



March 10, 2022

Upper Beaver Gold Project
Impact Assessment Agency of Canada
Email: UpperBeaver@iaac-aeic.gc.ca

Subject: Reference number 82960 Upper Beaver Gold Project draft Tailored Impact Statement Guidelines

The Mining Association of Canada (MAC) is the national organization representing the Canadian mining industry, comprising companies engaged in mineral exploration, mining, smelting, refining and semi-fabrication. Our members account for most of Canada's production of base and precious metals, uranium, diamonds, steelmaking coal, and mined oil sands. Information about MAC and MAC's Towards Sustainable Mining (TSM) initiative can be found on our [web site](#).

We appreciate the opportunity to comment on the draft Tailored Impact Statement Guidelines (TISG).

We note that the draft TISG are specific to the project and its location. However, the breadth and depth of information asked for is comprehensive rather than tailored. It is unlikely that all this information will be material in the final decision.

Our position remains that an assessment should focus on the most material residual impacts, particularly those unique to a project and its location. Canada has extensive regulatory frameworks at the provincial and federal level and is not reliant solely on federal impact assessment to regulate mining projects. The impact assessment process is resource and time consuming for all involved and requires focus.

We recognize the efforts of the Agency to articulate a risk-based approach to tailoring. What requires further discussion and refinement is how much and what kind of evidence is required to support successful tailoring. It is our view that evidence of the absence of an unlikely or insignificant residual impact should not be necessary to allow robust tailoring.

It also appears that the draft TISG did not consistently adjust generic TISG Template requirements based on the information provided in the Initial and Detailed Project Descriptions. For example,

- Reference to fly-in/fly-out¹, worker accommodation² and lodging³ even though the IPD states that the workforce will commute from nearby communities.
- Reference to “oceanographic patterns”⁴ for a project remote from any ocean.
- Requirement for a “credible plan” to “achieve net-zero emission by 2050”⁵ even though the IPD states that the project will be decommissioned in 2041.

We also note that some of the references provided are to draft policies that have not been finalized⁶ and may not be relevant⁷.

Indigenous engagement

We commend the Agency for the distinction drawn between the duty of the Crown and the proponent, and the recognition that “*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.*”⁸

We also appreciate the improved clarity regarding the proponent’s obligation to seek agreement “*from specific Indigenous communities regarding information pertaining to those Indigenous communities presented in the Impact Statement.*”⁹

Nevertheless, we note that the number of Indigenous communities targeted for engagement is large and are concerned about the challenge this presents to the proponent. Building relationships with an Indigenous community takes time and effort for the proponent and the community. It was our expectation of the Planning Phase of the assessment that the Agency would have engaged with Indigenous communities sufficiently to be able to refine the list of those potentially affected and to identify those directly affected for in-depth engagement.

We look forward to continuing discussion with the Agency on how to further improve the implementation of the Act.

¹ Fourth bullet at top of Page 15

² Third bullet at top of Page 131

³ Third full bullet at top of Page 133

⁴ First paragraph of Section 8, page 42

⁵ Section 8.11.4, Page 85

⁶ <https://species-registry.canada.ca/index-en.html#/consultations/2983>

⁷ <https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/recovery-strategies/woodland-caribou-boreal-2019.html> - the project is not located in caribou habitat.

⁸ Page 22, middle paragraph beginning with “Engagement should also be consistent”

⁹ Bottom of page 22 to top of page 23.