

Matachewan First Nation Comments and Recommendations on the Draft Tailored Impact Statement Guidelines for the Agnico Eagle Upper Beaver Gold Project

March 12, 2022



Matachewan First Nation
Comments on the draft Tailored Impact Statement Guidelines
for the Agnico Eagle Upper Beaver Gold Project

Notes:
-All comments provided herein require substantive responses and revisions to the draft Tailored Impact Statement Guidelines for Agnico Eagle Upper Beaver Project
-Proposed revisions to wording in the TISG are underlined
-Matachewan First Nation looks forward to further discussing our recommendations with the Impact Assessment Agency of Canada

MFN Comment #	Section Title	Sub-section; Page #	Relevant TISG Requirement(s)	Matachewan First Nation Comments and Recommendations
1	3 Project Description	3.4 Project components and Activities, p. 13	“Describe project activities to be carried out during each project phase, with a focus on activities with the greatest potential to have environmental, health, social and economic effects, or impacts on Indigenous people and their rights” (p.13)	MFN is concerned that emphasis is put on probability rather than potential severity of impact. To fully understand risk, worst case scenarios should also be examined even if the potential to occur is lower, especially in relation to impacts to Indigenous rights. Please reword as follows “...with a focus on activities <u>with either the greatest consequence and or potential to have...</u> ”
2	3 Project Description	3.4 Project components and Activities, p. 13	“Describe how input from Indigenous communities and/or the public influenced project components, such as the location of the new cottage access road” (p.13)	MFN is concerned that input that did not change project design or may have been ignored is not required to be discussed here. Please include a requirement to report on any Project design changes proposed that were not adopted and the rationale for why that input was not incorporated.
3	3 Project Description	3.4 Project components and Activities, p. 13	“In addition to describing the project components and activities, the Impact Statement must also describe the following: <ul style="list-style-type: none"> - dewatering of York Lake; - construction, operation and decommissioning of the Misema River diversion (e.g. diversion channels, dykes, etc.); - construction or changes to public access roads; - shipment of gold doré and copper concentration off-site; 	MFN is concerned with the relocation of boat launches. Please also include the “ <u>Construction or changes to boat launches</u> ” to the list provided here.

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			<ul style="list-style-type: none"> - changes to existing infrastructure (i.e. expansion, operation, decommissioning, etc.) for the purpose of the Project; - transportation of any incoming ore to be processed at the Project’s mill from other mine sites, including sources, volumes and location; - construction of infrastructure for off-site ore transported to site for processing (i.e. temporary stockpiles) including associated water management facilities; - use of project infrastructure to process ore from off-site deposits; and - progressive site reclamation considering continued use of project infrastructure.” (p.13). 	
4	3 Project Description	3.5 Workforce Requirements p.14 and 15.	Need for requirements for information on the Indigenous workforce	MFN notes that section 3.5 does require the inclusion workforce policies and programs for Indigenous employees and information to allow understanding of how indigenous groups will be taken into account, however, the TISG should require discrete information specific to each affected Indigenous group concerning the potential workforce involved in the project.
5	4 Project purpose, need and alternatives considered	4.4 Alternative means of carrying out the Project, p. 17.	<p>“The Impact Statement must then describe:</p> <ul style="list-style-type: none"> - the methodology and criteria that were used to compare the alternative means, to determine the preferred means of carrying out the Project, and to justify the exclusions of other solutions, based on the trade-offs associated with the preferred and other alternative means; <ul style="list-style-type: none"> o environmental criteria should include effects to air quality, water quality, all wildlife and associated habitat (including wetlands), risk from accidents and malfunctions; 	Any description of methods must also include a description of the methods used to engage affected Indigenous groups in assessing alternative means. Please add a sub bullet stating: <u>“description of methods must include details on the methods and approaches undertaken to engage affected Indigenous groups in the selection of criteria and assessment of alternative means”</u>

