



Taykwa Tagamou Nation

RR#2, Box 3310
Cochrane, Ontario
PoL 1Co

Telephone: (705) 272-5766
Fax: (705) 272-5785
www.taykwatagamounation.com

MEMO

To: Erin Norton, Impact Assessment Agency of Canada

From: Chief Bruce Archibald, Taykwa Tagamou Nation
Derek Archibald, Devon Archibald, Dwight Sutherland, Stan Sutherland, Taykwa Tagamou Nation

Jessica Keeshig-Martin, Cristina McCoy, Rojin Amani Shared Value Solutions

Date: March 8, 2023

Subject: Review of the Crawford Nickel Project Federal Impact Assessment Draft Tailored Impact Statement Guidelines and Draft Indigenous Engagement and Partnership Plan

Taykwa Tagamou Nation (TTN) and our technical and legal advisors have reviewed the draft Tailored Impact Statement Guidelines (TISG; the Guidelines) for Canada Nickel Company's (CNC; the Proponent) Crawford Nickel Mine Project (Crawford Mine; the Project) Federal Impact Assessment (IA). The Impact Assessment Agency of Canada (IAAC; the Agency) has correctly identified TTN as an Indigenous Nation requiring consultation on the Project. Our Nation has deep historical and family ties to the Project area, as well as traditional knowledge and land use in the Project area which we are currently documenting. TTN is an Ojibway and Cree community whose Traditional Territory and Treaty lands are in the Abitibi region in Northern Ontario, within the area of Treaty 9.



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The Crawford Nickel Mine Project as currently proposed will have impacts on our rights, claims, interests, health, cultural heritage, and livelihoods which the Proponent must mitigate or accommodate for. For the Proponent and the Agency to properly consider the impacts on our rights, claims, interests, health, cultural heritage, and livelihoods, the Proponent and the Agency must enter in good faith into a meaningful engagement and consultation process that:

- Facilitates TTN gathering its own project-specific traditional land-use, occupancy, and traditional knowledge information from its knowledge-holders for application and consideration in the impact assessment;
- Facilitates and supports TTN's full involvement in the regulatory process for the Project;
- Facilitates and supports TTN informing and engaging with its citizens and community to support our Nation's understanding and decision-making about the Project;
- Creates a mechanism for TTN's involvement in the government review process at key points;
- Involves a process agreement between TTN and the Proponent to formalize how the Proponent will discharge the procedural aspects of the Duty to Consult with TTN, and any other measures required to ensure a meaningful consultation and accommodation process that creates a pathway to TTN's free, prior, and informed consent for the Project.

As the governing authority responsible for overseeing the Duty to Consult process and ensuring impacted Indigenous Nations are meaningfully informed, engaged, consulted and accommodated, the Agency must address TTN's needs as outlined above in the consultation process for the project, including informing and directing the Proponent to address these needs. TTN wants a community-specific consultation plan for this Project that addresses our needs. We look forward to working with the Agency and the Proponent to formalize a consultation plan.

COMMENTS AND RECOMMENDATIONS

The 10 comments and recommendations provided within this submission focus on framing the relationship between TTN and the Agency and the following sections of the TISG:

- Description of engagement with Indigenous communities
- Assessment methodology
- Social and economic conditions
- Indigenous Peoples
- Follow-up programs



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The absence of comments related to other sections in this submission is not an indication that TTN rights and interests are not impacted by those Project components such as the biophysical environment. Rather, at this early stage of planning, the contents of this submission have been scoped in response to the funding and timeline provided. As a result, TTN has prioritized the above-mentioned sections that are of most concern to TTN at this time.

TTN is hopeful that the Agency and the Proponent will work to advance these recommendations and work alongside TTN to successfully address our interests and concerns throughout the impact assessment process. Please note that the comments and concerns provided at this stage are preliminary in nature given that a comprehensive Traditional Knowledge and Land Use Study (TKLU) and Socio-Economic Study are being conducted in the Project area. The outcomes of a project specific TKLU Study and Socio-Economic Study will elicit additional values and concerns that need to be considered and evaluated through the impact assessment process.

