ore processing that were considered before being deemed not economically viable. Provide stakeholders with projected cost comparisons between the alternative ore processing methods that were considered.

Section D.3.1 - Climate, Air Quality, Noise and Light

Preamble: Section C.6.1 - Climate, Air Quality, Noise and Light of the Initial Project Description states *["Air quality data (total dustfall) was measured at the Upper Beaver Gold project site monthly during 2012 with data prior to September representing background conditions"]*. Section D.3.1 - Climate, Air Quality, Noise and Light of the Detailed Project Description states *["Pre-development (baseline) studies for air quality, noise and ambient light are being completed"]*.

Concern: The air quality data (total dustfall) depicted in the Initial Project Description dates back to 2012. This data is out of date and does not provide an accurate representation of background conditions as this is only one year of data which dates back ten years. It is unclear whether the current air quality studies being conducted are specific to total dustfall and the duration of these air quality studies will be. Will the current air quality studies being conducted provide sufficient baseline and a clear scope of what the potential impacts to air quality will be based on the current project plan?

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Proposed Solution: Air quality data (total dustfall) collected in 2012 can be used as a comparison to current and future air quality data collected; however, it should not constitute as sufficient baseline data for air quality (total dustfall) at the project site due to the age of the data. Conducting monthly air quality studies for a duration of time sufficient enough for air quality trends to occur will ensure that the data interpreted for baseline data provides an accurate representation of air quality. This will help to ensure adverse effects of air quality are easily identified if they were to occur during the duration of the project.

APPENDIX B: Community Input and Outcomes - Indigenous Nations

Preamble: Under Appendix B: Community Input and Outcomes - Indigenous Nations (pg:AppB-4) of the Detailed Project Description a Key Issue raised under Subsection - Fish and Fish Habitat states [*“Potential impacts on spawning beds, close to the boat launch of the Beaverhouse Lake”*].

Adjacent to this Key Issue is AEM’s Results of Engagement which states [*“There is no plan for development in this area. No other impacts are expected”*].

Concern: Figure D.5 - Wetlands and Low-lying areas depicts a proposed alternate road to be built which crosses directly over the boat launch of the Beaverhouse Lake. This entails that there is infact a plan for development in this area which, if implemented will result in negative impacts on spawning beds close to the boat launch of the Beaverhouse Lake. Concern that there is no transparency between proponent and stakeholders regarding this development.

Proposed Solution: In the event that the proposed road is to be built to ensure the viability of the project, an alternate route must be considered. The impacts on fish and fish habitat as well as spawning beds will be detrimental. Indigenous peoples frequently utilize this water body as a source of food and as a spiritual location. Remain transparent to stakeholders and the Indigenous Community by responding to Key Issues accurately and honestly. Provide a full scope explanation to plans regarding the development of proposed infrastructure and include this transparency when addressing Key issues to maintain integrity between stakeholders and the proponent.

APPENDIX C: Response to Summary of Issues

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Preamble: Under Appendix C; Response to Summary of Issues, in the Detailed Project Description, comment #17 states; [*“Need for further information on net greenhouse gas emissions for each separate phase of the Project (e.g. carbon footprint), including information on which greenhouse gasses will be measured and reported publicly, and methodology used. Information provided should be aligned with the Government of Canada's Strategic Assessment on Climate Change”*].

Adjacent to the above comment is the proponent's response which states; [*“Agnico Eagle recognizes the important role that industry plays in addressing climate change and is actively working on initiatives to help reduce our carbon footprint and mitigate climate change risks, while continuing to grow our operations. An assessment of potential greenhouse gas (GHG) emissions for each phase of the project will be conducted as part of the IS aligned with the Strategic Assessment on Climate Change, if an IA is determined to be required. The Upper Beaver Gold project has a relatively small GHG footprint compared to many industrial operations, including as a result of the decision to use grid power rather than diesel-fired generators for site power”*].