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			<ul style="list-style-type: none"> ○ potential effects to species at risk as per the Species at Risk Act (SARA), including any critical habitat, must be considered in alternative assessment, including a description of how avoidance of effects was considered and how it may be achieved through alternative means of carrying out the Project or alternatives to the Project; ○ potential impacts of the alternatives on GHG emissions and how GHG emissions were considered as a criterion in the alternative's selection (refer to section 4.1.3 of the SACC); 	
6	4 Project purpose, need and alternatives considered	4.4 Alternative means of carrying out the Project, p. 19.	<p>For mine waste management-facilities an assessment of alternatives must be conducted in such a way that it clearly demonstrates that the chosen location is the most appropriate option for mine waste disposal from environmental, technical, economic, social and health perspectives. The assessment of alternatives shall include the following steps with all supporting documents and/or references:</p> <ol style="list-style-type: none"> 1. Identification of candidate alternatives (including threshold criteria) 2. Pre-screening assessment 3. Alternatives characterization (including environmental, technical, economical and social considerations) 4. Multiple accounts ledger (including the determination and evaluation of impacts generated by each option) 5. Value-based decision process 6. Sensitivity analysis 	<p>MFN understands that best practice for Multiple Accounts Evaluation requires Indigenous participation in all of the 6 steps described here in the draft TISG. Please also include a requirement to provide evidence that affected Indigenous groups were provided sufficient and early opportunity to engage on all assessment steps for the alternatives assessment for mine waste management facilities.</p>

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7	6 Description of Engagement with Indigenous Groups	6 Description of engagement with Indigenous groups p. 21	“Ideally, the Project will be designed not only in such a way as to minimize its negative effects, but also to maximize its positive impact on the quality of life of Indigenous peoples.” (p.21).	MFN is concerned with the use of the word “Ideally.” It is MFN’s position that a project cannot demonstrate a positive contribution to sustainability unless it can demonstrate positive effects for Indigenous people. The TISG must also make clear that Indigenous peoples benefiting from the project must include those experiencing any impacts from the Project. MFN recommends the following re-wording: <u>“The Proponent will demonstrate how the Project will be designed not only in such a way as to avoid and/or minimize its negative effects, but also to maximize its positive impact on the quality of life of affected Indigenous groups”</u>
8	6 Description of Engagement with Indigenous Groups	6 Description of engagement with Indigenous groups p. 21	“in accordance with any existing community protocols and/or guidance provided by the Agency, collect available Indigenous knowledge and expertise and integrate it into its Impact statement, just as it integrates scientific knowledge” (p.21)	The TISG should identify the need for early engagement on the collection and use of Indigenous Knowledge to impact statement, please add the following wording to this statement: <u>“in accordance with any existing community protocols and/or guidance provided by the Agency, collect available Indigenous knowledge and expertise and integrate it into its Impact statement, just as it integrates scientific knowledge with data collection commencing as early or earlier than scientific data”</u>
9	6 Description of Engagement with Indigenous Groups	6 Description of engagement with Indigenous groups p. 22	“The degree of engagement with each community will vary and in general, will be proportionate to the evidence provided by Indigenous communities regarding potential pathways of impact from the Project on Aboriginal or treaty rights.”	MFN finds this statement problematic as Proponents are ill-equipped to understand nor should they be required to determine impacts to First Nation rights. All affected Indigenous groups identified in the Crown Consultation list in section 4.1 of the Indigenous Engagement and Partnership Plan, including Matachewan First Nation, must be directly engaged by the