Comment 1: In Section 1 of the IEPP, the Agency indicates that “to complement this IEPP, interested Indigenous communities may develop community-specific consultation plans, in collaboration with the Agency, to describe the community’s specific objectives for consultation, or any unique features of the impact assessment and consultation process pertaining to that community for the Project.” (p. 3). Given the high impact anticipated by this project on TTN lands, waters and community, a community-specific consultation plan between TTN and the Agency is absolutely necessary for this Project’s Impact Assessment. It is very important that TTN rights are recognized and protected by the Agency, as well as the Proponent. Determining the relationship between TTN and the Agency should be discussed and framed at the outset of the impact assessment process.

Recommendation 1: The Agency and TTN can work together on a co-developed community specific consultation plan. The Agency should reach out to TTN in the planning phase of the impact assessment to discuss next steps in the co-development of the consultation plan. TTN requires capacity funds to engage in all activities in the impact assessment process including in the co-development of the consultation plan.

Comment 2: Section 6.2 of the TISG requires the proponent to provide a record of engagement that describes all efforts to engage with potentially affected Indigenous communities with respect to the designated project. The TISG states, “This record of engagement is to include all engagement activities undertaken prior to the submission of the Impact Statement” (p. 23). However, TTN noted there is no requirement mentioned for the verification by Indigenous groups of the accuracy of the proponent’s record of engagement in the Impact Statement.

Recommendation 2: Section 6.2 should be revised to include the statement, “The Proponent must verify the accuracy of the engagement record by Indigenous groups prior to the submission of the Impact Statement.”



Comment 3: In Section 7.2 the TISG identifies important Valued Components (VCs) for the proponent to consider in the assessment based on the comments during the Planning Phase. Since then, TTN has initiated a Socio-Economic Study and a Traditional Knowledge and Land Use Study (TKLUS) for the Crawford Nickel Project. The preliminary results from TKLUS identified the following species of importance to TTN:

SPECIES MAPPED BY TTN TKLU STUDY PARTICIPANTS			
Bait Fish	Duck	Marten	Sauger
Bald Eagle	Fisher	Mink	Sea Trout
Bass (Large & Smallmouth)	Fox	Mooneye (Fish)	Sheepshead (Fish)
Beaver	Goldeye (Fish)	Moose	Splake
Black Bear	Goose	Muskrat	Spruce
Blueberries	Gooseberries	Northern Pike/Jackfish	Squirrel
Boreal Woodland Caribou	Grey Fox	Osprey	Sucker (White & Redhorse)
Brook Trout	Grouse/Partridge	Otter	Sweetgrass
Burbot	Labrador Tea	Perch	Tamarack
Catfish (Channel & Brown Bullhead)	Lake Sturgeon	Pickrel/Walleye	Weasel
Cedar	Lake Trout	Rabbit	White-tailed Deer
Cougar	Lake Whitefish	Raspberries	Wolf
Coyote	Lynx	Sage	Wolverine
Crane			

TTN notes that the VCs are foundational in the impact assessment process and therefore inclusion of the species of importance to TTN is essential.



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Recommendation 3: The Agency should revise the list of Valued Components (VCs) that need to be considered in the Impact Statement and include the species of importance to TTN. The preliminary VCs results from the TKLUS must be included as well as the VCs that TTN becomes aware of through further studies throughout the Impact Assessment process.

Comment 4: In Section 7.2 the TISG identifies important Valued Components (VCs) for the proponent to consider in the assessment for the health, social and economic conditions of Indigenous Peoples. TISG states, “Based on comments from participants during the Planning Phase, the following components have been raised as important to consider in the assessment, but it is not exhaustive [...], health, social and economic conditions of Indigenous Peoples, including access to training, employment and business opportunities; accessible housing, health care, social services, and childcare; community safety; quality of accessible country foods” (p.30). The preliminary result of TTN Socio-Economic Study identified additional potential VCs to be considered in the assessment, including but not limited to population and demographics, economic development, community infrastructure, community culture and lifestyle, community resilience, healthy lands and waters.