Concern: The United Nations Framework Convention on Climate Change focuses on several key aspects. The mitigation of GHG being one. The response summary addresses this target noting that the Upper Beaver project has [*“a relatively small GHG footprint compared to many industrial operations”*]. This response does not include a comparison of similar mining operations, both proximally (KL Gold and others) and industry wide to draw accurate, reflective comparisons. The assumption that the Upper Beaver Project has a relatively small GHG footprint should only be made after comparing projected GHG emissions with similar projects.

Proposed Solution: Provide stakeholders with a clear breakdown of the projected GHG footprint of the Upper Beaver Project as well as the GHG footprint of similar mining operations both proximally and internationally to support the statement that the GHG footprint of the Upper Beaver Project is in fact relatively small in comparison to many other industrial operations. The Upper Beaver project should be adopting the use of Best Available Technologies and Best Environmental Practices in accordance with the principles outlined in the Strategic Assessment of Climate Change (SACC), as a range of feasible options were considered as not economically viable for the project, a detailed investigation

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into alternative means and chosen practices must be provided to demonstrate a compelling need to not utilize BAT's. In addition, information on measures being taken to reduce GHG emissions on an ongoing basis including detailed description of technologies and practices is needed.

APPENDIX C - Response to Summary of Issues

Preamble: Under Appendix C - Response to Summary of Issues, in the Detailed Project Description, comment #19 states; [*“Need for further information on the Project's impact to Canada's ability to meet its climate change target and environmental obligations”*].

Adjacent to the above comment is the proponent's response which states; [*“As described in the IPD, the Upper Beaver Gold project will not have a material affect GHG generation in Canada. As with virtually all industrial operations, greenhouse gasses will be emitted during all phases of the project (construction, operation and closure). The primary sources of greenhouse gas emissions from each project phase are expected to be: Construction: diesel combustion in mobile equipment; Operation: diesel combustion in mobile equipment, blasting in the open pit and underground, processing or ore and indirect emissions from purchased grid power; Closure: diesel combustion in mobile equipment ((see DPD Section F.5)”*].

Concern: The above response to comment #19 under Appendix C - Response to Summary of Issues in the Detailed Project Description does not provide specific information on the Project's impact to Canada's ability to meet its climate change target and environmental obligations. The response proves vague GHG sources within the Upper Beaver Project but neglects to include specific projected GHG emissions produced at each phase of the project and the source of those GHGs. As well, the response neglects to include specific information on how the project will not have a material effect onGHG generation in Canada.

Proposed Solution: Concerns about Canada's domestic and international climate change commitments must be adequately reviewed. We call on Agnico Eagle, the Ministry of the Environment, the Environmental Protection and on the Impact Assessment Agency to ensure an accurate, specific and direct correlation and explanation of how the Upper Beaver Gold project is aligned (or misaligned) with the goals outlined in the Pan-Canadian Framework on Clean Growth and Climate; with the Aichi Biodiversity Targets; with the

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United Nations Sustainable Development Goals; and other relevant applicable policy frameworks with demonstrable, tangible drivers that support climate change adaptation efforts from a project planning perspective.

APPENDIX C - Response to Summary of Issues

Preamble: Under Appendix C - Response to Summary of Issues, in the Detailed Project Description, comment #27 states [*“Need for baseline studies on fish and fish habitat, including biological indicator species, such as benthic invertebrate species, and further information on the baseline sampling program”*].

The above response to comment #27 under Appendix C - Response to Summary of Issues in the Detailed Project Description states [*“Baseline aquatic investigations have been ongoing in the area since 2011, with a greater focus since 2018. The 2021 aquatic resources baseline studies were designed to fill potential gaps in the existing aquatic information from previous studies (see DPD Section D.7.5). Fish habitat characterization and fish community surveys within the Victoria River, as well as Beaverhouse Lake, Ava Lake, York Lake and the Misema River were completed during 2021. A lethal fish sampling program was also completed during the fall site visit to measure contaminants in fish tissue for lower trophic species (e.g., baitfish/forage fish) and upper trophic predatory species (e.g., sportfish – walleye and northern pike). Sediment quality samples were collected to measure metals, nutrients and other baseline contaminants of potential concern, which were used to help interpret the benthic invertebrate community survey results collected during the program. Surface water quality samples were also collected at lake sample locations where discrete depth interval sampling occurred (near-surface, mid-column and near-bottom), as well as lower trophic level sampling including Chlorophyll-a and zooplankton community and biomass”*].