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				Proponent and this instruction must be clear in the TISG. Please remove this statement.
10	6 Description of Engagement with Indigenous Groups	6 Description of engagement with Indigenous groups p. 21	Gap – Section 6 does not provide guidance on the need to provide and present information separately for each Indigenous group involved in the assessment, and the need to describe contextual information about the members within an Indigenous group (e.g.women, men, elders and youth). Engagement practices must reflect this need.	Each indigenous group must be assessed separately and recognized for their distinct history, culture, and concerns. Please include a statement highlighting the need for engagement to inform the assessment of impacts specific to each Indigenous group.
11	6 Description of Engagement with Indigenous Groups	6.1 Indigenous knowledge considerations p. 23	“Indigenous knowledge ⁵ is holistic and when integrated in impact assessment, it informs the assessment on areas including the biophysical environment, as well as social, cultural, economic, and health aspects, Indigenous governance, resource use, and mitigation. Indigenous knowledge should be brought together on equitable footing with scientific or technical aspects to inform the impact assessment including the environmental, health, social, economic and rights assessments and best practices and mitigation. It is important that Indigenous knowledge, where available to the proponent, be included for all of these aspects in the impact assessment, not only to look at potential impacts of the Project on Indigenous communities. It is also important to capture the context in which Indigenous communities provide their Indigenous knowledge and to convey it in a culturally appropriate manner” (p.23).	Clarification needs to be made that Indigenous Knowledge can not only inform different assessment areas but also every step in impact assessment as Indigenous Knowledge can inform steps beyond baseline data collection including impact identification, effects characterization, and the determination of the significance of effects.
12	6 Description of Engagement with Indigenous Groups	6.1 Indigenous knowledge considerations p. 23	“The Impact Statement must indicate where input from Indigenous communities, including Indigenous knowledge, has been incorporated and how it was considered” (p.23).	The impact statement must also demonstrate that sufficient effort was made to seek and incorporate Indigenous Knowledge throughout the impact statement. Please include a statement requiring evidence of effort including information concerning funding opportunities and timing allowances for the collection, analysis, and use of Indigenous Knowledge.

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13	6 Description of Engagement with Indigenous Groups	6.2 Record of Engagement p. 25	<p>“The record of engagement in the Impact Statement must include:</p> <ul style="list-style-type: none"> - the proponent’s Indigenous engagement policy, as well as established policies and stated principles related to the collection of traditional knowledge and traditional land use information; - the list of Indigenous communities engaged by the proponent, including those that the proponent was unsuccessful in engaging; - the list of Indigenous communities wishing to be engaged but omitted by the proponent from engagement and the reasons for their omission; - where applicable, a copy of each community-specific engagement plan developed collaboratively by the Indigenous community and the proponent for the Project. If only one engagement plan was developed solely by the proponent for engagement with all Indigenous communities, provide a rationale for this approach; - the engagement activities undertaken with each Indigenous community, including the date, means and results of engagement; - a description of the outcomes of conversations with each Indigenous community about how they wish to be engaged by the proponent; - the results of any engagement and the perspectives of the Indigenous peoples involved; - the list of the consultation or engagement protocols adopted by each Indigenous community, if applicable. A copy of the protocols must be included when available in writing; - an explanation for cases where engagement efforts have proven unsuccessful; 	<p>The TISG engagement record requirements should also include evidence that the Proponent sought verification of the engagement record with each Indigenous group, please include this as a requirement in the list.</p> <p>The engagement record, where agreed to with the Indigenous group, should also identify any data sharing agreements entered in to for the protection of Indigenous Knowledge.</p>

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			<ul style="list-style-type: none"> - a description of how project information is frequently and transparently shared with Indigenous peoples; - a description of the preferred methods for sharing information, including alternative solutions implemented for people and locations where technological resources are limited or language barriers exist (i.e. translation of written documents or provision of summaries in plain language, or Indigenous languages); - a description of how Indigenous communities were provided with an reasonable opportunity to review draft sections of the Impact Statement prior to them being filed, where disagreements occurred, and how disagreements were considered; - a description of how Indigenous expertise will be sought to assist with the carrying out of the Project, should it be approved; - a description of efforts to engage diverse segments of each Indigenous community in culturally appropriate ways, including groups identified by gender, age or other community relevant factors (e.g. hunters, trappers, and other harvesters) to support the collection of information needed to complete the GBA Plus; - a description of how engagement activities by the proponent were intended to ensure Indigenous communities were provided an opportunity to evaluate the Project’s potential positive and negative effects and impacts on their members, communities, activities, and rights, as identified by the Indigenous community(ies); and 	

