



The Honourable Steven Guilbeault
Minister of Environment and Climate Change
Canada
House of Commons
Ottawa, Ontario
K1A 0A6

Terence Hubbard
President
Impact Assessment Agency of Canada
160 Elgin Street
Ottawa, Ontario
K1A 0H3

March 14, 2023

To the Attention of The Honourable Steven Guilbeault and Mr. Terence Hubbard

RE: Apitipi Anicinapek Nation's Joint Review Panel Request for the Crawford Nickel Project

Dear Minister Guilbeault and Mr. Hubbard,

Canada Nickel Company ("**Canada Nickel**") wishes to address certain matters raised by Apitipi Anicinapek Nation regarding an impact assessment led by the Impact Assessment Agency of Canada (the "**Agency**") for the Crawford Nickel Project (the "**Project**") under the *Impact Assessment Act*.

As you know, the Project is a proposed open-pit critical mineral (nickel-cobalt) mine and on-site processing mill, located 43 kilometres north of Timmins, Ontario. The Project is currently in the planning phase in the process enumerated under the *Impact Assessment Act* (the "**IA Process**"). We understand that the Agency is currently finalising the Tailored Impact Statement Guidelines ("**TISG**"), Indigenous Engagement and Partnership Plan, and Public Participation Plan.

As indicated in our letter to the Agency dated March 8, 2023, Canada Nickel is of the view that an Agency-led assessment process can robustly address potential adverse effects of the Project, consider potential impacts on the exercise of the rights of Apitipi Anicinapek Nation and those of other Indigenous communities, enable meaningful participation by Apitipi Anicinapek Nation, other Indigenous communities, and the public, and facilitate the coordination of a robust assessment process with Ontario.

We also wish to summarise other elements raised by Apitipi Anicinapek Nation to clarify CNC's approach, views, and values.

The Project's proximity to Apitipi Anicinapek Nation's Traditional Territory

Canada Nickel is committed to meaningfully engaging with all potentially impacted Indigenous communities during and after the IA Process. Throughout our efforts to advance the Project, Canada Nickel has sought to work collaboratively with Indigenous communities to understand potential effects and impacts of the Project on the rights and interests of such Indigenous communities.

Based on the Apitipi Anicinapek Nation's stated Traditional Territory, as indicated in Figures 1 and 2 (maps dated August 2019 and December 2019 respectively), in December 2021, Canada Nickel initiated discussions with Apitipi Anicinapek Nation with respect to other exploration projects with which Canada Nickel was involved. These projects resided in townships in Ontario which referenced Apitipi Anicinapek Nation as a First Nations community to be consulted with for exploration activities, as identified by the Ministry of Northern Development, Mines, Natural Resources and Forestry Community Identification process (wherein the ministry "determines if established or credibly asserted Aboriginal or treaty rights may be adversely affected by proposed mineral exploration and development activities"). Based on Figures 1 and 2, and guidance from the ministry which referenced only Taykwa Tagamou Nation, Mattagami First Nation, Matachewan First Nation, and the Metis Nation of Ontario as necessitating consultation for exploration work in the Crawford township, Canada Nickel believed that the Project's effects did not extend to Apitipi Anicinapek Nation's Traditional Territory.

We understand that Apitipi Anicinapek Nation issued a revised Traditional Territory map on or around April 6, 2022, thereby bringing the Project's effects within their Traditional Territory. Canada Nickel provides this history as background on the evolution of the relationship between Canada Nickel and Apitipi Anicinapek Nation. Canada Nickel has since made numerous efforts to communicate and reach an understanding with Apitipi Anicinapek Nation regarding the means of, and related capacity funding associated with, participating in the Project's IA Process. These efforts are ongoing.

Canada Nickel will continue to work with all potentially impacted Indigenous communities to understand the concerns and potential impacts on their rights, and to ensure ongoing collaboration in the IA Process, including in regards to assessment of effects.

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and consultation requirements

Canada Nickel understands that UNDRIP was "foundational in the development of the *Impact Assessment Act*". The *Impact Assessment Act* explicitly incorporates UNDRIP with the preamble stating "that the Government of Canada is committed to implementing the Declaration and to ensuring that the rights of Indigenous peoples are respected throughout federal impact assessments."

