

NORTHWATCH

March 8, 2023

Crawford Nickel Project
Impact Assessment Agency of Canada
600-55 York Street
Toronto, Ontario M5J 1R7

Sent by Email: Crawford@iaac-aeic.gc.ca

IAA Reference # 83857

Re. **Northwatch Comments on the draft Tailored Impact Statement Guidelines and draft Public Participation Plan for the Crawford Nickel Project**

On 6 February 2023 the Impact Assessment Agency of Canada (the Agency) announced that the Crawford Nickel Project would be subject to an impact assessment and that a 30-day comment period had commenced on draft Tailored Impact Statement Guidelines (draft Guidelines) and a draft Public Participation Plan (draft Plan). At the same time, the Agency also posted a Draft Cooperation Plan and a Draft Permitting Plan but did not invite comments on these plans.

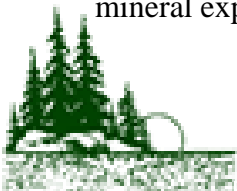
Previously, on 8 August 2022, the Impact Assessment Agency announced a public comment period on the Summary of the Initial Project Description for the Crawford Nickel Project, and Northwatch subsequently submitted comments to the Agency on that document. Those comments identified many subjects which Northwatch identified as necessary topics for inclusion in an eventual Impact Statement, and so in the Tailored Impact Statement Guidelines.

Crawford Nickel Project

According to the Agency's registry posting, the Canada Nickel Company is proposing the Crawford Nickel Project located 43 kilometres north of Timmins, Ontario. Canada Nickel Company is proposing the construction, operation, decommissioning and abandonment of an open-pit nickel-cobalt mine and on-site metal mill, located 43 kilometres north of Timmins, Ontario. As proposed, the Crawford Nickel Project would have a mine ore production capacity of 290,000 tonnes per day and a mill ore input capacity of 120,000 tonnes per day. The project would operate for about 41 years.

Northwatch

Northwatch is a public interest organization concerned with environmental protection and social development in northeastern Ontario. Founded in 1988 to provide a representative regional voice in environmental decision-making and to address regional concerns with respect to energy, waste, mining and forestry related activities and initiatives, we have a long term and consistent interest in the mining sequence and its social and environmental costs and benefits, including mineral exploration, mine development, operation and closure, and metals processing.



Northwatch's objective in participating in this and other mining related assessment processes is to provide an independent review of mines as proposed, and to contribute to mine reviews in such a manner as to reduce environmental impacts and increase social benefits.

The questions Northwatch poses as a basis for mine reviews in which we engage include the following:

- Will the mine project, if in an area with past or active mines, result in or contribute to the remediation of past mining impacts?
- Will the mine project maximize economic / social benefits to local communities, especially communities who have previously been mine-dependent or mining-impacted?
- Will the mine assessment be carried out in a way that adequately identifies the ecological values in the project area and adequately assesses the degree to and the manner in which the proposed mining-related activities imperils these values?
- Will the mining activities be carried out in a manner that avoids environmental harm?
- Will the mine project avoid adversely impacting recreational opportunities and pastimes in the mine's vicinity?
- Will the mine project be carried out in a manner that respects and preserves the rights, land uses and interests of Indigenous peoples?

Review of the Draft Public Participation Plan

On February 6 the Agency posted a draft Public Participation Plan and invited comments on the plan, as well as announcing public information sessions. There would be two sessions held online the next week, one in English and one in French, and the following week there would be a three hour in-person information centre on the western edge of the City of Timmins.

Northwatch has reviewed the draft Public Participation Plan and provides the following comments:

- The first stated objective is that public participation be meaningful, and the draft plan states that "meaningful" means that the public has opportunities, information and capacity to participate; Northwatch's view is that public participation is meaningful if those participating in the review can hold a reasonable expectation that their participation will affect the carrying out and the outcomes of the review; for example, if a participant is given access to information and carries out an analysis of this information which results in them providing sound advice to the Agency but their input does not affect the course or the review of the outcomes of the review then the participation has not been meaningful
- While early and frequent participation is a sound objective, the public participation process must also be flexible and iterative and if a member of the public was not aware of the process or was unable to participate in earlier stages of the process, there should remain an opportunity for them to engage and be engaged even at later stages; for example, if in reviewing the Draft Impact Statement a member of the public identified an additional issue that required examination – such as a history of local impacts or values that had not been

previously identified – there must be a mechanism for those additional issues to be brought forward through public participation and be given due regard in the review process, even if they were not identified at an earlier stage

