



Crawford Nickel Project
Impact Assessment Agency of Canada
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Project Reference Number: 83857

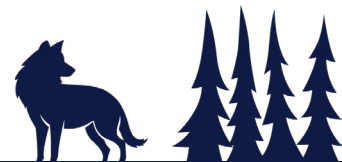
To whom it may concern:

Apitipi Anicinapek Nation (AAN) is pleased to share its comments on the Initial Project Description of the Crawford Nickel Project. The comments were prepared by a team of technical advisors to AAN and are submitted for consideration during the next steps in the planning phase of the environmental assessment of the project.

AAN wants to reiterate that the Crawford Nickel Project is located within its traditional territory, and its development may negatively impact its Aboriginal and Treaty Rights. In this report, AAN presents some general concerns regarding the planning phase of this project, along with recommendations to address them. Most significantly, AAN reiterates its expectation to be engaged and consulted meaningfully throughout the environmental assessment process.

AAN looks forward to future engagement and consultation opportunities and appreciates the adequate consideration of its concerns in the Detailed Project Description, the Indigenous Engagement and Partnership Plan, and Tailored Impact Statement Guidelines.

APITITI ANICINAPEK NATION



1. INTRODUCTION

Canada Nickel Company (“the Proponent”) is proposing to develop the Crawford Nickel Project (“the Project”), an open-pit nickel-cobalt mine and its associated infrastructure in the traditional territory of Apitipi Anicinapek Nation (AAN). The proposed Project is located 43 kilometres north of Timmins, Ontario, and it would have a production capacity of more than 5,000 metric tons of ore per day. Because of this capacity, the Project constitutes a Designated Activity under the federal Impact Assessment Act (Canada, 2019).

The environmental assessment of Designated Activities under the Impact Assessment Act begins by describing the projects during the Planning Phase. The report is then reviewed by the Impact Assessment Agency of Canada (IAAC) to determine if the project is likely to cause significant adverse effects on environmental matters under federal jurisdiction. If the review concludes that those impacts are likely to occur, the project will require a federal Impact Assessment.

The Project can potentially cause significant adverse effects on the rights and interests of AAN. Members of AAN have used the lands within their traditional territory since time immemorial, and they depend on a deep connection with their land to support their spiritual, cultural, and economic life. Thus, the development, operation, and closure of this mine within the traditional territory of AAN could adversely impact the ability of its members to exercise their rights. The protection and preservation of those rights are critical to AAN and are reflected in the environmental values presented in this report.

The ultimate goal of this review is to facilitate the meaningful consultation of AAN as a means to protect their Aboriginal and Treaty Rights. We aim to achieve this goal by reviewing the Initial Project Description (IPD) to identify potential adverse effects of the Project and ensure their early consideration in the Impact Assessment. The review is guided by several criteria that include assessing the compliance of the IPD with the requirements of the Impact Assessment Act, assessing the technical sufficiency of the information presented and issuing recommendations to incorporate AAN’s values into the Indigenous Participation and Engagement Plan (IPEP) and the Tailored Impact Statement Guidelines (TISG).

2. REVIEW METHODOLOGY

The review was guided by the environmental values of AAN that aim to protect their Aboriginal and Treaty Rights. In this context, the review focused on identifying the potential effects of the Project on the values of AAN. A preliminary list of values is presented in Section 3 and will be subject to validation by AAN members.

We evaluated the sufficiency of the IPD by comparing its contents with the requirements set out in Schedule 1 of the Information and Management of Time Limits Regulations of the Impact

Assessment Act. Those requirements include the description of the Project and its alternatives, general proposed activities, the environmental setting, and potential adverse effects.

Regarding the social environment, we evaluated the adequacy of the IPD by following three key elements.

1. The accuracy of how AAN is portrayed, as required by the IAAC,
2. The inclusion and accurate representation of information shared by AAN, and,
3. The identification of AAN’s rights and interests and the commitment to meaningfully engage throughout the process.

