

Enclosure 2: Updating the Federal Permitting Plan for the Crawford Nickel Project

Please submit the completed form by **February 7, 2025**, via the Registry.¹

Department Contact Information

Submission Date	February 7, 2025
Department/Agency	Environment & Climate Change Canada
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This information will be used to develop an updated, more detailed, federal Permitting Plan² for the Crawford Nickel Project and to provide guidance to the proponent on next steps for applicable permits, authorizations or licenses (“permits”).

1. Review the Impact Statement and any other documents presented by the proponent and complete Table 1:
 - characterize the likelihood that a federal permit will be required to start construction;
 - identify information or actions needed to confirm if a permit will be required;
 - indicate whether information provided in the Impact Statement could be sufficient to complete the permitting process, or briefly describe what is missing or needs to be resolved; and
 - indicate if any federal permits are missing and update the table accordingly.
2. Please indicate any other relevant guidance on permitting, or issues related to permitting, you would like to highlight to the proponent (use point form and plain language):
 - Please refer to the [Guide to the Regulatory Process for Listing Waterbodies Frequented by Fish in Schedule 2 of the Metal and Diamond Mining Effluent Regulations](#) for additional information.
3. Please indicate if a meeting with the Proponent to discuss your federal permits is needed.

Yes No

¹ All comments should be submitted via the **Submit a Comment** feature available on the Project’s Canadian Impact Assessment Registry page (CIAR #83857). Letters and forms can be uploaded using this feature. If you have any difficulties submitting this way, please contact IAAC at Crawford@iaac-aeic.gc.ca for assistance.

² Permitting Plan issued in March, 2023: <https://iaac-aeic.gc.ca/050/evaluations/document/147340>

Table 1. Information to Update the Permitting Plan

Permit	Federal Authority	Permit Need	Permit Need, to Start Construction	Explanation for "Permit Need"	Describe Permitting Progress
		<i>Indicate whether Required, Potentially Required (Likely / Unlikely), Not Required</i>		<i>Identify information or actions needed to confirm whether and when permit is required.</i>	<i>Could information in the Impact Statement be sufficient to complete the permitting process? If not, briefly describe what is needed next.</i>
Species at Risk Permit	ECCC	Potentially Required (Unlikely)	Potentially Required (Unlikely)	<p>Since the Project is not located on federal land and there are currently no <i>Species at Risk Act</i> (SARA) orders in place to bring prohibitions into effect on non-federal land, within the Project area, only the SARA prohibitions pertaining to listed migratory bird individuals and residences would apply. For some SARA listed migratory birds, residence prohibitions (s.33) will protect the nests and/or roosts sites that are not active but are re-used in subsequent years. In these cases, a SARA permit will be required.</p> <p>Information to confirm whether and when a permit is required include identification of project activities that may affect the residence of a SARA listed migratory bird including timing of the activity, identification of species and the number of residences that will be affected.</p> <p>Please note additional approvals may apply if:</p> <ul style="list-style-type: none"> • SARA prohibitions come into force in the future through orders in council for individuals, residences and critical habitat on non-federal lands. • Over the course of the assessment or after the assessment additional species could be listed under SARA and a permit may be required for project activities that affect these additional species. Proponents are advised to monitor for such developments on the SARA Registry, 	<p>The Impact Statement does not contain sufficient information to determine whether a SARA permit would be required or would apply to the Project for species including SARA listed migratory birds such as Barn Swallow.</p> <p>The following information is required for ECCC to provide advice related to permitting requirements for Barn Swallow:</p> <ul style="list-style-type: none"> • Surveys during the nesting season to determine the number of Barn Swallow individuals and residences that may be impacted by a project activity. • A summary of the project activities that may affect Barn Swallow residences including the timing of the activities. <p>Addressing effects to species at risk is integral to the permitting process under SARA and a broad framework for doing so is written into the Act itself. As per s. 73(3), a SARA permit may only be issued if: all reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution has been adopted; all feasible measures will be taken to minimize the impact of the activity on the species or its critical habitat or the residences of its individuals; and if the activity will not jeopardize the survival or recovery of the species. Therefore, ECCC would require the following information during the permitting process:</p> <ul style="list-style-type: none"> • A list of the reasonable alternatives considered to the proposed activity that would reduce the impact on the species and explanation why the identified alternative is the best solution. • A list of all feasible mitigation measures being considered to minimize the impact of the activity on the species, its critical habitat or the residences of its individuals.

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				https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html	<ul style="list-style-type: none"> • An explanation for why the activity will not jeopardize the survival or recovery of the species. <p>See the links below for additional information on SARA permitting:</p> <ul style="list-style-type: none"> • Guidelines for permitting under Section 73 of the <i>Species at Risk Act</i>, https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/policies-guidelines/permitting-under-section-73.html • Species at Risk Permitting Policy, https://species-registry.canada.ca/index-en.html#/consultations/2983 • Species at Risk Permit System, https://slep-saraps.az.ec.gc.ca/ • Species at Risk Public Registry, https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html • Residence Descriptions, https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/residence-descriptions.html <ul style="list-style-type: none"> ○ The Barn Swallow residence description can be found at the following link: https://species-registry.canada.ca/index-en.html - /documents/bj64Lkm4kd14cUjRUzxWj