- In developing the list of potentially interested participants to be included in the distribution list, the Agency should also consider the expressions of interest in other projects in the region; for example, Ontario River Alliance has identified an interest and provided comments on the Upper Beaver Gold Project in the neighbouring district to the east but is not included in the distribution list; similarly, Ontario Nature had an identified interest and provided comments on the Marathon Mine in and the Ring of Fire regional assessment but is not included in the distribution list.
- Please note that Northwatch is spelled ‘Northwatch’, not “NorthWatch” as listed in the draft plan
- It may not prove to be the case in this Impact Assessment process, but in other reviews carried out by the Agency and its predecessor (the Canadian Environmental Assessment Agency) there were community groups who learned of the project or the project review only some time after the application window for participant funding had closed; the Agency’s should explore means of extending the opportunity to apply for participant funding to allow newer entries to the review process to receive funding support
- For the best benefit to be achieved from community information sessions, particularly for those held in the winter months, there should be a notice period of longer than two weeks and the session duration should be longer than three hours on a single day
- For the best benefit to be achieved from online or virtual information sessions there should be a notice period that is considerably longer than nine days and recordings of these information sessions should be posted to the Agency’s YouTube channel

The draft Public Participation Plan includes a four-page table outlining activities for each of four phases of the impact assessment process. Northwatch’s comments and recommendations include the following:

- In Northwatch’s view the invitation to comment on the Summary of the Initial Project Description (August 8, 2022) was not explicit enough that this is the opportunity for the public to request that the project be subject to an environmental assessment; the changes to the statute and the shift in language and focus from “environmental assessment” to “impact assessment” is problematic, but so too is the phrasing of the invitation that “*This feedback will help the Agency prepare a summary of issues and inform its decision as to whether this project requires an impact assessment*”; we do appreciate that this is an improvement over the language used in some earlier assessment processes, but would recommend that the Agency carry out a plain language edit of this invitation, and that it much more clearly state that based on input received the Agency will be making a decision as to whether any further evaluation of the project and its potential impacts will be carried out by the Impact Assessment Agency

- As noted above, we recommend that the Agency increase the flexibility of the participant funding program to accommodate interested persons or community groups who learned of the project or the project review only some time after the application window for public participation had been closed; this recommendation is based on Northwatch’s observations rather than our own experience of having been unaware of a project review in which we sought to participate until after the participant funding application period had closed, as we have the benefit of being familiar with the Agency and the registry and are recipients of notices through the Agency’s distribution list and so have not had the experience of learning of a project only after the funding window had closed; however, we are aware of numerous cases of this having been the experience of others, and would strongly encourage the Agency to seek a remedy
- We note that in Phase 2 of the process the Agency anticipates presenting at proponents meetings, and we are aware that the Agency frequently meets with proponents in the early and the pre-assessment periods; in the interest of increasing public confidence and carrying out an open and transparent process, these meetings with the proponent should be documented, and a record of these meetings should be posted on the registry
- When the Agency “asks the proponent to present on identified issues, addressing project concerns and explaining mitigation and monitoring measures” these questions and responses should be well documented and added to the public registry; if these question-and-answer sessions are in real time (i.e. are not limited to a written exchange) these should be considered to be Technical Sessions and should be live-streamed with the webcast then archived on the public registry
- Page 2 of Table 1 includes in the centre column the list of “Expected public participation / activities” a bullet “*Participate in proponent’s meetings on its Impact Statement*” but it is unclear if that is an expectation that the Agency will participate in such meetings or if the Agency expects that the public participants will do so; if the former, please see comments above about how such meetings should be documented, and if the latter the Agency should be aware that there may be reasons that public participants may not feel comfortable meeting with the proponent bilaterally or as individual participants; the Agency should clarify this expectation and if the expectation is that public participants are to meet with the proponent the Public Participation Plan should set out some clear expectations in terms of conditions and circumstances and how the Agency would support public participants in any such meetings, including through the Agency’s facilitation, moderation, and/or attendance
- Page 2 of Table 1 identifies that the Agency will issue requests for information or studies required to satisfy the Tailored Impact Statement Guidelines, but omits a very important element in this review stage, that being a written exchange of questions to and responses from the proponent in which the public can engage; the Public Participation Plan should clearly outline the timeline and process for participants sending questions to the proponent via the Agency and receiving a timely response, and clearly set out the Agency role in this exchange, include posting the information requests and the proponent responses on the registry; this exchange of questions and responses and posting to the registry would include

questions from the Agency but also from public and Indigenous participants, federal departments, and provincial review team members.

