



The Mining Association of Canada | L'association minière du Canada

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Shaakichiuwaanaan Mining Project  
Impact Assessment Agency of Canada  
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### **Re: Comments on Draft TISGs for the Shaakichiuwaanaan Mining Project**

On behalf of the Mining Association of Canada (MAC), I am writing with comments on the draft Tailored Impact Statement Guidelines (TISG) for Patriot Battery Metals' Shaakichiuwaanaan Mining Project, located in northern Quebec.

MAC is the national organization representing the Canadian mining industry, comprising companies engaged in mineral exploration, mining, smelting, refining and semi-fabrication. Our members account for most of Canada's production of base and precious metals, uranium, diamonds, metallurgical coal, and mined oil sands. MAC members strive to be responsible operators who are respectful environmental stewards, whose actions go beyond legal compliance. Their commitments are demonstrated through participation in the [Towards Sustainable Mining \(TSM\)](#) program, an international mining sustainability standard whereby mining operations evaluate, manage and publicly report on critical environmental and social responsibilities. Further, mining companies are among the largest private sector employers of Indigenous peoples in Canada and a major customer of Indigenous-owned businesses. There are over 520 formal agreements between mining companies and Indigenous communities that are helping to ensure that benefits from mining projects flow to impacted communities.

MAC is encouraged by the approach taken by the Impact Assessment Agency of Canada (the Agency) in developing the draft TISGs for this project. The approach aligns with the tailoring framework envisioned when the *Impact Assessment Act* (IAA) came into force in 2019. We also note the Agency's work to point to the requirements of the provincial process for assessment of pathways of effects in federal jurisdiction. At the same time, this highlights the strength of provincial regulatory processes and raises important questions about the added value of a federal impact assessment when robust oversight already exists at the provincial level.

MAC offers the following comments to inform the finalization of the TISGs for Shaakichiuwaanaan as well as to support the development of guidelines for projects in the future.

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## **1. Recognition of provincial processes**

The Shaakichiuwaanaan project is also subject to a provincial regulatory process, just as all mining projects in Canada are subject to the relevant provincial/territorial frameworks. Because it is in the James Bay Region, the project must undergo review by the *Comité d'évaluation des répercussions sur l'environnement et le milieu social* (COMEV) as per the Quebec *Environmental Quality Act*. This process involves the provincial government, the Cree Nation Government and the federal government.

As part of the review, COMEV issued guidelines for the project (referred to as the "COVEM directive" in the TISGs), outlining requirements typical of provincial environmental assessments. These include evaluations of impacts on water, birds, and species at risk (e.g., caribou).

MAC is pleased to see that the draft TISGs do not attempt to duplicate requirements already imposed through the COMEV process. Instead, they explicitly reference the COMEV directive, resulting in a significantly shorter set of guidelines compared to TISGs issued for other projects in this region subject to the same provincial process. This is a meaningful step towards reducing duplication between federal and provincial assessments.

To improve clarity, MAC recommends including the COMEV directive as an annex to the federal TISGs. This would ensure the full scope of the assessment is available in a single document, along with an English translation for the English version of the TISGs.

In addition to the COMEV process, the Shaakichiuwaanaan project will be subject to several other provincial laws and regulations that may relate to the project's potential effects in federal jurisdiction. MAC encourages the Agency to consider these other instruments, where appropriate, including the *Environmental Quality Act*, *Mining Act*, *Act Respecting Threatened or Vulnerable Species*, *Natural Heritage Conservation Act*, and *Act Respecting the Conservation and Development of Wildlife* and all associated regulations.

## **2. Permitting Coordination**

It is encouraging to see that the Agency is pursuing integrated permitting coordination for the Shaakichiuwaanaan project. As this is one of the first projects to undergo a coordinated process, there will likely be important learnings from this project that can be applied to projects that enter the process in the future.

MAC noted that the draft TISGs ask for a significant amount of information related to fish and fish habitat. This level of information would be anticipated for permitting, and it is assumed then that it has been included in the TISGs to support the collection of permit-level information as part of the integrated permitting approach. In such instances where permitting is coordinated within the impact assessment, MAC recommends that permitting information requirements be identified in the TISGs as distinct from impact assessment requirements.

### **3. Identification of Valued Components**

Section 1.2 outlines mandatory valued components (VCs) for consideration, including the health, social, and economic conditions of Indigenous peoples. The rationale provided includes reference to historical trauma associated with hydroelectric development in the region. Given the relatively new concept of trauma-based assessment, clarification and guidance on its meaning and assessment would be helpful.

### **4. Consistency of Terminology and Definitions**

The TISGs would benefit from a thorough review to ensure that terminology and definitions used throughout the document are consistent and accurate. MAC noted the following areas for improvement:

- Section 1.3 (Preparing the Impact Statement) references an “Assessment Summary”. This should read “Impact Statement Summary” to be consistent with Section 5 of the Appendix.
- The use of “components” and “activities” and their various forms appears inconsistently throughout the TISGs.
- In Section 1 of the Appendix, the definition of “cumulative effects” (past, existing and future projects) is not entirely consistent with the language used in the section on spatial boundaries.
- Section 5.3. includes a list of “guidance documents” that the proponent should consult, including *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*. While this is an important document, it is typically not considered to be guidance but rather a reference document.
- Section 5.4.3.2 refers to anti-discrimination measures and workforce diversity plans as project effects. However, these are mitigation measures.

### **5. External References**

The TISGs inconsistently instruct the proponent to either “refer to” or “consult” other publications. A single term should be used consistently throughout the document. More importantly, the TISGs should clearly state what level of adherence is expected when engaging with the referenced materials. It is often unclear whether the information in these external publications is optional guidance or mandatory and equivalent to the requirements outlined within the draft TISGs. Given the substantial number of external references, the combined body of information is extensive and can be difficult to interpret without clearer direction.

Further, it would be helpful if the various external publications were provided as a list in the appendix of the TISGs.

### **6. Timeline**

The federal government has set an ambitious goal of reaching decisions on major projects within a two-year timeline. MAC supports this objective, and the amended approach reflected in the Shaakichiuwaanaan project TISGs represents a positive step

forward. However, the requirements outlined in the draft TISGs are still extensive and will require significant effort and time to complete.

To make the two-year timeline achievable, proponents must have the flexibility to design studies that fit within this timeframe. Leveraging existing baseline data and previously completed studies will be essential. Otherwise, unless key studies are initiated prior to the issuance of the TISGs, along with other measures including those mentioned above, the two-year timeline, based on federal review precedence, may not be feasible.

In closing, MAC is encouraged by the approach taken with the draft TISGs for the Shaakichiuwaanaan project. There is evidence of tailoring and recognition of the provincial COMEV requirements. MAC would welcome opportunities to work with the Agency to ensure that projects in other jurisdictions benefit from a focused approach.

Sincerely,

<Original signed by>

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