

MATACHEWAN, MATTAGAMI AND FLYING POST FIRST NATIONS' COMMENTS ON THE DRAFT TAILORED IMPACT  
STATEMENT GUIDELINES FOR THE  
CANADA NICKEL COMPANY'S CRAWFORD PROJECT  
IMPACT ASSESSMENT – March 8, 2023

*Please find below comments prepared by Matachewan, Mattagami and Flying Post First Nations comments on the Draft Tailored Impact Statement Guidelines. We look forward to engaging further with the Agency on our recommendations. Specific recommended textual changes are underlined.*

<b>Comment #</b>	<b>Section Title</b>	<b>Sub-section; Page #</b>	<b>Relevant TISG Requirement(s)</b>	<b>Comments and Recommendations</b>
<b>1</b>	N/A	N/A	WTC First Nations support an Agency Led Impact Assessment	WTC First Nations would like to officially recommend an Agency Led impact assessment and do not support the use of a review panel for this project.
<b>2</b>	Gender-Based Analysis Plus	1.2, Pg 4	Submittal of GBA Plus report	WTC First Nations would like to ensure our youth are engaged as part of the preparation of the report and for our FN's to have a chance to review the report prior to submittal
<b>3</b>	Preparing the Impact Statement	1.3, Pg 4	"The proponent must respect the obligation of protecting personal information and adopt the established standards for the management of Indigenous data (e.g., the First Nations principles of Ownership, Control, Access and Possession (OCAP) or standards adopted by an Indigenous Group) and disaggregated data from small or unique populations."	WTC First Nations agrees with this requirement.
<b>4</b>	Format and Accessibility	1.4, Pg 6	Where the information is required or is provided as a map in the Impact Statement, the proponent must also provide the Agency with the corresponding electronic geospatial data file(s).	Although we are happy to submit maps of buffered, randomized, and categorized Traditional Land Use, we do not want to submit the geospatial data associated with it. We are requesting only a digital 'hard copy' of the maps be submitted.
<b>5</b>	The proponent	2.1, Pg 6	Specify the mechanism used to ensure that corporate policies will be implemented and respected for the Project	Ensure that policies are followed by both the Proponent and Contractors. In the event the proponent sells majority shares or is bought out, ensure that the policies are transferred to the new company.
<b>6</b>	Project overview	3.1, Pg 8	The Impact Statement must describe the Project, key project components and ancillary activities, scheduling	Ensure to describe ALL ancillary physical works and activities.

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			details, the timing of each phase of the Project, the total lifespan of the Project, and other key features.	
7	Project Location	3.2, Pg 9	“The following information must be included and, where appropriate, located on map(s): ...environmentally sensitive areas, such as national, provincial, regional parks, Indigenous Protected and Conserved Areas, ecological reserves, ecologically and biologically sensitive or significant areas, wetlands, and habitats of federally or provincially listed species at risk and other sensitive areas” (p.8).	WTC First Nations are concerned about the absence of culturally important areas, as they are potentially impacted by project-related activities. As such, we are requesting the inclusion of information on culturally sensitive areas (as identified by First Nations) in the Project Location section.
8	Regulatory framework and the role of government	3.3, Pg 10	“The Impact Statement must identify: ...any relevant land use plans, land zoning, or community plans” (p.10).	Include a requirement for the inclusion of Indigenous Land Use Plans in the preparation of the Impact Statement.
9	Workforce requirements	3.5, Pg 14	“The Impact Statement must describe the anticipated labour requirements, employee programs and policies, and workforce development opportunities for the designated project, including:  ...anticipated workforce region of origin (i.e., local, regional, out-of-province or international employees), including the anticipated scenario plus a qualitative summary of other plausible scenarios, for each phase of the Project”	The TISg should also require a description of the methods and rationale for developing these scenarios.
10	Workforce requirements	3.5, Pg 14	“The Impact Statement must describe the anticipated labour requirements, employee programs and policies, and workforce development opportunities for the designated project, including: ...anticipated hiring policies and programs”	Recommend the inclusion in the TISG of a requirement for the Proponent to develop employment retention policies specific to Indigenous peoples (including WTC First Nations), in consultation with such groups
11	Purpose of the Project	4.1, Pg 15	The proponent is encouraged to consider the perspectives of participants (i.e., public, Indigenous communities, governments) in establishing objectives that relate to the intended effect of the Project on society.	Change to "required to gather and consider" instead of "encouraged to".  In addition, WTC First Nations requests a focus on identifying the aspirations of other parties like Indigenous groups, which is critical element of any "sustainability" assessment. WTC would