- Page 3 of Table 1 identifies that the Agency will post the draft Environmental Assessment Report and draft potential conditions on the Registry web site and hold a comment period on those documents; the Public Participation Plan should also include a duty on the part of the Agency to document how they dispositioned the comments received, and to post that documentation on the registry
- Page 4 of Table 1 includes a description of objectives and activities for Phase 5 of the review, (i.e. the period after a decision has been issued by the Minister or Cabinet) including posting results of compliance and enforcement activities; this section of the Public Participation Plan requires further detail, including details of the timeline and responsible parties for compliance, monitoring and enforcement activities, and of reporting intervals to the registry; the draft Plan references Section 152, which sets out the power of the agency to publish reports during the post-decision phase, but the Public Participation should identify minimum reporting intervals and responsible parties as well as the role of the public and Indigenous peoples
- The description of objectives and activities for Phase 5 of the review included on Page 4 of Table 1 of the Public Participation Plan should describe how the public is to be involved in the follow-up program including in verifying the accuracy of the effects assessment laid out in the Impact Assessment Report and evaluating the effectiveness of mitigation measures; the Public Participation Plan should set out what opportunities will be provided for Indigenous peoples, local communities and interested parties to participate in monitoring and reviewing monitoring results; while the requirements for the proponent's implementation of the follow-up program will be set out in the conditions included in the Decision Statement, the public participation opportunities that will be associated with the follow-up program should be included in the Public Participation Plan

Time Limit Suspensions

Northwatch has a two-fold concern about the use of time limit suspensions under the Impact Assessment Act. The first concern is that we have observed that the time limit is only suspended for the benefit of the proponent; for example, on October 17, 2022, the Impact Assessment Agency of Canada suspended the 180-day time limit for the Planning Phase under the Impact Assessment Act for the Crawford Nickel Project following the written request from the proponent that the time limit be suspended in order that the proponent would have “sufficient” (i.e. additional) time to provide the Agency with a Detailed Project Description. We have not observed any suspensions of the time limits to allow Indigenous people, the public, or participating agencies with “sufficient” (i.e. additional) time to meet the deadlines, despite these deadlines being imposed upon public participants without advance notice that the comment period is going to commence, the comment periods generally being short, and comment periods in some cases overlapping important holidays or other seasonal activities.

The second concern is that the suspension of time for the benefit of the proponent can result in significant extensions to the review process. In one case, the Marathon Mine, the review process was suspended at the request of the proponent for several years. For public participants this can mean that technical experts retained at the beginning of the process may no longer be available due to other work commitments, participants' circumstances or workloads change meaning that they may be required to meet review obligations taken on some years earlier when their situation was quite different (due to changing health, place of residence, family size, work commitments), and the capacity of a community or public interest group might change. When there is a suspension of time allowed a proponent, the Agency must carefully consider the additional workload this may place on public review participants and how public participation may require additional supports and longer timelines if the public and Indigenous peoples are to continue in a meaningful way and one that is not punitive to the organizations and individuals involved.

Public Registry

Northwatch has previously communicated to the Agency our concerns with the public registry and made suggestions for its improvement. For the purpose of commenting on the Public Participation Plan for the Crawford Nickel Project we will limit our observations to a short list specific to this review and the associated registry. Our observations and comments include:

- We have heard from many participants (of various review processes, not just the review of the Crawford Nickel Project) that they find the process of submitting comments online through the IAA registry to be unduly challenging, and we have encountered difficulty ourselves at times; the landing page of the Registry includes a "Submit Comments" button, which then leads to several layers and steps and requirements before a comment can actually be submitted; on the landing page and on the page that appears after a user clicks "Submit Comments" we would strongly encourage the Agency to display an email which can be used to send comments as an alternative to the online system
- The manner in which registry items are displayed does not allow a user to create a table of documents which they can then use for their own tracking or note-making purposes; previous iterations of the registry DID allow this, and it was a feature which Northwatch used and valued
- The tab for "Information Sessions", states "There are no information sessions scheduled at this time"; this page would better support public participation if it included information related to future and past information sessions, and included postings or recorded presentations, presentation materials and handouts used in past information sessions

Review of the draft Tailored Impact Statement Guidelines

Northwatch engaged the services of Armour Environmental to assist in the review of the draft Tailored Impact Statement Guidelines. As part of their review, Armour Environmental reviewed Northwatch's previous submissions, the draft Guidelines, and selecting sections of the Project Description. Their findings are set out in the section-by-section review found below.