Concern: Baseline aquatic data is not provided to stakeholders. Under Section D.7.5 - Aquatic Environment of the Detailed Project Description, fish communities from various water bodies surrounding the Upper Beaver Project were sampled. These water bodies include; Misema River; Victoria Creek; Beaverhouse Lake; Ava Lake; York Lake; Various unnamed inland water bodies and tributaries; and Grassy Lake further downstream. Community profiling was completed for the fish habitats in the above water bodies. Under Section D.7.5 - Aquatic Environment of the Detailed Project Description it states; [*“The*

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studies included fish habitat and community assessment, detailed bathymetric surveys, fish collection for fish tissue analyses, surface water quality and sediment analyses, as well as benthic invertebrate community surveys and lower trophic level assessment (Chlorophyll-a and zooplankton)”. However, the data gathered from these fish surveys has not been shared with stakeholders. This is a concern as there is not sufficient baseline data provided to support the conclusions outlined in Appendix C - Response to the Summary of Issues or in Section D.7.5 - Aquatic Environment of the Detailed Project Description.

Proposed Solution: Provide stakeholders with Baseline data for review. Allow stakeholders to review baseline data with their own experts to determine if the conclusions outlined in Appendix C - Response to the Summary of issues and in Section D.7.5 - Aquatic Environment is accurate. Sharing of baseline data also allows for transparency between the proponent and stakeholders and will mitigate concerns of information being miscommunicated.

Draft Tailored Impact Statement Guidelines - Comments and Concerns

Section 1.1 - Factors to be Considered in the Impact Assessment

Preamble: Outlined in the Impact Assessment Act under Section 7 - Prohibitions, Subsection 1 - Proponent states; [*“7 (1) Subject to subsection (3), the proponent of a designated project must not do any act or thing in connection with the carrying out of the designated project, in whole or in part, if that act or thing may cause any of the following effects:*

(a) a change to the following components of the environment that are within the legislative authority of Parliament:

- *(i) fish and fish habitat, as defined in subsection 2(1) of the [Fisheries Act](#),*
- *(ii) aquatic species, as defined in subsection 2(1) of the [Species at Risk Act](#),*
- *(iii) migratory birds, as defined in subsection 2(1) of the [Migratory Birds Convention Act, 1994](#), and*
- *(iv) any other component of the environment that is set out in Schedule 3;*

(b) a change to the environment that would occur

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- (i) on federal lands,
- (ii) in a province other than the one in which the act or thing is done, or
- (iii) outside Canada;

(c) with respect to the Indigenous peoples of Canada, an impact — occurring in Canada and resulting from any change to the environment — on

- (i) physical and cultural heritage,
- (ii) the current use of lands and resources for traditional purposes, or
- (iii) any structure, site or thing that is of historical, archaeological, paleontological or architectural significance;

(d) any change occurring in Canada to the health, social or economic conditions of the Indigenous peoples of Canada; or

(e) any change to a health, social or economic matter within the legislative authority of Parliament that is set out in Schedule 3 “].

Concern: The proponent is not acting in accordance with Section 7 - Prohibitions, Subsection 1 - Proponent. Permitting such as the DFO request for review for the culvert replacement at Km 2.75 on Beaverhouse Road and other permit applications or approvals which may result in activities which have the potential to cause adverse effects as those outlined in sub-section 3 should be put on hold from the respective governing bodies until an Impact Assessment is carried out in accordance with the Impact Assessment Act.