Our review identified numerous technical and specific concerns described in Section 4. In addition, Section 5 describes some general, overarching concerns. We also provide recommendations to address each concern according to AAN values.

3. APITUPI ANICINAPEK NATION VALUES

We compiled a list of preliminary environmental values based on information provided by AAN during the environmental assessment of other projects. This list of values was used to assist our review in identifying potential concerns for AAN and recommending environmental values for their inclusion in the Tailored Impact Statement Guidelines.

This preliminary list of values will be reviewed and ratified or modified in consultation with AAN, and it is presented in Table 1 below.

Table 1. Preliminary environmental values of Apitipi Anicinapek Nation.

AAN Values (Preliminary)	Description
Maintaining and protecting the culture, traditions, and land uses of AAN.	<ul style="list-style-type: none"> • Cultural and spiritual beliefs; • Transmission of Traditional Knowledge, lifestyle, and practices to children; • Culturally and historically significant sites (sacred places such as Lake Abitibi, archaeological, heritage, burials and cemeteries, and significant landforms; • Habitation sites such as cabins and overnight campsites, and sites of historical occupation; • Hunting, trapping, fishing, and plant harvesting areas; • Trails and travel routes that provide access to important places within AAN territory.

<p>Maintaining and protecting the natural environment.</p>	<ul style="list-style-type: none"> • Ecosystem health and function; • Water, waterways, and waterbodies; • Plants, including species used for food, medicine, building material, firewood, and ceremonial purposes; • Mammals; • Birds; • Fish.
<p>Maintaining or improving the ability of AAN members to earn a living and share the benefits produced by activities within AAN territory.</p>	<ul style="list-style-type: none"> • AAN traditional economy; • Business development opportunities; • Employment opportunities; • Commercial activities, including ownership and revenue-sharing of the Project; • Joint ventures, access to business contracts and co-development and implementation of environmental, socio-economic, and cultural monitoring programs for the life of the Project; • Quality of life and living conditions for AAN members; • Self-sufficiency of the AAN community as a whole and its members; • Education and training; • Treaty land entitlements and other AAN-owned land or land interests.
<p>Maintaining and protecting the well-being and safety of the community.</p>	<ul style="list-style-type: none"> • Protection from accidents and malfunctions during the life of the Project that could impact the natural environment and physical and mental health of AAN members.

4. TECHNICAL COMMENTS

This section presents technical comments that summarize specific concerns identified during our review. We accompany the comments with contextual references to the Initial Project Description when appropriate. Each comment is followed by a request or recommendation to address the underlying concern.

Comment #	IPD Section	Reference	Comment	Recommendation
1	A.4.2	"Preliminary conversations occurring with Wahgoshig First Nation ..."	AAN has recently changed the name of the community from Wahgoshig First Nation to Apitipi Anicinapek Nation and would like this to be reflected in all documents generated by the proponent.	Please revise to ensure the appropriate community name is used (AAN).
2	A.4.2 and A.4.4		AAN is currently not included in the list of communities that will continue to be engaged throughout the remainder of the impact assessment process.	AAN believes this Project may impact their rights and interests and must be included among the communities that will be engaged throughout the remainder of the impact assessment process.
3	A.4.4, B.6, E.4, E.5		If a federal impact assessment is required, AAN expects to fully participate in the impact assessment (IA) process under the Impact Assessment Act (2019), including opportunities for the Indigenous-led evaluation of effects on health, socio-economic conditions, Indigenous knowledge and land uses, cultural and physical heritage, as well as associated Aboriginal and Treaty rights. Also, AAN must be meaningfully involved in the evaluation of project alternatives.	AAN requests a meeting with the Proponent and the IAAC as soon as possible to discuss AAN's participation in the planning and impact statement phases of the impact assessment process.
4	Figures A.1 and A.2		AAN's reserve lands are not included in the maps depicting the Indigenous communities near the Project.	AAN requests to be represented in the maps that depict the Indigenous reserves located near the Project (Figures A.1 and A.2)