Issues Identified in Comments on Initial Project Description to be addressed in Guidelines

In commenting on the Initial Project Description, Northwatch identified several issues as subject for inclusion in the Tailored Impact Statement Guidelines, including but not limited to the following:

- Financial stability of the proponent and reliability as party responsible for implementing closure and remediation measures
- Management of stormwater and large precipitation and extreme weather events
- effluent discharge locations and full characterization of effluent and of receiving bodies and associated habitat
- mine effluent treatment
- access, including road access and utility corridors, and related impacts and effects
- detailed exploration of alternative means of carrying out the project
- impacts on wildlife and habitat, including contribution to forest fragmentation
- potential loss of natural water bodies through either extraction activities or tailings deposition or other mine related undertakings
- a full examination of mine decommissioning and mine closure
- impacts of the project and its many ancillary activities on other land users and land uses in the area, including seasonal uses and users
- impacts of attracting out of region workers
- the potential adverse and disruptive social impacts, including and particular on women and girls and on social services
- a full examination of the potential for acid generation and metal leaching
- a full, detailed and supported description of how the potential for acid generation and metal leaching was assessed and the results of all assessments
- factors related to health and life style, including the current crisis that is being experienced across northern Ontario with respect to opioid and other addictions
- a gender based analysis that looks at how the worker population associated with this large project could present risk factors for women, girls and LGBTQ2S residents in the region
- a full, detailed and supported description of any potential for carbon capture which the proponent or its agents might assign to the project

Section-by-Section Review and Comment on Key Issues

Section 4.4 pg. 16

“The Impact Statement must identify and consider the potential environmental, health, social and economic effects and the impacts on the rights of Indigenous Peoples of alternative means of carrying out the Project that are technically and economically feasible ...

The Impact Statement must then describe:

*environmental criteria should include effects to air quality, water quality and quantity, fish and fish habitat, wildlife and associated habitat (including wetlands), **risk from accidents and malfunctions**”*

Comment: There is potential for serious adverse impact on downstream users as well as environmental impacts on the Mattagami River, in the event of a tailings dam breach or spill to the natural environment. The proponent must clarify contingency planning and emergency communication protocols; the project site is not remote, and there are nearby communities which could be adversely affected by incidents of this nature

Section 7.1 pg. 28 Baseline methodology

“describe potential changes in the baseline conditions that are likely to occur in the future, if the Project was not carried out, including changes due to future climate change;”

Comment: Although it is understood that this proposed project may help to address federal climate change mitigation goals, it is important to consider localized aspects of climate change impacts which are already being observed and experienced. The Impact Statement must address potential environmental impacts of climate change on all aspects of the project lifespan. It is widely recognized that climate change is already affecting weather patterns, temperature ranges, snow cover, ice-free periods, water temperature, precipitation, and storm events, as well as other factors. For this reason, relying solely on historic data sets or trends, while helpful, will not be an adequate way to predict future trends or impacts.

Section 8.1. pg. 41 Meteorological environment

“The Impact Statement must: describe the local and regional climate, in sufficient detail to highlight weather variations and characteristics of the regions affected by project activities and components, including historical records of relevant meteorological information; ...describe the influence of climate change on the local and regional climate and on the risks of extreme weather events”

Comment: The Impact Statement should go into more detail on these points, as well as potential and anticipated changes to historic weather patterns such as precipitation, seasonal fluctuations in temperature, and future variability of meteorological conditions, since this project is proposed to extend more than 25 years into the future. Operational and site design features like stormwater management, tailings pond design, effluent discharge and assimilative capacity of receiving water bodies just some of the factors which will be affected by climate change during the project’s operation and closure.

Section 8.3. Geochemistry of mined or excavated materials

pg 43 8.3.1. Baseline conditions

The Impact Statement must: provide a geochemical characterization of expected mined or excavated materials (and historical waste, if applicable), such as waste rock, ore, low grade ore, pit wall materials, tailings, overburden and potential construction material (i.e., mine rock, quarries, unconsolidated material)...

Comment: Northwatch supports these requirements. The project cannot be allowed to proceed until any possible potential for acid mine drainage and metal leaching has been thoroughly

examined and ruled out. Engineered controls for acid mine drainage add significantly to decommissioning and closure costs, frequently requiring decades of post-closure site management. Such measures would necessitate much higher amounts of Financial Assurance for the project site to ensure that the public does not end up with long-term liability for the contaminated mine property.

Section 8.5.2. Effects to the atmospheric, acoustic, and visual environment. pg. 48

“where there is public or Indigenous community concern associated with an increase in sound levels during construction and operations, provide a vibration and sound impact assessment, including an overview of the concerns”

Comment: There must be an established procedure in place to ensure that any potential noise complaints are acknowledged, addressed and promptly resolved.