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			<ul style="list-style-type: none"> - any agreements pertaining to engagement that are finalized or in progress, with anticipated timelines to complete.” (p. 25). 	
14	6 Description of Engagement with Indigenous Groups	6.3. Analysis and response to questions, comments, and issues raised, p. 25.	“The Impact Statement must provide an analysis of any potential effects to Indigenous communities and impacts on the rights of Indigenous peoples and of all the input received from Indigenous communities with respect to the Project, including its contribution to cumulative effects.” (p.25).	MFN disagrees and does not find it appropriate to require the Proponent to assess impacts on Indigenous rights. Only the rights-holder has a true understanding of how their own rights will be impacted by a Project. The rights impact assessment can be informed by the impact statement but must be conducted through collaboration between the rights-holder and the Impact Assessment Agency of Canada. Please change this statement as follows: “The Impact Statement must provide an analysis of any potential effects to Indigenous communities and impacts on the rights of Indigenous peoples and of all the input received from Indigenous communities with respect to the Project, including its contribution to cumulative effects.”
15	6 Description of Engagement with Indigenous Groups	6.3. Analysis and response to questions, comments, and issues raised, p. 26.	“The analysis may be summarized in the relevant section on effects to a VC. The location and level of detail of the information in the Impact Statement will depend on its importance to the selected VCs.” (p.26)	MFN is concerned with who and how Indigenous input is considered important to each VC. Please revise the statement as follows: “The location and level of detail of the information in the Impact Statement will depend on its <u>agreed to</u> importance to the selected VCs. <u>Divergent or dissenting comments or information should not be omitted and should be included in each VC section where provided.</u>
16	6 Description of Engagement with	6.3. Analysis and response to questions, comments, and	“It is recommended that the proponent organize and analyze information relevant to Indigenous communities in separate sections for each one potentially affected by the Project, either by nation, community, or other grouping based on the preference expressed by those people.” (p.26)	The disaggregation of Indigenous data (by Nations/ communities) should be a requirement rather than a recommendation as the integrity and context needed for the interpretation of Indigenous Knowledge can be compromised by

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	Indigenous Groups	issues raised, p. 26.		mixing with other data. Please revise with stronger wording.
17	6 Description of Engagement with Indigenous Groups	6.4. Collaboration with Indigenous peoples following the submission of the Impact Statement (p.28)	<p>“The Impact Statement must:</p> <ul style="list-style-type: none"> - describe the type of work the proponent intends to accomplish with Indigenous communities during subsequent phases of the impact assessment process; - set out any proponent commitments for engaging affected Indigenous communities, where appropriate; - describe how Indigenous peoples will be involved in decision making processes related to the Project throughout the lifecycle of the Project; and - describe how Indigenous expertise and knowledge would be considered in carrying out the Project.” (p. 28) 	The IS should also describe the level of involvement requested by Indigenous communities and capacity support to be provided.
18	7 Assessment methodology	7.1 Baseline methodology p.28	<p>“Baseline data must be collected in a manner to allow for reliable analysis, extrapolation and predictions. The proponent will be responsible for collecting the data, establishing appropriate data governance, and performing reliable analysis, extrapolation and predictions. The baseline data should be suitable to estimate pre-project baseline conditions, to predict effects from the Project, and to evaluate post-project changes in the conditions within and across the project, local and regional study areas.” (p. 28)</p>	A requirement should be included that baseline data must seek to include Indigenous Knowledge and provide guidance to support Indigenous-led studies to inform baseline data collection when requested by Indigenous groups.
19	7 Assessment methodology	7.2. Selection of valued components	<p>“The Impact Statement must:</p> <ul style="list-style-type: none"> - describe the VCs and provide a rationale for the selection of VCs in sufficient detail to allow the reviewer to understand their relevance to the assessment; - indicate the source and reasons of the concerns or interests considered in the selection of VCs, including from the public, provincial or federal 	The Impact Statement should also describe any VC’s proposed by Indigenous Groups that were not included as a final VC with a detailed description and rationale as to why that VC was not included. Please add a statement concerning this to the TISG.