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				like the assessment of the extent to which the Project contributes to or takes away from our communities' high priority aspirations.
12	Alternative means of carrying out the Project	4.4, Pg 17	potential effects to species at risk as per the 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	WTC has strong concerns regarding contamination of the biophysical environment from tailings, due to the legacy of mining impacts on our First Nations' rights, and requests that the description of worst-case scenarios is included in the preparation of the Impact Statement. Include worst case scenarios and impact effects from severe weather conditions on alternative means.
13	Alternative means of carrying out the Project	4.4, Pg 17	how concerns, views and information provided by Indigenous peoples, the public and other participants were taken into account in establishing criteria and conducting the analysis.	Include a requirement to include Indigenous Peoples in establishing and weighing parameters
14	Alternative means of carrying out the Project	4.4, Pg 19	"As relevant, the alternatives to and alternative means assessments should be informed by, but not limited to, the following: ...other studies or assessments realized by the proponent or other proponents." (p.19).	WTC is concerned about opportunities to be meaningfully engaged in the alternatives to and alternative means assessments; and is requesting that the Proponent be required to provide evidence of engaging Indigenous groups (including WTC First Nations) through every step of these assessments.
15	Alternative means of carrying out the Project	4.4, Pg 18	"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." (p.23).	WTC requests that " <u>culture</u> " is included in the assessments to be informed by Indigenous Knowledge. The Proponent should incorporate Indigenous Knowledge (as provided by First Nations) beyond baseline data and throughout the Impact Statement, including significance determination.
16	Alternative means of carrying out the Project	4.4, Pg 19	"As relevant, the alternatives to and alternative means assessments should be informed by, but not limited to, the following:	WTC First Nations are concerned about opportunities to be meaningfully engaged in the alternatives to and alternative means assessments; and is requesting that the

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			...other studies or assessments realized by the proponent or other proponents.” (p.19).	Proponent be required to provide evidence of engaging Indigenous groups (including WTC First Nations) through every step of these assessments.
17	Indigenous Knowledge Considerations	6.1, Pg 23	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.	Include cultural along with “environmental, health, social, economic”
18	Indigenous Knowledge Considerations	6.1, Pg 23	Community-specific engagement protocols and procedures around Indigenous Knowledge in assessment processes should be understood, respected, and implemented. The Impact Statement must indicate where input from Indigenous communities, including Indigenous Knowledge, has been incorporated and how it was considered. Information should be specific to the individual Indigenous community(ies) involved in the assessment and describe contextual information about the members within an Indigenous community (e.g., women, men, Elders, youth).	Proponent should incorporate Indigenous Knowledge throughout the Impact Statement including significance determination - require consideration beyond baseline data
19	Indigenous Knowledge Considerations	6.1, Pg 23	The proponent must indicate where Indigenous Knowledge that was provided was not included in the assessment and provide a rationale.	If Indigenous knowledge findings differ from scientific studies both should be presented in the Impacts statement
20	Analysis and response to questions, comments, and issues raised	6.3, Pg 25	describe the rights or interests of each Indigenous community, that the communities themselves have identified, that may be impacted by the Project	Change to: describe the rights or interests of each Indigenous community, that the communities themselves have identified <b>and provided consent for inclusion in the report</b> , that may be impacted by the Project
21	Analysis and response to questions, comments, and issues raised	6.3, p.26	“The Impact Statement must: ...provide an analysis of the extent of the potential effects on each Indigenous community, and the views of Indigenous communities regarding the extent of impact on the exercise of rights...” (p.26).	The requirement should be revised as follows: <u>“...provide an analysis of the <b>extent and/ or acceptability</b> of the potential effects on each Indigenous community, and the views of Indigenous communities regarding the <b>extent</b></u>