The Government of Canada's commitment to UNDRIP implementation in the IA Process applies to an Agency-led review. As such, Canada Nickel is of the view that an Agency-led IA Process maintains the integrity of the IA Process and respect for Indigenous rights.

Further, Canada Nickel has a proven track record of integrating feedback and empowering participation in the Project's IA Process by enacting appropriate, comprehensive, and meaningful engagement mechanisms with Indigenous communities and the public. This commitment and associated actions are consistent with the Government of Canada's commitment to implementing UNDRIP.

The Project's scale and baseline environmental conditions

Canada Nickel acknowledges the concerns raised by Apitipi Anicinapek Nation, including those regarding cumulative effects and potential Project effects on the biophysical environment. As per the draft TISG, and subject to additional feedback on that document, such as comments contained in our letter dated March 8, 2023, the draft TISG already contemplates requiring Canada Nickel to undertake a cumulative effects assessment, along with an assessment of the Project's effects on birds, migratory birds and their habitat, fish and fish habitat, and other environmental and valued components.

Canada Nickel recognizes the impacts of past mining activities in the region, and the importance of the land for the continuation of Indigenous communities' traditional way of life. The Project is proposed to be developed in an area that has been subject to previous development (see the existing 115 kV powerline, 500 kV powerline, and Highway 655) and modern forestry activities. Figure 3 highlights the proportion of the Project site has been extensively logged since 1996, including as recently as 2016 and 2022.

The Project is proposed to be positioned in an area with no residential development, few seasonal cabins, and existing industrial infrastructure and infrastructure corridors, meaning development beyond the Project's footprint is limited to a single infrastructure corridor developed in close proximity to the Project's other, mine-related infrastructure.

Canada Nickel's Detailed Project Description, comments received to date on the Initial Project Description, and the Agency issued draft guidelines and plans (including the TISG), highlight the appropriateness of an Agency-led IA Process. These past and ongoing industrial developments provide useful information which will further inform Canada Nickel's Impact Statement. Canada Nickel's commitment is to develop the Impact Statement in collaboration with potentially impacted Indigenous communities. This commitment is reinforced by the draft TISG, including the requirements under Chapters 6 and 12, and underpinned by the proposed expected Agency activities stated in the draft Indigenous Engagement and Partnership Plan.

Opportunity for Indigenous involvement in the IA Process

The draft Indigenous Engagement and Partnership Plan outlines the opportunities and methods for meaningful engagement and consultation with potentially affected Indigenous communities throughout the Project's IA Process.

The Agency's objective, among others, through the IA process is to provide meaningful opportunities for collaboration with Indigenous communities on methodologies or processes to assess the impact of the Project on Aboriginal or Treaty rights. The draft Indigenous Engagement and Partnership Plan is complemented by the draft TISG, which facilitates continuous participation of each Indigenous community in the development of the Impact Statement.

Canada Nickel's Commitment

Canada Nickel intends to continue collaborating with Indigenous communities, regulators and the public in a timely, transparent and informative manner, and to participate in the IA Process in a way that supports the implementation of UNDRIP and recognizes the importance of public participation in the IA Process.

Similar to the rationale provided for an Agency-led IA Process for Upper Beaver Gold Project, we believe that an Agency-led IA Process for the Project is in the public interest as it:

- promotes a transparent, efficient and timely decision-making process that contributes to a positive investment climate in Canada and fostering sustainability.
- balances the necessary cooperation with the Province of Ontario's environmental assessment process; and
- reflects the extent to which the effects within federal jurisdiction, or the direct or incidental effects that the carrying out of the Project may cause, are adverse.

The Crawford Project, if approved, will provide some of the critical minerals required to reach net zero by 2050. Canada Nickel intends to continue to engage and learn from Indigenous peoples throughout the process. Please contact me should you have further questions.