Recommendation 4: Given the importance and foundational role of the Valued Components (VCs) in the integrity of the Impact Assessment process, the Agency should revise and include the following VCs: population and demographics, economic development, community infrastructure, community culture and lifestyle, community resilience, healthy lands and waters.

Comment 5: The appropriate selection of spatial and temporal boundaries is an essential component for the assessment of VCs. The TISG states, “The proponent must engage with Indigenous communities, and is encouraged to engage with relevant municipalities when defining spatial and temporal boundaries for VCs that are identified by, or related directly to, Indigenous peoples or municipalities” (p.31). Although the Agency requires the proponent to engage with Indigenous communities, TTN considers the co-development of the spatial and temporal study boundaries essential to ensure the boundaries are consistent with TTN Indigenous Knowledge and Land Use.

Recommendation 5: The Guideline should be revised to include that the proponent must work together with Indigenous Nations to co-develop the spatial and temporal boundaries for the assessment of VCs with affected Indigenous Nations participating in the assessment to ensure consistency with Indigenous Knowledge and Land Use.

Comment 6: Section 7.5 of the TISG outlines the requirements for the identification of mitigation and enhancement measures in the Impact Statement. While the TISG requires the proponent to “document specific suggestions raised by Indigenous groups for avoiding, mitigating or otherwise accommodating the Project’s environmental, health, social and economic effects, including potential effects and impacts on Indigenous peoples and describe whether and how these measures will be incorporated in the project design” (p.36), does not include Indigenous involvement in assessment of mitigation measures’ appropriateness in terms of



incorporating Indigenous Knowledge and Land Use. Further, the TISG doesn't require the proponent to verify the mitigation measures adequacy and affectedness with impacted Indigenous communities.

Recommendation 6: The list of requirements for mitigation measures should be updated to clarify how and where Indigenous Knowledge and land use were utilized and integrated into the formulation of mitigation measures, and state whether or not Indigenous communities have confirmed and verified that the proposed measures effectively address potential impacts and agree with the proponent's assessment of the residual effects after mitigation measures are applied.

Comment 7: Section 11 of TISG outlines the requirements for identifying and assessing economic baseline conditions. The assessment of effects on the economic conditions can be enhanced by forecasting and quantifying project effects when possible. Specifically, the following economic conditions can benefit from the quantitative analysis: employment and income, and business opportunity.

Recommendation 7: IAAC should require the proponent to characterize the existing economic conditions including employment, income, and business opportunity quantitatively. This allows for enhancing the assessment by the estimation of project effects later in the assessment process.

Comment 8: Section 12.5 states, "Where no mitigation measures are proposed or mitigation is not possible, the Impact Statement must describe the potential adverse impacts on the rights of Indigenous Peoples, as identified by the Indigenous community(ies)." In anticipation of a mitigation measure not being proposed or that is deemed not to be possible, TTN requires further discussion and co-determination of next steps with the Agency.

Recommendation 8: The Agency must work with TTN to determine the path forward if a TTN requested mitigation measure is not proposed or is deemed not possible prior to a decision on the Project.

Comment 9: Understanding the cumulative effects of the Project is important to TTN. A Cumulative Effects Assessment provided within the Impact Statement should outline the past, present and future actions that combine to affect TTN and the lands and waters.

Recommendation 9: Section 12 should include a subsection on Cumulative Effects Assessment and describe the ways in which impacts will be assessed based on a combination of past, present and future actions that have and will have effect on the lands, waters, atmosphere, culture, social life, economy, health and well-being of TTN.



Comment 10: In Section 17 of the TISG, the Agency indicates, “through the conditions in the decision statement, the proponent is required to develop a follow-up program in consultation with relevant authorities and Indigenous groups and to submit to the Agency the results of monitoring efforts” (P.121). It is also essential that the Proponent provides plans, including funding options, to involve Indigenous communities and local communities in monitoring, where appropriate.