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			<p>authorities, Indigenous communities, and other participants;</p> <ul style="list-style-type: none"> - describe how community and Indigenous knowledge and the perspectives were considered in selecting VCs. 	
20	7 Assessment methodology	7.3 Spatial and temporal boundaries, p. 32	The proponent must engage with Indigenous communities, and is encouraged to engage with relevant non-Indigenous communities, when defining spatial and temporal boundaries for VCs that are identified by, or related directly to, Indigenous peoples.” (p.32)	This guidance is limiting. The Proponent must engage Indigenous groups on ALL valued components. Please revise the text to reflect this.
21	7 Assessment Methodology	7.5 Mitigation and enhancement measures p.36	“describe how, throughout the Project’s duration, the lessons learned through follow-up programs will be used to continually improve mitigation measures” (p.36).	Indigenous Knowledge should be included as a lense to evaluate the proposed effectiveness of mitigations and lessons learned during implementation. The Proponent should be required to describe the resources provided to Indigenous groups to implement, monitor, and evaluate the effectiveness of measures as part of follow up programs..
22	7 Assessment Methodology	7.6 Cumulative Effects Assessment pp. 38 to 40	Gap – the TISG does not require an examination of additional external stressors other than the interaction of future and foreseeable projects.	<p>Include direction to incorporate impacts from climate change to the total cumulative effects loading on VCs.</p> <p>Include direction to consider additional stressors on VCs such as colonial policies and practices on Indigenous peoples and how they contribute to the cumulative pressures on VCs relevant to Indigenous peoples.</p>
23	7 Assessment Methodology	7.6 Cumulative Effects Assessment p. 39	“surface water quality and quantity (e.g. existing contamination in the Misema River system and its adjacent lakes; and Blanche River, Englehart River and Lake Timiskaming);” (p.39)	MFN is also greatly concerned with the existing contamination and cumulative effects considerations for York Lake, please include specific mention of York Lake.

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24	8 Biophysical environment	8 Biophysical environment, p. 42.	“In describing effects to the biophysical environment, the Impact Statement must take an ecosystem approach that considers how the Project may affect the structure and functioning of biotic and abiotic components within the ecosystem using scientific, community and Indigenous knowledge” (p. 42).	<p>MFN appreciates the reference to Indigenous Knowledge however more can be done in the TISG to direct the Proponent towards working with Indigenous Knowledge holders to ensure Indigenous Knowledge informs the baseline characterization of the biophysical environment. Throughout the TISG this should be highlighted including but not limited to the following topics:</p> <ul style="list-style-type: none"> • land-based receptor locations for air, noise, vibration, visual environment • Biodiversity and biodiversity indicators • Flooding and historical flooding including the pre-project characterization of the shoreline, banks, current and future flood risk areas, and wetland catchment boundaries • Description and characterization of important water bodies (this also relates to section 10.3 Navigation) • Habitat fragmentation and cumulative effects for aquatic and terrestrial species • Invasive species • Documentation of changes to aquatic and terrestrial vegetation over-time • Documentation of aquatic and terrestrial populations and sub-populations over-time • Mapping of culturally important and sensitive areas • Contaminants of concern • Fish populations and fish biology including seasonal sensitivities