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				<u>and/ or acceptability of impact on the exercise of rights...</u>
22	Analysis and response to questions, comments, and issues raised	6.3, p. 26	“The Impact Statement must: ...identify the sources of information used in the analyses of potential impacts to rights, as well as assumptions and methodologies used for the analyses” (p.26).	As noted in comment #19 above, it is not the role of the Proponent to assess rights, but instead to report the impacts to rights as identified by First Nations.
23	Analysis and response to questions, comments, and issues raised	6.3, p.26	“The Impact Statement must... indicate where and how Indigenous communities’ Indigenous Knowledge, perspectives and input were integrated into or contributed to decisions regarding the Project or its impact assessment, including: ...measures to mitigate effects or to enhance or optimize potential Project benefits, including compensation and offset plans listed in Appendix 1 – Compensation and offset plans” (p.26).	In addition to the requirement, the Proponent must involve WTC First Nations in determining the acceptability of impacts and significance determination.
24	Assessment Methodology	7.1, p.28	“describe where and how community knowledge or Indigenous Knowledge, input, and Indigenous participation were considered in determining baseline conditions, including but not limited to archaeological studies, and baseline monitoring of fish, water quality and quantity, and air quality “	Wildlife is also a priority, please also include reference to indigenous participation in wildlife studies.
25	Selection of valued components	7.2, p.29	“In selecting a VC to be included, the following factors should be considered: ...information from any ongoing or completed regional or strategic assessment processes”	Cumulative effects studies completed by academic institutions, Indigenous groups, or private research organizations should also be required to be included. Please expand this to include any regional or relevant cumulative effects studies.
26	Selection of valued components	7.2, p.30	“the Impact Statement must ... describe how community knowledge and Indigenous Knowledge and the perspectives were considered in selecting VCs”	WTC First Nations are concerned that VCs suggested by Indigenous groups may not be selected and this may lack transparency. Please include a requirement to provide a rationale for

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				any VC suggested by a Indigenous group that is not included in the impact statement.
27	Selection of valued components	7.2, p.30	Gap - Fish and Fish habitat	WTC First Nations are concerned that the requirements for assessing fish and fish habitat are too narrow in focus. All fish in all life cycle stages in the LSA and RSA need to be assessed. At minimum species must also include perch, walleye, and baitfish.
28	Temporal Boundaries	7.3.2 , p.32	WTC First Nations are concerned with the temporal scope and how it lacks requirements for both an appropriate backcast as well as consideration of future effects with or without the Project.	Much clearer guidance on the need for an appropriate "backcast" must be included to ensure that the IS establishes conditions and change over time from a more pristine baseline (and therefore to understand VC vulnerability/resilience to further change .This must include a backcast that is inclusive of legacy effects. WTC First Nations recommend that a Pre-contact baseline be required for temporal scope. In addition, to meet the requirements of demonstrating the Projects contribution to sustainability the temporal scope must also assess impacts and or positive effects for future generations, at least seven generations in the future.
29	Effects Assessment Methodology	7.4, p.33	“The assessment of effects must be based on a comparison of baseline conditions and the predicted future conditions with the Project. In some cases it may be appropriate to determine future conditions both with, and without, the Project, in order to account for potential changes in baseline conditions (e.g., due to climate change or to anticipated changes in socio-economic conditions). The assessment of effects should also provide the probability or likelihood of that effect occurring, and the degree of confidence in the analysis. The assessment of effects must use methods that are statistically and scientifically defensible and must describe the degree of uncertainty	Assessment should also provide a detailed context for VCs, any known thresholds or thresholds identified by First Nations and whether any thresholds have been exceeded prior to the Project. Please include this guidance in the TISG.