Warmest regards,

<Original signed by>

Pierre-Philippe Dupont
Vice President, Sustainability and Environment
Canada Nickel Company

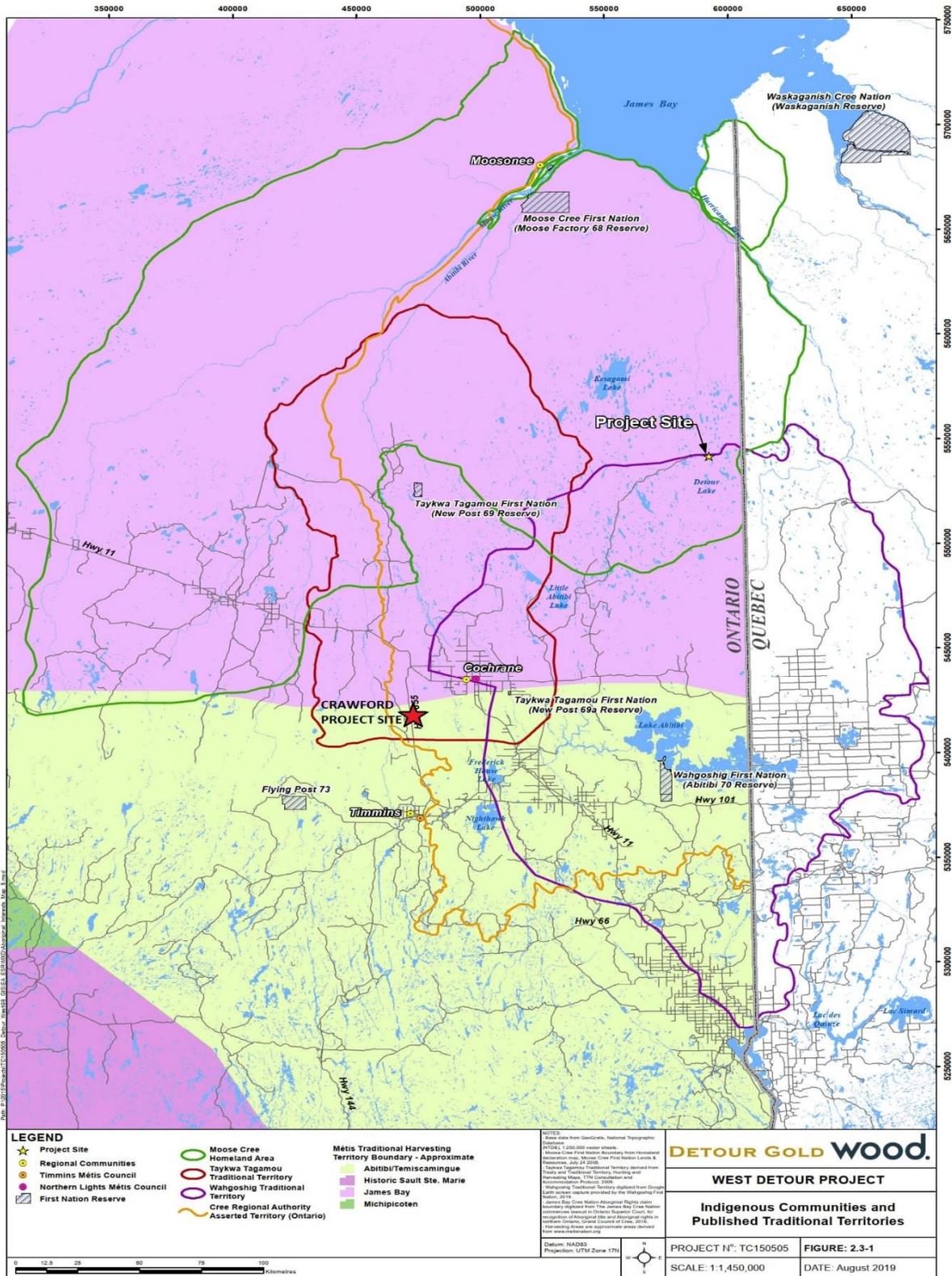


Figure 1: Wahgoshig First Nation (now Apitipi Anicinapek Nation) Traditional Territory Map, dated August 2019. Sourced from West Detour Project Environmental Study Report, where it was digitized from Google Earth screen capture provided by the Wahgoshig First Nation, 2019.