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				<ul style="list-style-type: none"> • Fish habitats and sensitive locations for fish • Habitat offsetting or compensation
25	Biophysical environment	8.5. Groundwater and surface water; 8.5.1. Baseline conditions (pg. 53)	“Describe the hydrostratigraphic units (aquifers, aquitards, aquicludes) of the affected hydrogeological environment, illustrated using geological cross-sections, and provide a piezometric map showing heads and the direction of groundwater flow.” (p.53)	The TISG must ensure that the study areas (LSA and RSA areas) for hydrogeology are developed in partnership with Indigenous Groups communities and reflect understanding of the importance of the interconnectedness of the land and water.
26	Biophysical environment	8.5. Groundwater and surface water; 8.5.1. Baseline conditions (pg. 51)	“Describe and illustrate on one or more topographic maps, at appropriate scales, the drainage basins in relation to key project components. On the map(s), identify all waterbodies and watercourses, including intermittent streams, flood risk areas, wetlands, watershed and subwatershed boundaries, and direction of flow” (p. 51)	MFN supports the requirements for maps to include intermittent streams, wetlands, stream classes as requested, however, sub-drainage basins adjacent to project areas should also be included in the RSA.
27	Biophysical environment	8.5. Groundwater and surface water; 8.5.1. Baseline conditions (pg. 34)	“Describe baseline concentrations for relevant physicochemical parameters and chemical constituents in relation to applicable water quality and sediment guidelines” (p. 53).	<p>The TISG should ensure that baseline water quality sampling methods should be detailed and include the number of planned samples as well as the locations and timing of samples planned. This should be made clear in requirements for both surface and groundwater quality. In order to be able to compare results, monitoring sites should at a minimum include the following wherever possible:</p> <ul style="list-style-type: none"> - all point and diffuse sources of discharges - the immediate receiving environment for any point or diffuse sources of discharges from the project

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				<ul style="list-style-type: none"> - at the outer boundary of the mixing zone, where the water quality from the immediate receiving environment begins to meet Water Quality Guidelines, or background levels for that contaminant - at the project site boundary - at the LSA boundary - at the RSA boundary
28	8 Biophysical environment	8.6 Vegetation, riparian and wetland environments 8.6.1. Baseline conditions, p. 60	<p>“Provide a description of the biodiversity, relative abundance and distribution of vegetation species and communities of ecological, economic or human importance with the local and regional study areas of the Project, including:</p> <ul style="list-style-type: none"> - rare plant communities and communities of limited distribution; - old growth forests; - species at risk, including those listed in Schedule 1 of the SARA, provincially listed or assessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) to be ‘at risk’, including species of concern; - critical habitat as described in final or draft recovery strategies or action plans for species at risk; and - species or communities of importance to Indigenous peoples, including for traditional, medicinal and cultural purposes; “ (p.60) 	The TISG should require that Important riparian and wetland areas within the region should be mapped and identified in partnership with Indigenous Groups. Any areas identified should be included as essential components of Project monitoring plans.
29	8 Biophysical environment	8.6 Vegetation, riparian and wetland environments	“Describe the use of local vegetation for medicinal purposes, or as a source of country foods (traditional foods) and whether its consumption has any Indigenous cultural importance” (p.61)	Vegetation species and communities that are not consumed can also have importance culturally. Please include direction to document

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		8.6.1. Baseline conditions, p. 61		and evaluate all culturally important plants whether they are consumed or not.
30	Biophysical environment	.6 Vegetation, riparian and wetland environments 8.6.1. Baseline conditions, (pg. 63)	“Describe potential changes to riparian, wetland and terrestrial environments due to activities that may affect topography, soil erosion, compaction, and productivity, contamination, bank slopes and suspension of sediment or due to any contaminants of concern potentially associated with the Project that may affect vegetation, soil, sediment or water;” “Describe any known or suspected soil contamination within the study area that could be resuspended, released or otherwise disturbed as a result of the Project;” (p.63)	Not only should contaminants of concern (COC) potentially associated with the project be described, the risk of such COCs on terrestrial areas should also be required to be characterized. The TISG should also direct the Proponent to include Indigenous Groups in ongoing discussions around impacts of contaminants of concern.
31	8 Biophysical environment	8.7. Fish and fish habitat; 8.7.1. Baseline conditions (pg. 65)	“For each potentially affected waterbody and watercourse (permanent and intermittent) that may be directly or indirectly affected by the Project, ensure the following information is included in addition to the groundwater and surface water requirements described in section 8.5.1 Baseline Conditions: <ul style="list-style-type: none"> - type of water body or watercourse; - size and depths of the waterbody or watercourse - streamflow types and characteristics; - substrate type, vegetation and anthropogenic barriers to fish; - description of any proposed water work; and - for crossings, describe the anticipated method of crossing (trenched or trenchless)” (p.65) 	The TISG must ensure that characterization of the aquatic habitats and resources within the LSA and are developed in partnership with Indigenous Groups communities and reflect the traditional and historical understanding of the interconnectedness of the land.
32	8 Biophysical environment	8.7. Fish and fish habitat; 8.7.1. Baseline conditions (pg. 65)	“for each potentially affected waterbody or watercourse frequented by fish, provide the location and area of potential and confirmed fish habitat and a detailed assessment of physical and biological habitat characteristics.” (p.65).	The TISG should require the proponent to work with Indigenous groups to map both known and potential areas of fish habitat in the project area and LSA and their function with regards to fish development and applicable life stage.
33	8 Biophysical environment	8.7. Fish and fish habitat;	“For each potentially affected waterbody or watercourse, provide a detailed description of	The TISG should encourage the Proponent to work with Indigenous people as partners for