<p>Migratory Birds Damage or Danger Permit</p>	<p>ECCC</p>	<p>Potentially Required (Unlikely)</p>	<p>Potentially Required (Unlikely)</p>	<p>A Damage or Danger Permit may be required under the <i>Migratory Bird Regulations, 2022</i> (MBR), which authorizes permit holders to scare migratory birds, destroy eggs or nests, relocate birds or their nests, or kill birds in instances where the birds, nests, or eggs are causing damage to property or threaten public health and safety.</p> <p>Damage or Danger permits are available in certain limited situations and applications are evaluated on a case-by-case basis. For more information, please visit: Frequently Asked Questions: Migratory Birds Regulations, 2022 - Canada.ca (https://www.canada.ca/en/environment-climate-change/services/migratory-bird-permits/faq-migratory-birds-regulations-2022.html - toc5).</p> <p>Proponents are reminded of the following:</p> <ul style="list-style-type: none"> • Migratory birds and their nests and eggs are protected by the MBCA and its regulations. • Under the MBCA, it is prohibited to deposit harmful substances where migratory birds may aggregate. • Migratory birds are protected at all times; all migratory bird nests are protected when they contain a live bird or viable egg; and the nests of 18 species (including Pileated Woodpecker and Great Blue Heron) listed in Schedule 1 of the Migratory Birds Regulations, 2022 are protected year-round. • These general prohibitions apply to all lands and waters in Canada, regardless of ownership. For more information, please visit: https://www.canada.ca/en/environment-climate-change/services/migratory-bird-permits/damage-danger.html 	<p>The Impact Statement does not contain sufficient information to determine whether or not a Damage or Danger permit is required for the Project at this time.</p> <p>The potential for a damage and danger permit may become clearer in future phases of the Project, however, there are only certain limited situations where these types of permits may be available, and applications are evaluated on a case-by-case basis.</p> <p>Types of information required for ECCC to provide advice related to the applicability of Damage and Danger permits:</p> <ul style="list-style-type: none"> • A clear understanding of the situation and activities for which a permit is being requested. • Timing of the activity being requested. • Identification of the species affected including the number of individuals affected. • Additional information may be required during the permit application process depending on the type of permit being requested. <p>Further information about the different types of damage or danger permits available including applications and report forms can be found at the following link: https://www.canada.ca/en/environment-climate-change/services/migratory-bird-permits/damage-danger.html</p>
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				<p>climate-change/services/avoiding-harm-migratory-birds.html</p> <ul style="list-style-type: none">• Proponents are reminded to develop beneficial management practices (https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/beneficial-management-practices.html), guiding principles, and measures to reduce risk to contravening the MBCA. For more information, please visit: Avoiding harm to migratory birds - Canada.ca (https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds.html)	
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<p><i>Metal and Diamond Mining Effluent Regulations Amendment</i></p>	<p>ECCC</p>		<p>Potentially Required</p>	<p>The Project involves a tailings management facility, waste rock pile(s), and ore stockpile(s) impacting waters that may be frequented by fish.</p> <p>An authorization under subsection 5(1) of the <i>Metal and Diamond Mining Effluent Regulations</i> (MDMER) may be required through a decision by the Governor in Council to add water bodies frequented by fish to Schedule 2 of the MDMER designating them as tailings impoundment areas and allowing for the deposit of waste rock, acutely lethal effluent or effluent of any pH and containing any concentration of a deleterious substance that is prescribed in section 3 of the MDMER in these water bodies.</p> <p>Section 27.1 of the MDMER requires the development and implementation of a fish habitat compensation plan to offset the loss of fish habitat that would occur as a result of the use of a water body frequented by fish for the deposit of a deleterious substance such as mine waste.</p> <p>Further discussion with the Proponent will inform the potential requirement for authorization under the MDMER.</p>	<p>The Impact Statement includes a Preliminary Schedule 2 Multiple Accounts Analysis, dated November 22, 2024, that includes alternatives assessments for the proposed tailings management facility and mine waste management area, respectively (Appendix G). Should an amendment to Schedule 2 be required, ECCC will review the information provided to ensure the document aligns with its Guidelines.</p> <p>The Impact Statement also includes a Conceptual Fish Habitat Offsetting Plan, dated November 22, 2024 (Appendix M). Should an amendment to Schedule 2 be required, DFO will review the FHCP to ensure it complies with its regulations and policies.</p> <p>As noted in the Guide to the Regulatory Process for Listing Waterbodies Frequented by Fish in Schedule 2 of the Metal and Diamond Mining Effluent Regulations, the Proponent will need to provide the following information should an amendment to Schedule 2 be required:</p> <p>All maps and diagrams in English and French</p> <ul style="list-style-type: none"> ○ A map that shows the location of the Project. ○ A map showing the locations of the water bodies to be added to Schedule 2 of the MDMER. <p>- If the Proponent uses a polygon approach to delineate the water bodies to be added to Schedule 2 of the MDMER, a map showing the polygon(s) must be provided.</p> <ul style="list-style-type: none"> ○ A map showing the locations of the projects included in the fish habitat compensation plan. <p>- A description of the water bodies that could be impacted by the mine waste disposal, with a description of the fish habitat in those water bodies.</p> <p>- The geographic coordinates (latitude and longitude) of the water bodies to be listed in Schedule 2 of the MDMER.</p> <p>- The total area of water bodies frequented by fish that will be impacted by mine waste disposal.</p>

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					<ul style="list-style-type: none"> - A detailed report of all consultations organized by the Proponent with local communities and Indigenous groups impacted by the Project in relation to the compensation plan and the assessment of alternatives report. To the extent possible, include a list of responses to the comments received and demonstrate how these comments were incorporated into the development of the Impact Assessment and the FHCP. - The Proponent must provide ECCC with confirmation from Transport Canada that no water body to be listed in Schedule 2 of the MDMER is a navigable waterway under the terms of the Canadian Navigable Waters Act (CNWA). <p>Further details of the Schedule 2 process and timelines can be found in the Guide to the Regulatory Process for Listing Bodies Frequented by Fish in Schedule 2 of the Metal and Diamond Mining Effluent Regulations.</p>