Recommendation 10: The TISG must be revised to clearly state, “The Proponent must provide plans, including funding option, to involve Indigenous communities and local communities in monitoring and follow-up programs, where appropriate.”

COMMENT TRACKING TABLE

COMMENT #	COMMENT	RECOMMENDATION
1.	In Section 1 of the IEPP, the Agency indicates that “to complement this IEPP, interested Indigenous communities may develop community-specific consultation plans, in collaboration with the Agency, to describe the community’s specific objectives for consultation, or any unique features of the impact assessment and consultation process pertaining to that community for the Project.” (p. 3). Given the high impact anticipated by this project on TTN lands, waters and community, a community-specific consultation plan between TTN and the Agency is absolutely necessary for this Project’s Impact Assessment. It is very important that TTN rights are recognized and protected by the Agency, as well as the Proponent. Determining the relationship between TTN and the Agency should be discussed and framed at the outset of the impact assessment process.	The Agency and TTN must work together on a co-developed community specific consultation plan. The Agency should reach out to TTN in the planning phase of the impact assessment to discuss next steps in the co-development of the consultation plan. TTN requires capacity funds to engage in all activities in the impact assessment process including in the co-development of the consultation plan.
2.	Section 6.2 of the TISG requires the proponent to provide a record of engagement that describes all efforts to engage with potentially affected Indigenous communities with respect to the designated project. The TISG states, “This record of engagement is to include all engagement activities undertaken prior to the submission of the Impact Statement” (p. 23). However, TTN noted there is no requirement mentioned for	Section 6.2 should be revised to include the statement, “The Proponent must verify the accuracy of the engagement record by Indigenous groups prior to the submission of the Impact Statement.



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	the verification by Indigenous groups of the accuracy of the proponent's record of engagement in the Impact Statement.	
3.	In Section 7.2 the TISG identifies important Valued Components (VCs) for the proponent to consider in the assessment based on the comments during the Planning Phase. Since then, TTN has initiated a Socio-Economic Study and a Traditional Knowledge and Land Use Study (TKLUS) for the Crawford Nickel Project. The preliminary results from TKLUS identified the following species of importance to TTN: Bait Fish, Duck, Marten, Sauger, Bald Eagle, Fisher, Mink, Sea Trout, Bass (Large & Smallmouth), Fox, Mooneye (Fish), Sheepshead (Fish), Beaver, Goldeye (Fish), Moose, Splake, Black Bear, Goose, Muskrat, Spruce, Blueberries, Gooseberries, Northern Pike/Jackfish, Squirrel, Boreal Woodland Caribou, Grey Fox, Osprey, Sucker (White & Redhorse), Brook Trout, Grouse/Partridge, Otter, Sweetgrass, Burbot, Labrador Tea, Perch, Tamarack, Catfish (Channel & Brown Bullhead), Lake Sturgeon, Pickerel/Walleye, Weasel, Cedar, Lake Trout, Rabbit, White-tailed Deer, Cougar, Lake Whitefish, Raspberries, Wolf, Coyote, Lynx, Sage, Wolverine, and Crane. TTN notes that the VCs are foundational in the Impact Assessment process and therefore inclusion of the species of importance to TTN is essential.	The Agency should revise the list of Valued Components (VCs) that need to be considered in the Impact Statement and include the species of importance to TTN. The preliminary VCs results from the TKLUS must be included as well as the VCs that TTN becomes aware of through further studies throughout the Impact Assessment process.
4.	In Section 7.2 the TISG identifies important Valued Components (VCs) for the proponent to consider in the assessment for the health, social and economic conditions of Indigenous Peoples. TISG states, "Based on comments from participants during the Planning Phase, the following components have been raised as important to consider in the assessment, but it is not exhaustive [...], health, social and economic conditions of Indigenous Peoples, including access to training, employment and business opportunities; accessible housing, health care, social services, and childcare; community	Given the importance and foundational role of the Valued Components (VCs) in the integrity of the Impact Assessment process, the Agency should revise and include the following VCs: population and demographics, economic development, community infrastructure, community culture and lifestyle, community resilience, healthy lands and waters.