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		8.7.1. Baseline conditions (pg. 66)	potentially affected fish ⁸ species and populations (as defined in subsection 2(1) of the Fisheries Act);” (p.66)	information collection and assessment sampling and monitoring of fish populations and fish biology.
34	8 Biophysical environment	8.9.2 Effects to terrestrial wildlife and their habitat (p.77)	“Describe the potential effects from all phases of the Project on wildlife and wildlife habitat, including population level, regional or local sub-population effects...” (p.77).	The TISG needs to include requirement for consideration of preferred harvested species in preferred habitats as identified by Indigenous groups
35	8 Biophysical environment	8.9.2 Effects to terrestrial wildlife and their habitat (p.77)	Gap – the TISG does not provide direction to support and incorporate the findings of Indigenous Knowledge Studies and or monitoring data concerning wildlife and wildlife habitat.	MFN is concerned that the TISG does not encourage the Proponent to collaborate on or support Indigenous-led wildlife studies such as a Matachewan First Nation Community-led Moose study. Please update the TISG to ensure that Indigenous-led studies and data inform the evaluation of effects to wildlife and wildlife habitat and that the Proponent is strongly encouraged to provide funding for this research where Indigenous groups identify it as important.
36	9 Health, Social , and Economic Conditions	Health conditions 9.1.1. Baseline conditions, p. 86.	“Describe how community and Indigenous knowledge from relevant populations was used in establishing baseline conditions, including input from diverse subgroups” (p. 86).	The TISG should explicitly require the Proponent's collaboration with Indigenous communities in collecting data and establishing baseline conditions. Indigenous communities should also be involved in the selection of spatial and temporal boundaries for Health conditions..
37	9 Health, Social , and Economic Conditions	9.1.2. Effects to health conditions, p. 89	<p>“Applying a determinants of health approach in the assessment of human health effects will support the identification of these linkages as well as of disproportionate effects across subgroups.</p> <p>The assessment of these effects to Indigenous peoples must describe and take into account interactions with the effects on physical and cultural heritage, on structures, sites or</p>	The definition of health and well-being must be defined by each Indigenous group. This may include social components of health which also requires consideration of the different social realms of health: at home; in the community; on the land; and in the workplace. In addition, for an adequate assessment of health impacts, the Proponent should also demonstrate the use