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			related to the data and methods used and reflect community knowledge and Indigenous Knowledge if it is available.”	
30	Mitigation and Enhancement Measures	7.5, p.35	“If there is an ongoing or completed regional assessment in the proposed project area, the proponent should use the information generated through that process to inform possible mitigation and enhancement measures.”	The Proponent should also seek out enhancement measures identified by Indigenous led studies, cumulative effects studies, Indigenous land use plans or management plans, community plans, vision statements, identified aspirations etc. Please include this as a requirement in section 7.5
31	Mitigation and Enhancement Measures	7.5, p.35	Gap - Evidence of Success	The TISG is lacking a requirement to demonstrate evidence of likely success for proposed measures. Please include this as a requirement in the TISG.
32	Mitigation and Enhancement Measures	7.5, p.35 and 36	“describe how, throughout the Project’s duration, the lessons learned through follow-up programs will be used to continually improve mitigation measures “ AND  “where appropriate, describe any adaptive management plans that will be implemented to address uncertainties associated with the effectiveness of mitigation measures included in a follow-up program”	Adaptive management plans and follow up programs must be co-developed with Indigenous Groups if desired by the Indigenous Group and evidence that sufficient opportunities to be included in their development have been provided must be required to be included in the IS.
33	Cumulative Effects Assessment	7.6 ,pp 37-39	Gap – the TISG does not require an examination of additional external stressors other than the interaction of future and foreseeable projects.	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.
34	Cumulative Effects Assessment	7.6 pp 37-39	WTC First Nations are concerned that the required temporal scope for cumulative effects is not adequate.	WTC First Nations recommend a requirement for a pre-contact baseline.
35	Extent to which Effects are Significant	7.7, p.40	“identify and explain relevant sources of information that were used to characterize the extent to which those effects are significant, including how the perspectives, concerns	WTC First Nations is concerned that this requirement is not strong enough to ensure that First Nations perspectives on significance are

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			and tolerance levels of Indigenous groups and other participants were considered”	included in the IS. Please include a requirement to include an statements concerning the acceptability and or significance of effects by Indigenous groups.
36	Extent to which Effects are Significant	7.7, p.40	“describe how the probability or likelihood of that effect occurring and the degree of scientific uncertainty related to the data and methods used in the effect assessment, where considered in determining the extent of significance.”	There should also be a requirement to describe how Indigenous Knowledge informed the determination of significance and require the documentation of any instance where Indigenous Knowledge conflicted with scientific data.
37	Atmospheric, Acoustic, and Visual Environment	8.5.1, p.45	“characterize the ambient air quality in the project, local and regional study areas and identify existing emissions and contaminant sources”	Characterization of baseline and any modelling for the atmospheric, acoustic, and visual environment needs to be informed by diet and harvest studies. WTC First Nations wish to ensure that the Proponent be required to support WTC diet and harvest studies to ensure that there are no data gaps. Diet and harvest studies should also be required for the assessment of Health.
38	Groundwater and Surface Water	8.6.1 , p. 51	“provide a list of all waterbodies and watercourses (permanent, intermittent and ephemeral) that may be directly or indirectly affected by the Project. Provide a table that groups waterbodies and watercourses by sub-watershed”	WTC First Nation Indigenous Knowledge will be important for the assessment of both ground and surface water. How Indigenous Knowledge informed the list of waterbodies and watercourses assessed should be required to be described in the IS. We also recommend a requirement to include Indigenous groups in all ground and surface water studies.
39	Groundwater and Surface Water	8.6.1 ,p. 54	“explain how baseline data was gathered, and modelling developed, at a scale and resolution that allows for the application of results about groundwater and surface water to the assessment of interrelated valued components (VC), notably for fish, birds and other wildlife, their habitat and their health, as well as human health”	This requirement is missing the interconnection between water and current use of lands and resources for traditional purposes (CULRTP), please update this statement to include CULRTP.

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40	Groundwater and Surface Water	8.6.1 ,p. 56	Gap – Tailings Management Worst Case Scenarios	WTC First Nations are greatly concerned about tailings leaks and breaches. Tailings management strategies must account for worst case scenarios even if the likelihood is low. Please include this consideration as a requirement in this section.
41	Groundwater and Surface Water	8.6.1, p. 57	“describe locations at which potential changes to water or sediment quality will be assessed and how Indigenous input was considered, including ..”	This section must include a requirement to include sensitive areas identified by Indigenous groups in the assessment.
42	Vegetation, riparian, and wetland environments	8.7.1., p.59	“provide maps, at an appropriate scale, of the vegetation species and communities of importance within the local study area, and where available, the regional study area;”	Maps should also be required to include areas identified as either sensitive or culturally important by Indigenous Groups as long as the Indigenous Group who identified the area agrees that the location can be disclosed.
43	Vegetation, riparian, and wetland environments	8.7.3, p.61	“identify the criteria and circumstances of application of chemical, biological or mechanical control methods as well as the relevant regulations and determine the adverse effects associated with control methods; “	WTC First Nations are concerned with the impacts from the use of herbicide. The TISG must include a requirement to demonstrate opportunities for collaboration on weed management strategies with Indigenous Groups.
44	Fish and Fish Habitat	8.8.1, p.63.	“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.”	The detailed assessment must also include a description of relevant Indigenous Knowledge provided, further it must be a requirement that Indigenous groups are provided the opportunity to participate and or collaborate on fish and fish habitat studies
45	Fish and Fish Habitat	8.8.2, p. 67	“describe any positive changes, such as habitat creation and expected duration of use; and, where applicable, provide information on re-stocking (including the number of fish) or creation of new fish habitat (including the new area created), and provide maps for proposed locations. “	There must be a requirement to describe how Indigenous groups were involved in the ideas for and or development of positive enhancements including proposed habitat creation and or restocking.
46	Fish and Fish Habitat	8.8.3, p. 68	“describe the criteria for assessment of the successful restoration of fish-bearing watercourses, as well as the	Indigenous groups must be involved in identifying the criteria for success. The TISG must require a description of how Indigenous