5	A.2 and C.4	A.2 title: "Local Communities and First Nations." Section C.4 "Regional Indigenous Peoples are shown in Figure A.2."	The IPD does not clearly define "regional" and "local." These terms are used several times throughout the IPD. Precise definitions of what the Proponent considers local or regional will reduce confusion and uncertainty concerning the geographic extent of potential effects and the interpretation of figures.	AAN requests that the Proponent clearly define the terms local and regional in all future impact assessment documents.
6	A.4.2	"The following list and Figure A.2 shows Indigenous Peoples that have specific interest in the Project and with whom Canada Nickel has engaged before and during the preparation of this IPD."	The Proponent acknowledges that AAN was notified about the Project at the suggestion of the Agency and that preliminary conversations are occurring. However, the proponent needs to recognize the interest of AAN in being continuously engaged throughout the Impact Assessment process.	AAN requests that the Proponent acknowledge its interest in continuously engaging during its environmental assessment.
7	A.4.3		This section summarizes the main concerns expressed by Indigenous communities engaged before drafting the IPD, and AAN shares some of them. However, the summary only represents part of the full depth of the values of AAN, as described in Section 3 of this report.	AAN requests that the Proponent prepares a Detailed Project Description that incorporates the full extent of AAN's values and concerns, as presented in this report.

8	A.4.4	<p>“Canada Nickel intends to continue engagement activities with interested Indigenous Peoples, with an emphasis on open, respectful dialogue, clear communication channels, and meaningful participation.”</p>	<p>The purpose of this section is to present a summary of future engagement plans. However, the Proponent describes its expectations for the process without showing concrete actions supporting the engagement.</p>	<p>AAN expects that the Detailed Project Description will include a plan with concrete actions supporting its engagement in the remainder of the Planning Phase and upcoming phases.</p>
10	C.4	<p>“Canada Nickel is in ongoing discussions with local Indigenous Peoples to determine historic and current land and resource uses.”</p>	<p>The IPD does not describe AAN's historic and current land, and resource uses. AAN acknowledges that the information available to the Proponent on this subject may have been limited by the recent engagement between the parties but expects that future planning documents will include in-depth characterizations of the land and resource uses.</p>	<p>AAN requests that the Proponent acknowledge that the Project is located on lands traditionally used by their community members.</p> <p>AAN also requests that future planning documents progressively integrate information obtained through consultation to characterize their land and resource uses.</p>
11	C.4	<p>“Based on current knowledge, including documentation publicly available, Canada Nickel understands that the Crawford Project property is located on lands that may have been used previously for Traditional purposes by...”</p>	<p>The IPD lacks a description of the sources used to define the Indigenous communities that have historically and contemporarily used the lands where the Project is located.</p>	<p>AAN requests that the Proponent acknowledge that the Project is located on lands traditionally used by their community members.</p>