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			things of significance, and on the current use of lands and resources for traditional purposes” (p.89).	of community-specific criteria in determining impacts.
38	9 Health, Social , and Economic Conditions	9.1.2. Effects to health conditions, p. 89	“Consider the inclusion of Indigenous peoples in the development of community-specific socioeconomic impact assessments;”	MFN is concerned with the weak language here, the TISG must require the Proponent to support Indigenous-led socio-economic impact studies and at minimum require evidence that Indigenous groups collaborated on and or approve of the methods used for the socioeconomic impact assessment.
39	9 Health, Social , and Economic Conditions	9.1.2. Effects to health conditions, p. 91	“Provide an assessment of the carcinogenicity of diesel exhaust gases when diesel engines are a source of air pollutant emissions for the Project. In characterizing the carcinogenic risk of project-related diesel exhaust gases, the proponent has two options”	Risk assessments (including but not limited to carcinogens) should be done for all pollutants of concern to Indigenous communities from all Project phases. For instance, MFN is concerned about impacts from pollutants from dry stack tailings proposed by the Proponent, in addition to diesel exhaust.
40	9 Health, Social , and Economic Conditions	9.1.4. Social determinants of health, p. 93	“Describe the way in which the potential avoidance of land near project components by Indigenous peoples, due to perceived changes in environmental quality and tranquility was considered in assessing potential effects on the diet and health of Indigenous peoples;” (p. 93)	Avoidance of land and specific traditional foods due to real or perceived contamination must also be considered in this section and required by the TISG.
41	9 Health, Social , and Economic Conditions	9.2.1.2. Land and resource use, p.96	“With respect to the social conditions of Indigenous Peoples, the Impact Statement must describe baseline conditions of land and resource use for Indigenous peoples as described in Section 10.2.1.” (p. 96)	All data relate to land and resource use must be scoped and collected in collaboration with affected Indigenous groups.
42	9 Health, Social , and Economic Conditions	9.2.1.2. Land and resource use, p.96	“identify registered or recognized hunting, trapping or guiding areas, recreational and commercial fishing areas;”	All areas identified by Indigenous groups as important to land and resource use must be included including plant and berry harvesting areas and other culturally important areas.
43	9 Health, Social , and Economic Conditions	9.2.2.2. Effects to land and resource use	“Additionally, the Impact Statement must describe adverse and positive effects to land and resource use for Indigenous peoples and the public”	This section of the TISG must also require evaluation of Indigenous planned/ preferred future land and resource use.

Matachewan First Nation
Comments on the draft Tailored Impact Statement Guidelines
for the Agnico Eagle Upper Beaver Gold Project

MFN Comment #	Section Title	Sub-section; Page #	Relevant TISG Requirement(s)	Matachewan First Nation Comments and Recommendations
44	9 Health, Social, and Economic Conditions	9.3.2.2. Business environment and local economy, p.103	“Additionally, the Impact Statement must support the assessment of overall net economic benefits of the Project applicable to both the Indigenous peoples and the public...”	As part of this requirement the Proponent should be required to describe any and all barriers to Indigenous communities accessing economic benefits and how they will be overcome.
45	10 Indigenous peoples	10.1.2. Effects to Indigenous physical and cultural heritage, p. 105	“The Impact Statement must: assess potential effects to physical and cultural heritage, and structures, sites or things of historical, archaeological, paleontological or architectural significance to groups” (p. 105)	All forms of culture and heritage resources must be assessed. Please revise the wording as follows: “The Impact Statement must: assess potential effects to physical and cultural heritage, and structures, sites or things of historical, archaeological, <u>cultural</u> , paleontological or architectural significance to groups
46	10 Indigenous peoples	10.2.2. Effects to current use of lands and resources for traditional purposes	Assess the potential effects on current use of lands and resources for traditional purposes, within the context of historical and current cumulative effects for all phases of the Project	The assessment of potential effects must also consider cumulative impacts to cultural continuity and way of life and recognize the interconnectedness and synergies between impacts.
47	Indigenous peoples	10.3.2. Impacts on rights of Indigenous peoples pp. 114 - 117	General concern – Requiring the Proponent to determine impacts to First Nation rights.	Matachewan First Nation is concerned that the Agency is requiring the proponent to evaluate impacts to Matachewan first Nation’s Rights. The assessment of impacts to rights must be completed by the First Nation either alone or in collaboration with the Agency and this cannot be delegated to the Proponent. The TISG should, however, require the Proponent to support Indigenous-led data collection to support the assessment of impacts to rights including the provision of capacity funding.