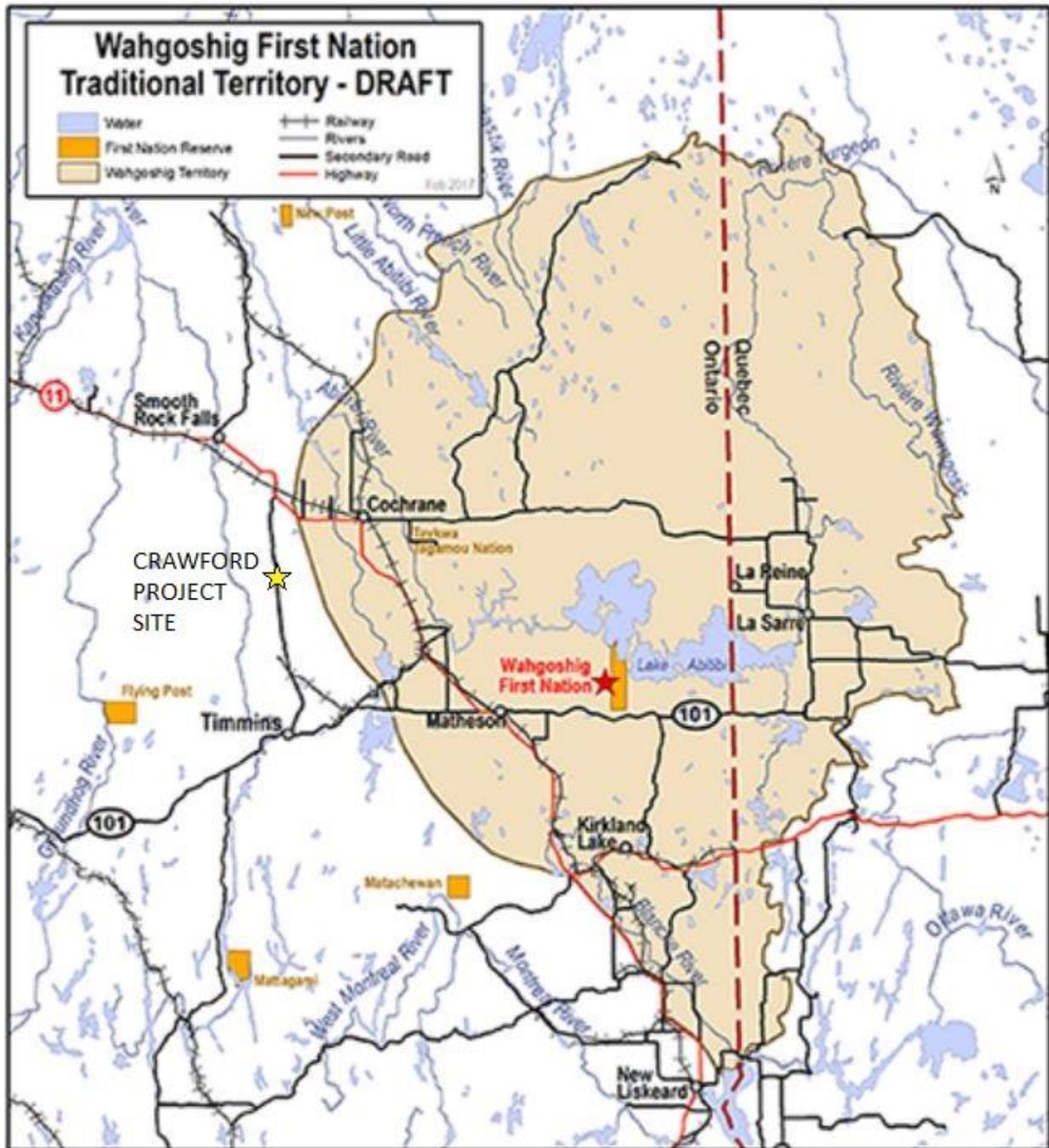


Figure 2: Wahgoshig First Nation (now Apitipi Anicinapek Nation) Traditional Territory Map, dated December 2019. Sourced from the website for Wahgoshig Resources Inc., a company located in AAN and managed by AAN community members. Available at <http://wahgoshigblackdiamond.com/index.php/contactus.html>.