12	C.6.3	“The site is vegetated primarily with early successional mixed deciduous communities...”	The vegetation description in this section is inconsistent with that presented in section 6.5.1. The latter indicates that the property where the project is located is dominated by coniferous forest and swamp communities. It is unclear if this disagreement may result from descriptions at different spatial scales.	If the interpretation is correct, AAN requests that the Proponent verifies any inconsistencies in the description of the environmental setting for the Project.
13	C.6.4.1	“... concentrations of total and dissolved metals are very low, often at or below analytical detection limits, with results for most parameters consistently below applicable water quality guidelines for the protection of aquatic life.”	The description cited here implies that some parameters are inconsistent with the applicable guidelines. It is critical to fully understand the baseline conditions to protect aquatic life, including the possible exceedance of water quality guidelines.	<p>Clarify if the interpretation presented above is correct and if any metals were present at concentrations above the guidelines.</p> <p>AAN requests that the Proponent describes any episodic or consistent observations of exceedances of the applicable water quality guidelines.</p>
14	C.6.5.4	“Data collected at acoustic monitoring stations specifically targeted avian species of conservation concern (Canada warbler, rusty blackbird, common nighthawk, eastern whip-poor-will, evening grosbeak, olive-sided flycatcher, and yellow rail). The bird detector analysis did not detect any avian species of conservation concern...”	<p>Publicly available databases show that evening grosbeaks and rusty blackbirds are frequently documented in the area of the Project. The absence of these species from the list of breeding birds presented in the IPD could be explained by many factors. However, it is also notable that olive-sided flycatchers and Canada warblers were detected by breeding bird surveys but not by acoustic monitoring.</p> <p>The results highlight the importance of acknowledging that additional sampling efforts may be required to confirm or discard the presence of species of</p>	<p>AAN requests that the Detailed Project Description provide sufficient details to evaluate the adequacy of the methods used to study the presence of species at risk.</p> <p>The Detailed Project Description and other planning documents must acknowledge the limitations of any desktop or field-based studies. Ultimately, the potential presence of any species at risk should only be ruled out when supported by a strong rationale.</p>

			<p>conservation concern in a study area. Thus, the studies supporting the Impact Statement should only rule out the occurrence of any species of conservation concern once a reasonable effort is invested in evaluating their presence. This approach should be applied widely to the study of all species of conservation concern in the area of the Project.</p>	
15	C.6.5.6	<p>“Canada Nickel understands that there are culturally important species to Indigenous Peoples. As such, Canada Nickel is working with Indigenous Peoples to identify these important species and will ensure they are carried through the IA, as applicable.”</p>	<p>The previous proponent and Canada Nickel engaged some of the Indigenous communities long before the development of the IPD. Thus, the lacking description of species of cultural importance in the area of the Project is concerning, as it illustrates the absence of an Indigenous perspective.</p>	<p>AAN requests to be consulted to identify species of cultural importance to their community. Further, AAN expects that consultation in this regard will be conducted as soon as possible to facilitate the inclusion of these species as Valued Environmental Components (VECs) in the IA.</p>
16	C.6.6	<p>“The (aquatic environment) studies included fish habitat and community assessments, fish collection for fish tissue analyses, and benthic invertebrate and sediment analyses.”</p>	<p>This section characterizes the aquatic environment based on the fish communities present. However, it ignores other significant components that are crucial to understanding the potential effects of the Project on the rights of AAN and that, according to the IPD, were also studied.</p>	<p>AAN requests that the Detailed Project Description presents a more detailed characterization of the aquatic environment. The characterization must also include components of the aquatic ecosystem that were ignored in the IPD. AAN also requests that the Detailed Project Description informs the potential presence of contaminants of concern in aquatic food resources (i.e., results of fish tissue analyses).</p>

17	C.6.7	<p>"Several species of conservation concern have been identified within the study area through desktop review and field observations."</p>	<p>The woodland caribou is not included in the species of conservation concern identified in the desktop review or the field studies. However, publicly available provincial data (Natural Heritage Information Centre) shows that an element occurrence for woodland caribou is located less than 5 kilometres west of the Project. Further, the Integrated Range Assessment for the Kesagami Range, which includes the area of the Project, indicates that "...the south (of the Range) is highly impacted by human activity, most notably timber harvest and settlement, and caribou occurrence is minimal - although recent sightings in the Hicks - Oke Bog Area at the southern range boundary is encouraging." This Area is located approximately 50 km to the west of the Project.</p>	<p>AAN requests that the Detailed Project Description relies on comprehensive data sources to evaluate the potential of species of conservation concern in the area of the Project.</p> <p>Woodland caribou should be considered a Valued Environmental Component, considering its conservation status and cultural and ecological importance.</p>
18	C.7.2.2	<p>". . . the Project site is anticipated to be within the Traditional or operating region of several Indigenous Nations that have expressed interest in the Project."</p>	<p>The project is within the traditional territory of AAN with Aboriginal and Treaty rights that project activities may impact.</p>	<p>AAN requests full participation in the impact assessment and consultation with the Crown on the project impacts, mitigation or enhancement measures, and accommodation for impacts.</p>