Proposed Solution - Issued and in progress permits and approvals should be put on hold until an Impact Assessment is complete if they have the potential to cause adverse effects to the following components outlined in Section 7 - Prohibitions, Subsection 1 - Proponent. This will ensure no adverse effects are experienced by the above components until an Impact Assessment is carried out for the Upper Beaver Project.

Section 3.1 - Project Overview

Preamble: Under Section 3.1 Project Overview it states:’ [*“The Impact Statement must describe the Project, key project components and ancillary activities, scheduling details, the*

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timing of each phase of the Project, the total lifespan of the Project and other key features. If the Project is part of a larger sequence of projects, the Impact Statement must outline the larger context”].

Concern: With the new merger of equals between Agnico Eagle Mines and Kirkland Lake Gold there is concern that the project outlined in the Detailed Project Description is a part of a larger project than that proposed in the Detailed Project Description. This is of concern as it leads stakeholders to infer the information and intentions of the Upper Beaver Project are not being communicated accurately in the Detailed Project Description.

Proposed Solution: Ensure that future project plans are included in the Impact Assessment including the future expansion and growth of the mine as well as the plans to ship ore from outside facilities to be processed at the mill located on the Upper Beaver Site.

Draft Permitting Plan Comments and Concerns

3. Required Regulatory Instruments Identification and Justification

Area under subsection 5(1) of the Metal and Diamond Mining Effluent Regulations

Preamble: *“An authorization may be required through a decision by Governor in Council to add water bodies frequented by fish to schedule 2 of the Metal and Diamond Mining Effluent Regulations (MDMER) designating them as tailings impoundment areas and allowing for the deposit of waste rock, acutely lethal effluent or effluent of any pH and containing any concentration of a deleterious substance that is prescribed in section 3 of the MDMER in these water bodies. The Project involves a stockpile of mine waste covering waters frequented by fish (minor tributaries of Victoria Creek and possibly other water bodies)”]*

Concern: There is no mention of the use of “water bodies as tailings impoundment areas” within the Detailed Project Description. The intention to discharge deleterious substances into surrounding water bodies that are frequented by fish pose a large risk of contamination to the surrounding environment and waterways. Under Section C.4.3.4 - Stockpiles of the

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Initial Project Description states [*“It is unknown at this time whether stockpile(s) will overprint minor creeks which may contain fish”*]. The mention of stockpiles potentially overprinting water bodies containing fish occurs only within the Initial Project Description and not in the Detailed Project Description. Obtaining this permit does not seem necessary as the purpose for it is not outlined in the Detailed Project Description.

Beaverhouse First Nation is not in support of discharging deleterious substances as mentioned in the above permit. Discharging deleterious substances will contaminate not only the waterbody and fish in that location, but contaminants are likely to leach into surrounding water bodies causing greater impacts downstream. Bioaccumulation of contaminants from deleterious substances is a significant issue as water bodies surrounding the Upper Beaver Project are frequently used as a food source for First Nations and other stakeholders in the area.

Proposed Solution: The proposed solution includes finding other means of stockpile storage so that stockpiles do not overprint on and tributaries that may contain fish. Following waste treatment legislation from the applicable legislators will ensure the treatment of discharged mining wastes. Doing this would remove the requirement for Authorization to use waters frequented by fish as a Tailings Impoundment Area under Subsection 5(1) of the Metal and Diamond Mining Effluent Regulations.

Authorization under subsection 73(1) of the Species at Risk Act

Preamble: Permitting plan description states that [*“... it is not expected that Environment and Climate Change Canada will be required to issue a permit under the Species at Risk Act (SARA). This is because “The Detailed Project Description notes that no species at risk have been identified on the project site”*].

Concern: Under Section D.7.6 - Species at Risk of the Detailed Project Description it lists The Little Brown Myotis as a species at risk present in the proposed project area [*“Little Brown Myotis has been identified as present within the proposed development area for the Upper Beaver Gold project. Four other Species at Risk have been identified as present in the local area: Whippoorwill, Canada Warbler, Common Nighthawk and Rusty Blackbird”*].