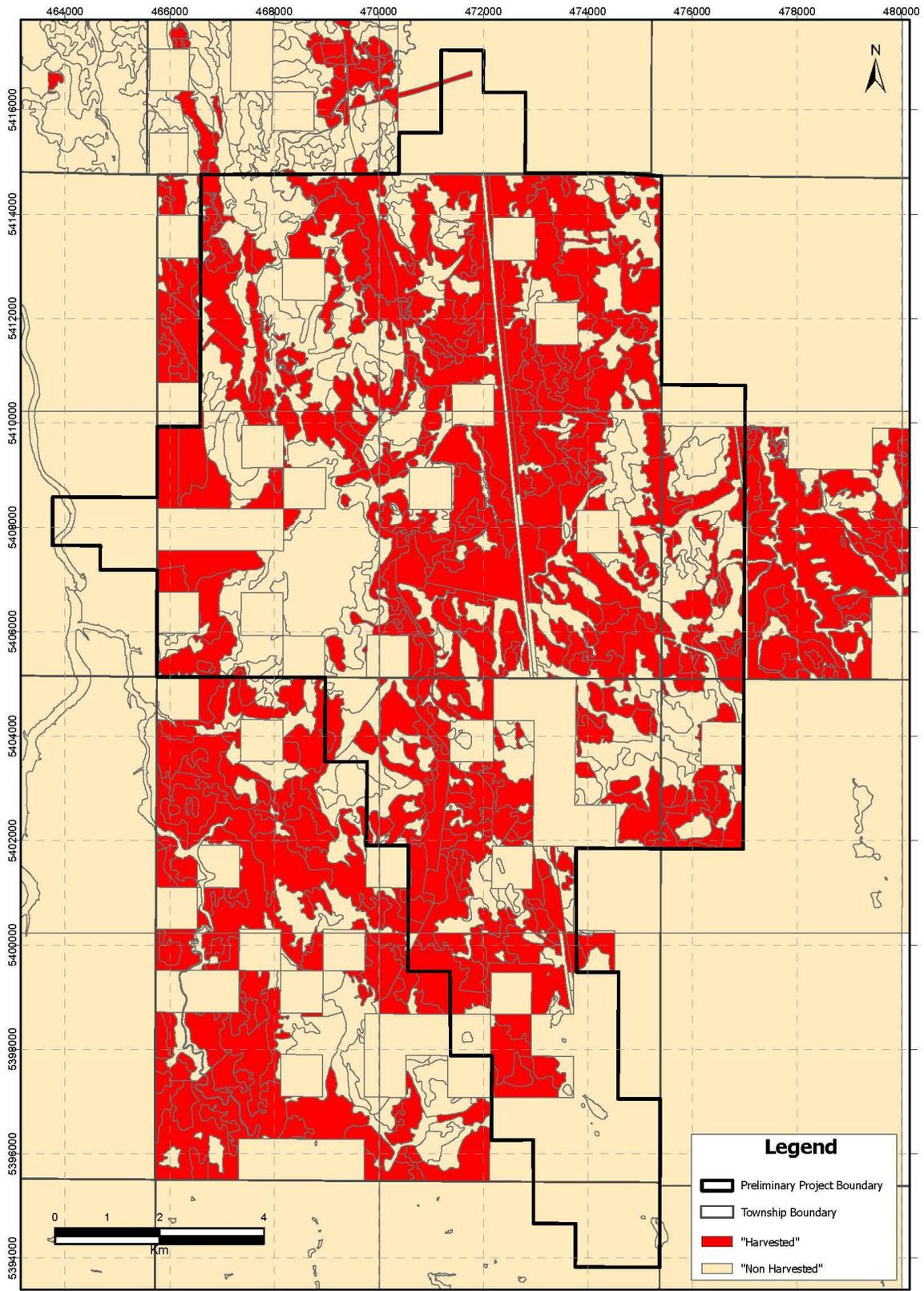


Figure 3: Map illustration harvesting activity since 1996 in the Crawford Project area.