Section 8.5.2. Effects to the atmospheric, acoustic, and visual environment. pg. 49

“The proponent should also refer to the Ontario Ministry of Environment, Conservation and Parks Environmental Noise Guideline – Stationary and Transportation Sources for additional guidance on the proper control of sources of noise emissions to the environment”

Comment: As this Ministry publication specifically does not address noise and vibration from blasting, the proponent must also consult the publication NPC-119 (MOE, 1992) Blasting Noise and Vibration Model, which sets out noise and vibration limits and monitoring requirements for blasting.

Section 8.6. Groundwater and surface water

pg. 51 8.6.1. “Baseline conditions:

... provide flow hydrographs and corresponding water levels for nearby streams and rivers showing the full range of seasonal and inter-annual variations; as well as seasonal baseflow...

... provide stage hydrographs for lakes expected to be affected by the Project showing the full range of seasonal and inter-annual water level variations; ...

... for each waterbody and watercourse potentially affected by the Project, provide a description of ice cover, thickness and conditions and the timing of freeze-thaw cycles...”

Comment: All of these parameters will be affected over the lifetime of the project, due to impacts of climate change. The Impact Statement must assess and address probable changes to baseline conditions over time, as climate change-related effects become more significant.

Section 8.6. Groundwater and surface water

pg. 52 8.6.1. “Baseline conditions:

“provide baseline data for relevant physicochemical parameters and chemical constituents for surface water, groundwater and sediment quality;

... relevant chemical constituents may include major and minor ions, total and dissolved trace metals, radionuclides, total mercury, methylmercury, polycyclic aromatic compounds, nutrients, organic and inorganic compounds, or other compounds of potential concern;”

Comment: The Porcupine mining camp, Porcupine Lake sediments, and Porcupine River system, and Timmins area groundwater are affected by well-documented elevated arsenic levels (MOE, 1992). Naturally-occurring arsenic levels must be included in sampling to provide water quality baseline data.

Section 8.6.2. Effects to groundwater and surface water, pg. 55

“describe the potential changes to surface water, groundwater or sediment quality related to the Project including; ... changes to surface water and groundwater quality due to all discharges and effluents from the Project, including changes to physicochemical parameters (temperature, pH, salinity, dissolved oxygen), and relevant chemical constituents (major and minor ions, trace metals, radionuclides, nutrients, organic compounds);”

Comment: this parameter list must include arsenic

Section 9.1. Baseline conditions, pg. 85

“The Impact Statement must describe the current state of physical, mental, and social well-being and incorporate a determinants of health approach to move beyond biophysical health considerations. In line with the World Health Organization's expanded definition of health, a determinants of health approach recognizes that health is more than the absence of disease but rather a state of physical, mental, and social well-being...” ...[The impact study must] “describe and characterize the existing health services and programs, including health care provider capacity”

Comment: The city of Timmins and Cochrane District, like the rest of Northern Ontario, is facing critical shortages of primary healthcare providers. Access to mental health and addictions services is extremely difficult, with limited opportunities and long wait-times. The potential impacts of a new influx of mine employees exerting pressure on existing healthcare infrastructure and staffing levels, including the Porcupine Health Unit programming and addictions services, needs to be included as part of the Impact Statement. Proposed approaches to address these serious healthcare problems must be addressed.

A final concern arises due to the proponents' assertion that employees at the new mine will not be housed nearby, but will, instead, commute on a daily basis to the site from the communities of Timmins, South Porcupine, Smooth Rock Falls, Iroquois Falls, and other areas at least 40 to 50 kilometres away. In the absence of effective inter-urban public transit, all of these commuters will be driving thousands of kilometres per year in personal vehicles. The carbon emissions associated with all of this driving is not insignificant. In addition, hazardous winter road conditions and collisions with large wildlife are dangerous aspects of highway travel in the north.

The Impact Statement must address more sustainable transportation options for employees to get to the mine site. Traditionally, mines in the Porcupine Camp provided efficient public transit to employees, with service scheduled for the convenience of shift workers and the employer alike. Similar options need to be assessed for the future operation of this project.

Conclusions

Thank you for your consideration.

We look forward to a positive decision on the part of the Agency to apply Northwatch's comments when producing the next draft Tailored Impact Statement Guidelines and Public Participation Plan for the Crawford Nickel Project

Sincerely,



Brennain Lloyd
Northwatch Project Coordinator