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Under section D.7.6.2 - Identified as Present Nearby of the Detailed Project Description lists the Whip-poor-will as being identified nearby. [*“Individuals of this species have been noted at several locations at and adjacent to the site”*].

The sighting of the Canada Warbler has also been recorded in 2021 as stated in Section D.7.6.2 - Identified as Being Present Nearby of the Detailed Project Description. It is stated in the DPD that it [*“...is likely a rare breeding bird in the area”*]. This assumption does not provide sufficient evidence that there is not a need to protect/conservate this habitat.

Listing these Species at Risk within the Detailed Project Description and being on-site or adjacent to should warrant for Authorization Under Subsection 73(1) of the Species at Risk Act. The proposed project will be detrimental to the habitat and nesting of Species at Risk present in the area.

There also no mention in the Detailed Project Description of other organisms present or nearby that are listed as Species at Risk. Has an assessment been completed for aqueous plants, vegetation, insects, amphibians etc?

Proposed Solution: Complete a thorough Desktop and Field survey for Species at Risk at the Upper Beaver Project location and surrounding areas. Allow for the report derived from this survey to be made available for stakeholders to review. Species at risk should be reviewed and appropriate measures should be taken to preserve all at risk species in and surrounding the proposed project location. Preservation measures should include reconsidering proposed project activities that may impact the Species at Risk in the area to preserve the biodiversity of the lands for future generations.

Draft Indigenous Engagement and Participation Plan

Section 3 - Objectives of Indigenous Engagement and Partnership

Preamble: Under Section 3 - Objective of Indigenous Engagement and Partnership it states; [*“Conduct meaningful Crown consultation on the potential positive and adverse effects (direct, indirect, cumulative, residual and incidental) of the Project and adverse impacts of the Project on the exercise of Aboriginal and/or Treaty rights of the Indigenous peoples of Canada recognized and affirmed in section 35 of the Constitution Act, 1982 (Aboriginal or Treaty rights) ”*].

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Concern: A BHFN community meeting was hosted by the IAAC on March 8th, 2022 where details of the project's plan were shared with the community. There are discrepancies between the Preliminary Site Plan map which was shared during this community meeting by the IAAC and Figure C.1 within the Detailed Project Description. Inconsistencies such as those depicted in the concern above result in consultation not being meaningful to community members. Without accurate information being presented, BHFN is unable to meaningfully consult with the crown regarding the potential adverse effects of the project on the community.

Proposed Solution: Ensure all information shared with BHFN is accurate, up to date and consistent. Avoiding discrepancies in document sharing will ensure consultation is being conducted in a meaningful and accurate manner. Integrity between the crown, governing bodies, and BHFN will remain strong if information sharing remains consistent.

Section 3 - Objectives of Indigenous Engagement and Partnership

Preamble: A news article titled "*Nunavut mining companies defend environmental management despite stiff criticism*" was released on March 21st 2021 by CBC news regarding Agnico Eagle's mining operations in Nunavut. The above article states the following; [*"The idea was that there's going to be deliberation, consultation, opportunities for consensus, but that's not what's occurring," she said.*

Instead, Inuit and community organizations don't feel heard because mining companies are not obligated to take the advice and input from local experts, she said.

There is a "huge imbalance" in the working group's process, Tagoona added.

While the industry hires consultants who are dedicated to the process, Inuit hunters and community members on the working groups do not have the same expertise, time or resources on their side, she said"].

Concern: This depiction of Agnico Eagle's relations with local Indigenous Communities is concerning. The lack of transparency that is being recorded by the Inuit and community organizations regarding the Meadowbank Mine is of concern to BHFN. The issue of

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Indigenous communities not being adequately consulted with is an issue at the forefront of concerns regarding Indigenous Knowledge and consultation. If this history were to repeat itself, it would be detrimental to Indigenous Communities involved in the Upper Beaver Project as well as the working relations with stakeholders.

