



**KEBAOWEK FIRST NATION
110 OGIMA STREET
KEBAOWEK (QUEBEC)
J0Z 3R1**

TEL: (819) 627-3455

FAX: (819) 627-9428

March 11, 2022

Spencer Roth
Crown Consultation Coordinator
Impact Assessment Agency of Canada
160 Elgin Street, 22nd floor
Ottawa, Ontario
K1A 0H3

Via email: spencer.roth@iaac-aeic.gc.ca

Re: Comments on the Draft Tailored Impact Statement Guidelines & Public Participation Plan - Upper Beaver Gold Project (Reference No. 82960)

Dear Mr. Roth

This report is submitted by the Algonquin First Nation of Kebaowek in response to the draft Tailored Impact Statement Guidelines (TISG) and Indigenous Participation Plan developed by the Impact Assessment Agency of Canada (IAAC) on January 31, 2022.

Kebaowek First Nation along with the Algonquin Anishinaabeg Nation asserts and exercise authority, jurisdiction and stewardship over the Ottawa River watershed and lands threatened by the proposed project. We do not consent to the project, which, if built, would violate both our watershed and our laws. Nor do we accede to Canadian state law as determinative of the project's legality.

We have already raised these concerns with your Agency, both verbally and in writing on numerous occasions requesting that the *Impact Assessment Act 2019 (IAA)* responds immediately to the realities of our Algonquin jurisdiction being acknowledged within the law at section 114 (1) (c) and the Upper Beaver assessment. As your government and Agency contemplate measures to implement section 114 (1) (c) via the development of a policy discussion paper we remain convinced this could be more immediately and simply achieved by Nation to Nation Cooperation Agreements on a per project basis.

In our view, the Agency has once again prematurely commenced the 180-day planning phase without these provisions in place. Furthermore, we are very concerned that the Canadian Environmental Law Association (CELA) is drawing your attention to a potential violation of

section 7 of the *Impact Assessment Act* (“IAA”) on this file.¹ Apparently, Agnico Eagle, is planning to undertake advanced exploration activities at the site prior to the completion of the IA. We ask the IAAC remind Agnico Eagle that they cannot undertake environmental significant activities prior to the completion of the IA.

It is very difficult for KFN to consent to this flawed process including the draft Indigenous Participation Plan. As such, the following comments on the draft Tailored Impact Statement Guidelines are not intended to indicate support of the current Impact Assessment regulatory framework as it applies to this project but perhaps provide measures to improve it.

In closing we are requesting that the Agency requests the proponent Agnico Eagle to suspend the process until the above-mentioned issues are addressed.

Meegwetch,

<Original signed by>

Chief Lance Haymond
Kebaowek First Nation

¹ Section 7 of the *IAA* provides:

Prohibitions
Proponent

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
 - (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.

Cc/ The Honourable Steven Guilbeault, Minister of Environment and Climate Change

<Email address removed>

Chief Adrienne Jérôme, Nation Anishnabe du Lac-Simon

<Email address removed>

Chief Monik Kistabish, Abitibiwinni First Nation

<Email address removed>

Chief Régis Pénosway, Anicinape Community of Kitcisakik

<Email address removed>

Chief Arden McBride, Timiskaming First Nation

<Email address removed>

Chief Steeve Mathias, Long Point First Nation

<Email address removed>

Chief Tony Wawatie, Algonquins of Barriere Lake

<Email address removed>

Chief Lisa Robinson, Wolf Lake First Nation

<Email address removed>

Chief Dylan Whiteduck, Kitigan Zibi Anishinabeg

<Email address removed>

Chief Wendy Jocko, Algonquins of Pikwakanagan

<Email address removed>

Chief June Black, Wahgoshig First Nation

<Email address removed>

Encl. Appendix A