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	safety; quality of accessible country foods” (p.30). The preliminary result of TTN Socio-Economic Study identified additional potential VCs to be considered in the assessment, including but not limited to population and demographics, economic development, community infrastructure, community culture and lifestyle, community resilience, healthy lands and waters.	
5.	The appropriate selection of spatial and temporal boundaries is an essential component for the assessment of VCs. The TISG states, “The proponent must engage with Indigenous communities, and is encouraged to engage with relevant municipalities when defining spatial and temporal boundaries for VCs that are identified by, or related directly to, Indigenous peoples or municipalities” (p.31). Although the Agency requires the proponent to engage with Indigenous communities, TTN considers the co-development of the spatial and temporal study boundaries essential to ensure the boundaries are consistent with TTN Indigenous Knowledge and Land Use.	The Guideline should be revised to include that the proponent must work together with Indigenous Nations to co-develop the spatial and temporal boundaries for the assessment of VCs with affected Indigenous Nations participating in the assessment to ensure consistency with Indigenous Knowledge and Land Use.
6.	Section 7.5 of the TISG outlines the requirements for the identification of mitigation and enhancement measures in the Impact Statement. While the TISG requires the proponent to “document specific suggestions raised by Indigenous groups for avoiding, mitigating or otherwise accommodating the Project’s environmental, health, social and economic effects, including potential effects and impacts on Indigenous peoples and describe whether and how these measures will be incorporated in the project design” (p.36), does not include Indigenous involvement in assessment of mitigation measures’ appropriateness in terms of incorporating Indigenous Knowledge and Land Use. Further, the TISG doesn’t require the proponent to verify the mitigation measures adequacy and affectedness with impacted Indigenous communities.	The list of requirements for mitigation measures should be updated to clarify how and where Indigenous Knowledge and land use were utilized and integrated into the formulation of mitigation measures, and state whether or not Indigenous communities have confirmed and verified that the proposed measures effectively address potential impacts and agree with the proponent's assessment of the residual effects after mitigation measures are applied.



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7.	Section 11 of TISG outlines the requirements for identifying and assessing economic baseline conditions. The assessment of effects on the economic conditions can be enhanced by forecasting and quantifying project effects when possible. Specifically, the following economic conditions can benefit from the quantitative analysis: employment and income, and business opportunity.	IAAC should require the proponent to characterize the existing economic conditions including employment, income, and business opportunity quantitatively. This allows for enhancing the assessment by the estimation of project effects later in the assessment process.
8.	Section 12.5 states, "Where no mitigation measures are proposed or mitigation is not possible, the Impact Statement must describe the potential adverse impacts on the rights of Indigenous Peoples, as identified by the Indigenous community(ies)." In anticipation of a mitigation measure not being proposed or that is deemed not to be possible, TTN requires further discussion and co-determination of next steps with the Agency.	The Agency must work with TTN to determine the path forward if a TTN requested mitigation measure is not proposed or is deemed not possible prior to a decision on the Project.
9.	Understanding the cumulative effects of the Project is important to TTN. A Cumulative Effects Assessment provided within the Impact Statement should outline the past, present and future actions that combine to affect TTN and the lands and waters.	Section 12 should include a subsection on Cumulative Effects Assessment and describe the ways in which impacts will be assessed based on a combination of past, present and future actions that have and will have effect on the lands, waters, atmosphere, culture, social life, economy, health and well-being of TTN.
10.	In Section 17 of the TISG, the Agency indicates, "through the conditions in the decision statement, the proponent is required to develop a follow-up program in consultation with relevant authorities and Indigenous groups and to submit to the Agency the results of monitoring efforts" (P.121). It is also essential that the Proponent provides plans, including funding options, to involve Indigenous communities and local communities in monitoring, where appropriate.	The TISG must be revised to clearly state, "The Proponent must provide plans, including funding option, to involve Indigenous communities and local communities in monitoring and follow-up programs, where appropriate."