Proposed Solution: Renew relations with the Inuit and community organizations that have been impacted by Agnico Eagle's Meadowbank Mine. This will instill a sense of integrity when considering BHFN's consultation process with Agnico Eagle. To prove that Agnico is dedicated to listening, understanding and integrating Indigenous Knowledge would be an action taken to positively renew its relations with Indigenous communities. Continue to remain transparent and proactive in Agnico's consultation approach with Indigenous communities by integrating these concerns into the Indigenous Engagement and Partnership Plan.

Section 5 - Engagement and Consultation Tools, and Methods

Preamble: Under Section 5 - Engagement and *["Due to COVID-19, the Agency intends to plan virtual meetings until in-person meetings are deemed appropriate. Any in-person meetings would happen in accordance with local and provincial health guidelines, and would only occur at the request of, and with consent from the Indigenous community"]*.

Concern: A large number of BHFN community members and elders do not have access to the internet or are unable to operate a computer. In saying this, the current means of meeting (ie: zoom) has proven to be ineffective when attempting consultation regarding the Upper Beaver Project with community members or elders. Given the proximity of the project to the Beaverhouse Community as well as the negative implications of the project on the BHFN traditional territory it is essential that community members and elders have sufficient access to meeting with the various representatives dedicated to the project for meaningful consultation with Indigenous Communities to occur.

Proposed Solution: IAAC should review their modes of communication with Indigenous Communities. Consider gathering input from Indigenous Communities such as; provide a questionnaire/ survey to be mailed out to community members and elders. This document should contain a site map where they can select specific issues with the project and

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elaborate in writing on how this issue affects them (ie: Are your trap lines affected by this project? If so, please highlight/ circle the locations on the Upper Beaver site that are of interest to you). A database should be generated by IAAC containing continual and pertinent information regarding identified issues received through mail-ins of the questionnaire.

Section 5 - Engagement and Consultation Tools, and Methods

Preamble: Under Section 5 - Engagement and Consultation Tools and Methods it states; *["Any in-person meetings would happen in accordance with local and provincial health guidelines, and would only occur at the request of, and with consent from the Indigenous community"]*.

Concern: Despite this above statement, there have been no attempts on behalf of IAAC or representatives from the Upper Beaver Gold Project to host in person meetings in accordance with local and provincial health guidelines since the Covid-19 lockdown which began in December of 2021.

Proposed Solution: To have proponents and IAAC schedule in person meetings following capacity limits and provincial health guidelines would allow for meaningful in person consultation with Indigenous communities. Consultation with Indigenous Communities is essential work and should be seen as such when considering the Covid-19 pandemic. Rent out spaces in community centers to allow for in person consultation. If in person consultation is not available due to Covid-19 health restrictions, mobile units (ie: trailers) should be deployed in accessible locations fixed with internet connection, devices and a representative to aid community members and elders with access to zoom meetings.

Section 5 - Engagement and Consultation Tools, and Methods

Preamble: *["Holding technical meetings with Indigenous communities and the proponent and/or expert authorities to support Indigenous communities' technical review of key documents and participation throughout the impact assessment process while considering timelines and capacity of Indigenous communities"]*.

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Concern: BHFN has experienced a lack of autonomy in part of the IAAC regarding the approach to BHFN when scheduling community meetings to discuss new documents posted to the registry. BHFN has a low capacity of workers in its Lands Department. With multiple projects being brought to the table and minimal staff available to delegate the work, it becomes a burden on BHFN to have to continually reach out to IAAC to schedule these meetings. There is IAAC staff dedicated to the Upper Beaver Project and would like to see that these staff take a more proactive approach to consultation with BHFN.

Proposed Solution: Have IAAC staff dedicated to consultation with Indigenous Nations take a more proactive approach when consulting with indigenous communities. Have a regularly scheduled meeting time (ie:bi-weekly) where IAAC reaches out to BHFN to hold meetings regarding project updates and new documents posted to the registry. This would also allow BHFN to ask questions regarding the IAAC assessment process and the Upper Beaver Gold Project.

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