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			mode and timing and the conditions of documentation of this assessment;"	groups were involved and how Indigenous Knowledge informed the development of criteria for the assessment of the successful restoration of fish-bearing watercourses.
47	Birds, Migratory Birds, and their habitat	8.9.3, p. 72	"describe technologies and approaches to minimize the impacts of tailing ponds on migratory birds that maybe come into contact with process affected waters";	WTC First Nations are concerned with the effectiveness of deterrence mechanisms for preventing birds and other wildlife from coming into contact with tailings. The TISG must require evidence of the effectiveness of the selected technologies proposed including case studies and best practice standards.
48	Terrestrial wildlife and wildlife habitat	8.10.1.	Moose and spirit moose are highly valued and culturally important to WTC First Nations. The baseline context for moose must include understanding of cumulative effects and legacy impacts.	The TISG must require the understanding of the cumulative context of moose as part of assessment, further , the Proponent should be required to support WTC First Nation led community moose studies.
49	Terrestrial wildlife and wildlife habitat	8.10.3, p. 75	Gap – Indigenous Group involvement in wildlife monitoring and protection	The TISG must include measures that promote the involvement of Indigenous groups in the monitoring and protections of wildlife, especially moose.
50	Health conditions	9.1.	"To understand the community context and baseline health profile for Indigenous communities including Indigenous Peoples living in urban areas, the Impact Statement must: ...describe the access to, and consumption of, country foods as a health-related behaviour, including what species are used, quantities, frequency, harvesting locations and how the data were collected (e.g., site-specific consumption surveys, First Nations Food, Nutrition and Environment Study)" (85).	WTC First Nations request that a diet and harvest study be conducted in order to adequately understand our First Nation community contexts and baseline health profiles.
51	Social Conditions	10.1.1. Community profile p. 92	Gap – all four realms of community need to be assessed	The proper assessment of effects on Indigenous peoples needs to be conducted in each of the following "realms": 1. at home; 2. in the community; 3. on the land; and 4. in the workplace. The Agency is requested to make the

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				expectation that each realm will receive meaningful consideration.
52	Social Conditions	10.3	<p>“The Impact Statement must describe the mitigation and enhancement measures that will be implemented for all potential effects on social VCs in relation to Indigenous Peoples, including:</p> <ul style="list-style-type: none"> <li>• identify opportunities to enhance positive impacts, such as improving infrastructure” (p.95).</li> </ul>	WTC First Nations requests that the Proponent be required to engage with First Nations to identify community-specific opportunities to enhance positive impacts (e.g., education and training opportunities, support for community programs, etc.).
53	Indigenous Peoples	12.5. Mitigation and enhancement measures, p. 113	“include perspectives of the potentially impacted Indigenous communities on the effectiveness of particular mitigation measures on such impacts;”	WTC First Nations support this requirement and recommend it be applied to all mitigations in the IS.
54	Effects of potential accidents or malfunctions	13.0	Gap – Assessment of Indigenous Group Emergency Preparedness	Section 13 does not include a requirement for the assessment of each Indigenous Groups emergency preparedness. An assessment of each communities have capacity to respond to a tailings spill or other emergency must be required.