19	E.2	"Lake sturgeon are known to occur within the Mattagami River, which receives contributions from Jocko Creek. Potential mine-related impacts to the Jocko Creek and to the ultimate receiver (Mattagami River) are not expected, and as such, no effects to lake sturgeon are anticipated."	It is unclear if adverse effects are not expected because of a lack of interaction between the Project, Jocko Creek, and Mattagami River.	The Impact Assessment should delineate the spatial extent of the direct and indirect effects of the Project on the aquatic environment. If the Project interacts with Jocko Creek in any way, the lake sturgeon should be considered a potential Valued Environmental Component (VEC) in the Impact Assessment.
20	E.5	"Canada Nickel is engaging with Indigenous Peoples to develop Indigenous Traditional Knowledge and Land Use studies... Traditional Knowledge will be validated with Indigenous Peoples to ensure information is captured and used appropriately."	The Proponent should acknowledge that such engagement has been limited to some First Nation communities. To our knowledge, the Proponent and AAN have yet to discuss the development of Traditional Knowledge studies. The description presented implies that the Proponent conceives the development of TK/TLRU studies as a process driven by themselves and "validated with Indigenous Peoples."	AAN looks forward to discussions with the Proponent that facilitate the development of TK/TLRU studies. AAN expects to lead its own TK/TLRU studies and will welcome a commitment from the Proponent to support its development.

21	E.10	<p>“Cumulative effects will be assessed in the Impact Statement in accordance with IAAC guidance if required. The Impact Assessment Act requires that cumulative effects be considered that are likely to result from the designated Project in combination with other physical activities that have been or will be carried out. For the Crawford Project, it is anticipated that this would include cumulative effects associated with the ongoing exploration program. Cumulative effects may also arise from other projects in the area, including Kidd Mine, which discharges effluent to Kidd Creek and ultimately the Mattagami River, as well as Gowest Gold North Timmins Gold Project which discharges effluent to the West Buskegau River.”</p>	<p>Section E.10 discusses the projects the Proponent will evaluate within the Cumulative Effects Assessment (CEA). Other factors contributing to cumulative effects on Indigenous peoples include climate change, forestry, urban development, linear infrastructure, dams and more.</p>	<p>AAN requests to be engaged directly on the CEA and suggests that the proponent use the Major Projects Assessment Standard developed by the First Nations Major Projects Coalition as a guide for conducting the CEA.</p>
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5. SUMMARY OF CONCERNS AND RECOMMENDATIONS

In addition to the comments in Section 4, we present a summary of critical issues identified in the IPD review.

The IPD omitted AAN from the list of Indigenous communities that will continue to be engaged by the Proponent. The failure to engage and meaningfully consult AAN during the assessment of activities within its traditional territory would result in a transgression of its Aboriginal and Treaty rights. As the Summary of Issues shows, AAN has expressed its desire to be consulted. Thus, we recommend that the Proponent include AAN in the list of Indigenous communities to be continuously engaged in all future planning documents.

The Impact Assessment Act (2019) recognizes the role of Indigenous peoples in the assessment of projects and provides a framework to ensure their participation in the assessment of projects. In alignment with this framework, AAN wishes to fully participate in the Impact Assessment of the Crawford Nickel Project and expects that its participation will be guaranteed in the:

- Assessment of alternative means;
- cumulative effects assessment;
- development of mitigation measures; and,
- accommodation for potential impacts.

AAN also wishes to be supported in its determination to conduct its Indigenous Knowledge and Land Use studies and to lead the assessment of the effects of the Project on their health and socio-economic conditions, their cultural and physical heritage, and their Aboriginal and Treaty rights.